

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Town of East Otto
Local Law 1 of the Year 2010**

DOG LICENSING LAW OF THE TOWN OF EAST OTTO

Be it enacted by the Town Board of the Town of East Otto as follows:

Section 1. Purpose. Effective January 1, 2011 significant changes to Article 7 of the Agriculture and Markets Law will take effect. Among other things, beginning January 1, 2011 dog licensing will become a local function and fees that may be charged for licensing or impoundment of dogs will be changed. The purpose of this Local Law is to assure that the Town of East Otto is in compliance with the new requirements of the Agriculture and Markets Law.

Section 2. Licensing of Dogs.

1. Licensing of dogs required; rabies vaccination required.
 - A. The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog which is under the age of four months and which is not at large, or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, or town, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Except as otherwise provided in this local law, a license shall be issued or renewed for a period of one year, provided that no license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed. All licenses shall expire on the last day of the last month of the period for which they are issued.

- B. Application for a dog license shall be made to the Town Clerk of the Town. The town board of the Town of East Otto restricts the issuance of licenses to the Town Clerk.
- C. The application shall state the sex, actual or approximate age, breed, color, and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town of residence of the owner. The Town may also require additional information on such application as deemed appropriate.
- D. The application shall be accompanied by:
- 1) the license fee;
 - 2) any applicable license surcharges;
 - 3) such additional fees as may be established by the Town as prescribed herein;
 - 4) a certificate of rabies vaccination or statement in lieu thereof, as required herein; and
 - 5) in the case of a spayed or neutered dog, a certificate signed by a licensed veterinarian, showing that the dog has been spayed or neutered, provided such certificate shall not be required if the same is already on file with the town clerk.
- E. Upon validation by the town clerk, the application shall become a license for the dog described therein.
- F. The town clerk shall:
- 1) provide a copy of the license to the owner; and
 - 2) retain a record of the license that shall be made available upon request to applicable New York State officials for purposes of rabies and other animal disease control efforts and actions.
- G. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
- H. The fee for a dog license shall be fixed by resolution of the East Otto Town Board, provided that the total fee for an unspayed or unneutered dog shall be at least five dollars more than the total fee for spayed or neutered dogs.

- I. There shall be no exception from payment of the license fee for licenses for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog, or therapy dog.
- J. In addition to the license fee, each applicant for a dog license shall pay a population control surcharge of \$1.00 if the dog is spayed or neutered or a fee of \$3.00 if the dog is unspayed or unneutered.
- K. In addition to the license fee, each applicant for a dog license shall pay a surcharge in an amount fixed by resolution of the East Otto Town Board for the purpose of recovering costs associated with enumeration conducted pursuant to §113(6) of the Agriculture and Markets Law.

SECTION 3. IDENTIFICATION OF DOGS.

1. Each dog licensed shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times, provided that the Municipality may provide for the exemption of dogs participating in a dog show during such participation.

2. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

Section 4. Impoundment Fees. The fees for redeeming an impounded dog are:

\$10.00 for the first impoundment; plus \$10.00 for each additional twenty-four hour period;

\$20.00 for the first 24 hours of a second impoundment within a year of the first plus \$10.00 for each additional twenty-four hour period; and

\$30.00 for the first 24 hours of a third (or subsequent) impoundment within a year of the first plus \$10.00 for each additional twenty four hour period.

In addition, the owner of any dog so impounded shall be liable for any and all necessary expenses and fees including, but not limited to, kennel fees.

Section 4. Severability. Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 5. Consistency with prior laws. Local Law 1-2005 of the Town of East Otto, entitled “A Local Law Relating To the Control of Dogs Running at Large in the Town of East Otto” shall be and remain in full force and effect, except to the extent this Local Law is inconsistent with the provisions thereof, in which event the provisions of this Local Law shall control and be deemed to supersede the provisions of Local Law 1-2005.

Section 6. Effective date. This Local Law shall take effect January 1, 2011.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2010 of the Town of East Otto was duly passed by the East Otto Town Board on December 14, 2010 in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the Town of New Scotland was duly passed by the East Town Board on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the Town of New Scotland was duly passed by the East Otto Town Board _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

4. (~~Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.~~)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the Town of East Otto was duly passed by the _____ on _____, 20____, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

~~* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.~~

5. (~~City local law concerning Charter revision proposed by petition.~~)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20____, became operative.

6. (~~County local law concerning adoption of Charter.~~)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a

~~unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

East Otto Town Clerk

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK)
COUNTY OF CATTARAUGUS)ss.:

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature _____
Counsel to the Town of East Otto

Date: _____