

TOWN OF Butternuts
Local Law No. 1 of the year 2010

DOG CONTROL AND DOG LICENSING LAW OF THE TOWN OF BUTTERNUTS

Section 1: Purpose: The Town Board of the Town of Butternuts finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this local law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town and to provide for the licensing and identification of dogs.

Section 2: Authority: This local law is enacted pursuant to the provisions of Article Seven (7) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3: Title: The title of this law shall be “Dog Control and Dog Licensing Law of the Town of Butternuts”.

Section 4: Definition of Terms: As used in this local law, the following words shall have the following respective meanings:

(a) “Dog” means male and female, licensed and unlicensed, members of the species canis familiaris.

(b) “Owner” means any person who harbors or keeps any dog.

(c) “Owner of Record” means the person in whose name a dog was last licensed pursuant to this local law, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of Section one hundred twelve (112) of Article 7 of the Agriculture and Markets Law, the owner shall be deemed to be the owner of record of such dog, except that if the owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.

(d) “Run at Large” means to be in a public place or on private land(s) without the knowledge, consent, and approval of the owner of such land(s).

(e) “Town” means the Town of Butternuts

(f) “Identification Tag” means a tag issued by the Town of Butternuts town clerk or the Town’s shelter agent which sets forth an identification number for a dog together with name of the Town, the State of New York, the telephone number of the Town Clerk, and such other information as the Town deems appropriate.

(g) “Dog Control Officer” means any individual appointed by the Town to assist in the enforcement of this local law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town to assist in the enforcement of this local law.

Section 5: Licensing of Dogs: (a) All dogs in the Town of Butternuts must be licensed with the Town Clerk by the age of 4 months, and the owner is required to present a current Certificate of Rabies Vaccination at the time of licensing or the renewal of an existing license. If the dog is spayed or neutered, a certificate of spaying or neutering signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, must be presented to the town clerk at the time of licensing or renewing unless said certificate or affidavit is already on file with the town clerk. In lieu of the spay/neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering.

(b) Any dog harbored within the Town of Butternuts which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

(c) All dog licenses will be for a period of one year with the license expiring at the end of the month one year from the date of issue. No license shall be transferrable.

Section 6: Fees for Licensing of Dogs: The Town Board of the Town of Butternuts has established the following dog license fees with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary and in accordance with Section 110 and Section 117 of Article 7 of the Agriculture and Markets law.

(a) The fee for a spayed or neutered dog will be \$5.00 for one year (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unsplayed or unneutered dog will be \$13.00 for one year (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control).

(b) A fee of \$1.00 will be charged the owner for a replacement tag.

(c) Any dog which is licensed as a result of a dog enumeration, the need for such enumeration to be determined by the Town Board, will be assessed a one-time additional fee of \$5.00, apart from any other applicable fee.

(d) Purebred License: An annual application may be made to the Town Clerk for a purebred license, in lieu of individual licenses as required by Section 5a of this local law. Each dog on the purebred license must be listed with its registry number, registry association, name of dog, sex, breed, notation made as to whether altered or unaltered, and rabies vaccination information. Proof of purebred registry (must be a recognized registry association) and a current Rabies Vaccination Certificate must be provided for each dog. Also if any proven purebred dog on the license has been spayed or neutered, proof of a spaying or neutering certificate signed by a licensed veterinarian or affidavit signed by the owner, showing that the dog has been spayed or neutered is required. Upon receipt of these items, the town clerk shall assign a license number, which shall be reserved for the sole use of the named owner. No tag(s) will be issued for a purebred license. A purebred license will be valid for one year with the license expiring at the end of the month one year from the date of issue. Purebred licenses shall not be transferrable. The following is the fee schedule for purebred licenses:

1-10 dogs - \$25.00	11-25 dogs - \$50.00	26-50 dogs - \$75.00
51-75 dogs - \$100.00	76-100 dogs - \$125.00	101-125 dogs - \$150.00
126-150 dogs - \$175.00	151 or more dogs - \$200.00	

A surcharge of \$3.00 per unaltered dog or \$1.00 per altered dog will be charged for the purpose of carrying out animal population control.

(e) Service Dogs: The Town of Butternuts will exempt from any license fees any guide dog, service dog, hearing dog, war dog, working search dog, police work dog, therapy dog, or detection dog. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Service Dog", "Hearing Dog", "War Dog", "Working Search Dog", "Police Work Dog", "Therapy Dog", or "Detection Dog" as may be appropriate, by the town clerk.

(f) There will be NO refunds of fees made at any time on any license.

(g) All licensing fees will be used by the Town of Butternuts for dog licensing expenses, dog control expenses and dog shelter expenses, except for the surcharges collected for the New York State Animal Population Control Fund, which will be sent to the State or County entity that is selected to administer these funds.

