

**TOWN OF SPRINGPORT
LOCAL LAW NO. 1 OF 2010**

A Local Law 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 of Springport.

**SECTION 1
STATUTORY AUTHORIZATION AND PURPOSE**

Section 1.1 *Title.* This Local Law shall be known as the “Dog Control Law of the Town of Springport.”

Section 1.2 *Purpose.* It is the purpose of this Local Law to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

Section 1.3 *Statutory Authorization.* This Local Law has been adopted pursuant to and in conformity with Article 7 of the Agricultural and Markets Law, Municipal Home Rule Law § 10 and the New York State Constitution.

**SECTION 2
INTERPRETATION AND CONFLICT WITH OTHER LAWS**

Section 2.1 *Supremacy.* This Local Law shall supersede all previous laws adopted for the purpose of dog control or regulation in the Town of Springport.

Section 2.2 *Interpretation.* In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted, rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.

Section 2.3 *Dangerous Dogs.* No part or provision of this Local Law shall be deemed or interpreted as to limit the Town’s authority to regulate dangerous dogs within the Town pursuant to any power granted to the Town by the Agriculture and Markets Law.

**SECTION 3
DEFINITIONS**

Section 3.1 *Definitions.* As used in this Local Law, the following terms have the following respective meanings:

- A. “Dog” means male and female, licensed and unlicensed, members of the species *canis familiaris*.
- B. “Owner” means the person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has

been lost, and such loss was promptly reported to the Animal Control Officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging or alleging a violation of this Local Law shall be deemed to be the owner of any dog found to be in violation of this Local Law. If any such person shall be under 18 years of age at the time of such complaint, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog in violation of this Local Law.

- C. "Animal Control Officer" means the Animal Control Office duly appointed by the Town Board.
- D. "Run at large" means to be in a public place or on private land without the knowledge, consent and approval of the owner of such lands.
- E. "Town" means the Town of Springport.

SECTION 4 RESTRICTIONS

Section 4.1 *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 unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as a accompanied by its owner.
- B. Engage in habitual and loud howling, barking, crying or whining or other conduct so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner of the property.
- D. Chase, jump upon or otherwise harass any person in such manner as to a reasonable person would cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- E. Habitually chase, run alongside of or bark at motor vehicles, motorcycles, bicycles or any other type of passenger vehicle while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

F. Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

G. If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

Section 4.2 *Night Quarantine.* All dogs shall be securely confined between sunset and one hour after sunrise.

Section 4.3 *Presumptive Evidence.* Establishment of the fact or facts that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by this Section shall be presumptive evidence against the owner or harbinger of such dog that he or she has failed to properly confine, leash or control his or her dog.

SECTION 5 LICENSING OF DOGS

Section 5.1 *Licensing.* All dogs in the Town must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license, or provide a statement from a veterinarian that the dog's life would be endangered by that vaccination, and therefore the dog is not vaccinated.

Section 5.2 *Term.* All dog licenses will be for a period of one (1) year and will expire at the end of the month one (1) year from the date of issue. ~~No license shall be transferrable.~~

Section 5.3 *Fees for Licensing of Dogs.* The fee for a spayed or neutered dog will be \$8.00 (which includes an assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$13.00 (which includes an assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

Section 5.4 *Enumeration fee.* In addition to the license fee imposed by Section 6.3 of this Local Law, by resolution of the Town Board the Town may require each applicant for a dog license to pay a surcharge of \$5.00 which shall be retained by the Town and used to defray the cost of an enumeration of dogs living within the Town and the cost of providing replacement identification tags.

Section 5.5 *Purebred License.* The Town will not issue Purebred or Kennel Licenses. All dogs will be licensed individually according to the fee system stated above.

Section 5.6 *Service Dogs.* Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs.

Section 5.7 *Dog Shelters.* The Town does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town, where the Shelter is located for the purchase of the license for adoption purposes.

Section 5.8 *Purchase.* All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.

Section 5.9 *Use of Fees.* All fees will be used in funding the administration of the Dog Control Law of the Town.

Section 5.10 *Exemption from Licensing.* Any dog harbored within the Town 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.

