

**DOG LICENSING
LOCAL LAW FOR THE
TOWN OF DANUBE
LOCAL LAW 2 OF 2010**

BE IT RESOLVED AND ORDAINED by the Town Board of the Town of Danube, County of Herkimer, State of New York:

ARTICLE 1, LICENSING OF DOGS

SECTION 1: LICENSE REQUIRED

The owner of any dog located within the Town of Danube shall be required to make application to the Danube Town Clerk for a dog license in accordance with the requirements of the NYS Agriculture and Markets Law.

SECTION 2: LICENSING FEES

Pursuant to Municipal Home Rule Law, by adoption of this local law, the Town of Danube, County of Herkimer, hereby authorizes the town board of the Town of Danube, Herkimer County, to establish, by resolution, a schedule of dog license fees, enumeration fees, violation fine fees and penalty fees. The Town Board of the Town of Danube, County of Herkimer, may exercise this authority as needed throughout the year.

1. Required fees shall be paid to the Danube Town Clerk in the month that the dog is required to be licensed or, in the case of an older dog, the month in which the dog is obtained by the owner.
2. The fee for licensing said dogs shall be as follows: (pd = per dog)

	<u>State Fee Altered</u>	<u>State Fee Unaltered</u>	<u>Town Fee</u>	<u>TOTAL</u>
(a) Unneutered male		\$3.00 pd/each month	\$ 12.00 pd	\$ 15.00
(b) Unspayed female		\$3.00 pd/each month	\$ 12.00 pd	\$ 15.00
(c) Neutered male	\$1.00 pd/each month		\$ 6.00 pd	\$ 7.00
(d) Spayed female	\$1.00 pd/each month		\$ 6.00 pd	\$ 7.00

SECTION 3: PROOF OF VACCINATION AND STERILIZATION

Proof of neutering or spaying, if dog has been altered, plus mandatory rabies vaccination certificates for each dog must be presented at the time of licensing or renewal.

SECTION 4: DOG ENUMERATION

When the Danube Town Board determines the need for a dog enumeration, a fee of \$5.00, as provided for by § 114-4(a) of the NYS Ag & Markets Law, will be assessed to all dogs found unlicensed or delinquent at the time the re-numeration is conducted.

SECTION 5: VIOLATIONS; PENALTIES FOR OFFENSES

Failure to comply with the provisions of this law is a violation and punishable by a fine of \$25, except that where the person was found to have violated this law within the preceding five (5) years, the fine will be \$50 and where the person was found to have committed two (2) or more such violations within the preceding five (5) years, it shall be punishable by a fine of \$100 or imprisonment for not more than fifteen (15) days, or both.

ARTICLE II, SEIZURE OF UNLICENSED DOGS

SECTION 6: AUTHORITY; NOTIFICATION OF SEIZURE REQUIRED

1. The Town of Danube Dog Control Officer or NYS Police officers are hereby authorized, pursuant to New York State Agriculture and Markets Law { 118, to seize :
 - (a) Any dog which is not identified and which is not on the owner's premises; and
 - (b) Any dog which is not licensed and/or identified whether on or the owner's premises, except that the Town's DCO may not enter the owner's dwelling.
2. The Dog Control Officer or Village Police Officer must attempt to notify the owner that the dog is being seized. If personal notification cannot be accomplished, the law enforcement agent will leave a written notice of the seizure at the owner's dwelling.

SECTION 7: IDENTIFIED AND UNIDENTIFIED DOG DEFINED

"Identified dog" shall mean any dog carrying an identification tag as provided in Article II, Licensing of Dogs, of this law. Any licensed dog not wearing an identification tag, as provided in Article II of this law, shall be deemed an unidentified dog.

SECTION 8: REDEMPTION

Each dog which is not identified, whether or not licenses, may be redeemed by its owner, provided that such owner produces the following proof:

1. That the dog has been licensed;
2. Proof of rabies vaccination; and
3. A spay/neuter certificate where applicable.

SECTION 9: FEES

The owner of each dog will be required to pay fees as set from time to time by the Danube own Board before redeeming the dog.

ARTICLE III, QUARANTINE OF DOGS

SECTION 10: CONFINEMENT

If any dog has bitten any person or is suspected of having bitten any person, the Dog Control Officer and/or NYS Police Officer shall cause such dog to be confined or isolated for a period of time not to exceed ten (10) days.

SECTION 11: RABID DOGS

If a dog, for any reason, is suspected of being infected with rabies, the Dog Control Officer and/or NYS Police Officer shall cause such dog to be confined or isolated for a period of time not to exceed ten (10) days.

SECTION 12: DETERMINATION OF OWNERSHIP

"Owner" shall be defined as any person who harbors or keeps any dog. If the owner is under eighteen (18) years of age, the owner of record shall be deemed to be the parent or guardian of such person.

SECTION 13: QUARANTINE AREAS AND CONDITIONS

Confinement of the animal may be accomplished as an animal shelter, a private veterinary hospital, or at the owner's dwelling. The place of confinement and the conditions of such confinement shall be determined by the Dog Control Officer and/or NYS Police Officer. The owner of the dog shall be liable for any charges incurred in relation to the confinement.

SECTION 14: INSPECTION OF PLACE OF CONFINEMENT

The Town of Danube, or the owner of the dog, may request a review of the conditions and place of the confinement. The Town Clerk, or department head currently in charge of dog control and licensing, will review the confinement and render a decision. This decision will be final.

SECTION 15: PENALTIES FOR OFFENSES

103 If an owner of a dog does not confine the dog pursuant to the instructions of the Dog Control Officer and/or
104 NYS Police Officer, the owner shall be guilty of a Class B misdemeanor and subject to a fine not to exceed
105 \$2,000 and/or six (6) months in jail, and the dog shall be immediately seized by the Dog Control Officer
106 and/or NYS Police Officer.

107

108 **SECTION 16: CONFLICT WITH OTHER LAWS**

109 Any provision of Town of Danube local law in conflict with a provision of this law is hereby
110 deemed repealed, null and void and otherwise unenforceable.

111

112 Adopted December 8, 2010 by the following vote:

113 Councilwoman Cook – Aye

114 Councilwoman Jodway – Aye

115 Councilman Lasher – Aye

116 Councilwoman Stock – Aye

117 Supervisor Welden – Aye

118 This law will take effect upon filing with the NYS Secretary of State