Section 7: Adoption or Redemption of Dogs from Town-Designated Local Shelter(s): Application for a dog license shall be made to the Town of Butternuts's designated, local shelter agent prior to the release of a dog for the purpose of adoption or redemption, unless current license proof, in the name of the owner of the redeemed dog, is provided. The application shall be accompanied by a current Certificate of Rabies Vaccination and applicable fees as prescribed in Section 6a of this local law. In addition, the designated shelter agent shall bring to the Town Clerk, within 5 to 7 business days of validation of the license, a copy of the license, current Certificate of Rabies Vaccination, and applicable fees collected. Identification tags will be provided to the shelter agent by the town clerk, as is needed, for the above-mentioned licensing.

Section 8: Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Run at large.
- (b) Be off the owner's property unless leashed or accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the local law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner(s).
- (c) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner thereof.
- (d) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof.
- (e) Cause damage or destruction to, or to defecate, urinate, dig, or otherwise commit a nuisance upon, property other than property of the owner of the dog.
- (f) Bite, chase, jump upon or at or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- (g) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.
- (h) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.
- (i) Kill or injure any dog, cat, or other household pet.
- (j) Be off the owner's premises without a current and valid Town of Butternuts identification tag on its collar or harness if dog is four months of age or older.

Section 9: Conditions for Keeping Dogs: All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner, the dogs become the property of the Town of Butternuts to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

Section 10: Seizure Procedure of Dogs: (a) The dog control officer or peace officer shall seize (1) any dog which is not identified and which is not on the owner's premises; (2)

any dog which is not licensed, whether on or off the owner's premises; (3) any dog found in violation of Section 8 (paragraphs a – j) and Section 9 of this local law. Such seized dog shall be kept and disposed of in accordance with provisions of Article 7 of the Agriculture and Markets Law and shall not be redeemed or released unless and until such dog is properly licensed and payment is made for seizure, board and any other emergency medical fees incurred by the Town to humanely care for the dog. The dog control officer or peace officer shall also investigate and report to a Town Justice of the Town any dangerous dog as described in Article 7 of the Agriculture and Markets Law, and see that the order of the Town Justice in such case is carried out.

(b) The dog control officer or peace officer, having reasonable cause to believe that a violation of this local law has been committed in his or her presence, shall issue and serve an appearance ticket which shall be in the form prescribed by the Town of Butternuts Town Board by resolution in accordance with the provisions of the Agriculture and Markets Law and this local law. An answer to such appearance ticket shall be made within five days of the violation, by registered or certified mail, return receipt requested, in lieu of a personal appearance ticket in accordance with the provisions of the Agriculture and Markets Law and this local law.

(c) Any person who observes a dog in violation of this local law may file a complaint under oath with the Town Justice of the Town of Butternuts or with an authorized Dog Control Officer or any peace officer, specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this local law.

Section 11: Fees for Seizure of Dogs: The fee(s) for seizure and impoundment of dogs in violation of this local law or the laws of the New York State Department of Agriculture and Markets Law is as follows: The owner of any dog impounded by the Town of Butternuts shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of \$35.00 for the first impoundment; a fee of \$45.00 for the second impoundment and a fee of \$3.00 for each additional twenty-four hour period; a fee of \$60.00 for a third and each subsequent impoundment and a fee of \$3.00 for each additional twenty-four hour period. Dog owners of redeemed dogs will also be responsible for boarding fees and any other fees incurred during the impoundment (i.e. fee to obtain a current rabies vaccination, if no proof is provided upon redemption, or other veterinarian/emergency medical fees).

Section 12: Penalties: A violation of this local law shall constitute a violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine of not less than twenty-five dollars (\$25.00) for the first violation, not less than fifty dollars (\$50.00) for the second violation within the preceding five (5) years and not less than one hundred dollars (\$100.00) for a third or additional violations within the preceding five (5) years.

Section 13: Violations: No person shall hinder, resist, or oppose a Dog Control Officer or peace officer engaged in the administration or enforcement of the provisions of this local law.

Section 14: Non-liability of Town: The owner of any dog destroyed under the provisions of this local law, or released to an authorized humane society, shelter or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

Section 15: Separability: 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 16: Repealer: This local law shall supersede all prior local laws and amendments, ordinances, rules and regulations relative to the control of dogs within the Town of Morris and relative to fees for licensing dogs within the Town of Morris, and they shall be upon the effectiveness of this local law, null and void.

Section 17: Effective Date: This local law shall be effective January 1, 2011, after filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 for 2010 of the Town of Butternuts was duly passed by the Town Board on November 03, 2010, in accordance with the applicable provisions of law.

Cheryl L. Magazian
Town Clerk

Date: _____

(SEAL) Town of Butternuts

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(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.

County
City of _____
Town
Village

Local Law No. _____ **of the year 20** _____

A local law _____

Be it enacted by the _____ **of the**

County
City of _____
Town
Village