Section 5.11 *Records.* The Town Clerk shall keep a copy of all dog licenses issued and, upon request, make that copy available to the Department of Agriculture and Markets.

Section 5.12 *License Tags.* All license tags issued by the Town Clerk shall contain the name of the Town, a reference to the "State of New York," the Town's contact information, including a telephone number, and any other additional information determined by resolution of the Town Board.

Section 5.13 *Replacement License Tags.* All replacement tags issued by the Town Clerk shall be in the form set forth in Section 5.12 above and shall only be issued upon payment by the Owner of a sum equal to one-half (1/2) of the standard license fee for spayed dogs as set forth in Section 5.3 above, which fee being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

SECTION 6 PROCEDURE FOR SEIZURE OF DOGS

Section 6.1 *Seizure.* The Animal Control Officer or any peace officer shall seize:

- A. Any unlicensed dog whether on or off the owner's premises;
- B. Any dog not wearing a tag, and after June 15, 1985, not identified, and which is not on the owner's premises, and
- C. Any dog found in violation of paragraphs (a)-(j) of Section 4.1 of this Local Law.
- D. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and in accordance with any order of the Town Justice of the Town.

Section 6.2 *Complaints.* 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 specifying the nature of the violation, the date thereof, a description of the dog and the name and a 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 6.3 *Deer.* Any dog that shall attack, chase or worry any deer may, upon witnessing by the Animal Control Officer or peace officer, be seized or destroyed immediately

Section 6.4 *Notification.* After any such seizure, the owner of record of such dog or an adult member of his or her immediate family, if the owner is readily ascertainable from the dog's license tag, shall be notified personally or by certified mail, return receipt requested, of the fact of seizure, the procedure for redemption, that said owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period and that the dog shall then be made available for adoption or euthanized.

Section 6.5 *Redemption.* The owner of any dog impounded by the Town 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 Twenty-Five Dollars (\$25.00) for the first impoundment; a fee of Fifty Dollars (\$50.00) for the second impoundment and a fee of \$3.00 for each additional twenty-four hour period; a fee of Seventy-five Dollars (\$75.00) for a third and each subsequent impoundment and a fee of \$3.00 for each additional twenty four hour period. In addition, the redeeming owner shall pay the actual cost of impoundment incurred by the Town.

Section 6.6 *Exculpation.* No action shall be maintained against the Town, any duly designated Animal Control Officer, or any other agent or office of the Town, to recover the possession or value of any dog, or for damages for injury or compensation for the destruction or adoption of any dog seized pursuant to this Local Law.

SECTION 7 PENALTIES

Section 7.1 *Violation.* Any person convicted of violating this Local Law shall be guilty of a violation. Said violation shall be considered a Petty Offense and not a Misdemeanor.

Section 7.2 *Appearance Ticket.* The Animal Control Officer or peace officer observing a violation of this Local Law in his presence shall issue and serve an appearance ticket for such violation.

Section 7.3 *Civil Penalty.* Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-Five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 7.4 *Fees for Seizure of Dogs.* The fee for seizure and impoundment of dogs in violation of this Local Law, any provision of the Agriculture and Markets Law, or any rule or regulation adopted or promulgated by the Department of Agriculture and Markets are as follows:

- A. First Offense: The fee shall be the actual impoundment and euthanasia fees incurred by the Town for such service for each animal.
- B. Second Offense: \$60.00 plus the actual impoundment and euthanasia fees incurred by the Town for such service for each animal.

SECTION 8 MISCELLANEOUS

Section 8.1 *Separability.* If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town of Springport, by its Town Board, hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 8.2 *Headings.* Section headings are used only for convenience and have no meaning or effect.

Section 8.3 *Repealer.* This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town, excepting any such Local Laws, Ordinances, Rules and Regulations governing dangerous dogs, and they shall, upon the effectiveness of this Local Law, be null and void.

Section 8.4 *Effective Date.* This Local Law shall become effective upon January 1, 2011 after the filing of same with the Secretary of State.

Be it enacted this 13th day of December, 2010 by the Town Board of the Town of Springport, Cayuga County, New York.