

**A LOCAL LAW OF THE
TOWN OF JOHNSBURG, WARREN COUNTY, NEW YORK,
RELATING TO THE CONTROL AND LICENSING OF DOGS**

Be it enacted by the Town Board of the Town of Johnsburg as follows:

Section 1 Title:

This Local Law shall be known and cited as the "Control and Licensing of Dogs Local Law of the Town of Johnsburg."

Section 2 Statutory authority:

This Article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, as amended by Chapter 59, Part T, of the laws of 2010, and as may be subsequently amended or revised.

Section 3 Purpose:

The purpose of this Article shall be to preserve public peace and good order in the Town of Johnsburg and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Johnsburg.

Section 4 Definitions:

As used in this Article, the following terms shall have the meanings indicated:

AT LARGE -- Off the premises of the owner.

DOG WARDEN! ANIMAL CONTROL OFFICER -- A person or persons appointed by the Town for the purpose of enforcing this Article.

LEASHED -- Restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER - The person entitled to claim lawful custody and possession of a dog and 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 Dog Warden/Animal Control Officer, or any peace 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 in, brought into or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this article shall be held and deemed to be the "owner" of such dog for the purpose of this article. In the event that the "owner" of any dog found to be in violation of this article shall be under 18 years of age, any 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 the said dog in violation of this article.

Section 5 Prohibited acts:

It shall be unlawful for any owner of a dog in the Town of Johnsbury to permit or allow such dog to:

- A. Run at large, unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Article, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harbinger of the dog.
- C. Cause damage or destruction to public or private property, defecate, urinate or otherwise commit a nuisance upon the property of other than the owner or harbinger of the dog.
- D. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- E. Chase, leap on or otherwise harass bicycles or motor vehicles.
- F. Kill or injure any dog, cat or other household pet.
- G. Be unlicensed when four months of age or older.

H. Not have a current and valid Town of Johnsburg identification tag on its collar while at large, whether or not restrained by an adequate leash.

Section 6 Female dogs:

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Warden/Animal Control Officer, or any peace officer, and removed to a safe place of confinement.

Section 7 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 or harbinger, the dogs become the property of the Town of Johnsburg to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

Section 8 Licensing of dogs; fees:

A. **License required.** All dogs in the Town of Johnsburg shall be licensed with the Town Clerk by the age of four months, and any person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license.

B. **Expiration of license.** All dog licenses shall be valid for a period of one year and shall expire at the end of the month one year from the date of issuance.

C. **License fees.** The fee for a spayed or neutered dog shall be \$3.50, which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out a program of animal population control. The fee for an unspayed or unneutered dog shall be \$10.50, which fee includes the assessment of a surcharge of \$3 for the purpose of carrying out a program of animal population control. Replacement tag fees shall be \$2.00. The fee for a Purebred License as provided for in Paragraph (E) below shall be as follows:

- i) 0-10 dogs a fee of \$25 plus a surcharge of \$3 per dog;
- ii) 11-25 dogs a fee of \$50 plus a surcharge of \$3 per dog; and,

iii) 26+ dogs a fee of \$1 00 plus a surcharge of \$3 per dog.

The surcharge shall be for the purpose of carrying out a program of animal population assessment and control. The fees provided for in this paragraph C shall be reviewed by the Town Board periodically and may be changed by resolution of the Town Board, as necessary.

D. **Enumeration fee.** When the Town Board determines the need for a dog enumeration, a fee of \$5 will be assessed to the owner of any dog found unlicensed or for which the license has not been renewed at the time the enumeration is conducted.

E. **Purebred license.** (a) The owner of one or more purebred dogs registered by a recognized registry association may make an application annually for a purebred license, in lieu of or in addition to the individual licenses required by subdivision (A) of this section. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

(b) Such application shall be made to the person specified in paragraph (A) of section eight of this Article.

(c) The application shall state the name, address and telephone number of the owner; the county and city, town or village where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

(d) The application shall be accompanied by the license fee prescribed by paragraph (C) of section Eight of this Article and a certificate of rabies vaccination or statement in lieu thereof, as required by paragraph (A) of this section.

(e) Upon receipt of the foregoing items, the clerk or authorized dog control officer shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefore shall be made.

(f) No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the

licensing provisions of subdivision one of this section, except when the new owner holds a valid purebred license.

F. Service dogs. The Town of Johnsbury shall require a license for any guide dog, service dog, hearing dog or detection dog, the license fee will be waived as those terms are defined by Article 7 of the Agriculture and Markets Law.

G. Shelters. The Town of Johnsbury does not allow the licensing of dogs by a shelter. The shelter shall send the adoptive dog owners to the Clerk of the town or city in which the dog will be harbored for licensing or to the Town Clerk of the Town of Johnsbury where the shelter is located for the purchase of the license for adoption purposes.

H. All dog licenses shall be purchased in person at the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.

I. No tags will be included with the purebred licenses. If the owner wants a tag for their dogs they shall be responsible for purchasing the tags, at their own expense. These tags must be imprinted with the same number as the purebred license. These tags may be used only on dogs owned and harbored by the holder of the purebred license.

J. All fees shall be used in funding the administration of the Dog Control Law of the Town of Johnsbury.

Section 9 Seizure of dogs; redemption; disposition; impoundment fee:

The Dog Warden/Animal Control Officer, or any peace officer, shall seize any unlicensed dog whether on or off the owner's premises *and/or* any dog not wearing a tag, not identified and not on the owner's premises.

A. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five days.

B. If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven days; if notified by mail, no less than nine days.

C. The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of Article III of this chapter are as follows:

(1) For the first impoundment: \$45 plus the prevailing charge to the Town of Johnsborg for each day of impoundment.

(2) For the second impoundment: \$60 plus the prevailing charge to the town of Johnsborg for each day of impoundment.

(3) For the third impoundment: \$90 plus the prevailing charge to the Town of Johnsborg for each day of impoundment.

D. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

Section 10 Record of seizure:

Upon taking custody of any animal, the Dog Warden/Animal Control Officer, or any peace officer shall make a record of the matter. The record shall include date of pickup, breed, general, description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.

Section 11 Complaints:

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Town of Johnsborg or with the authorized Dog Warden/Animal Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including place(s) violation occurred and the name and address of the dog owner, if known.

Section 12 Enforcement:

The Dog Warden/Animal Control Officer of the Town of Johnsborg shall, and all peace officers may, administer and enforce the provisions of this article and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this article.

Section 13 Impeding Dog Warden/Animal Control Officer unlawful:

No person shall hinder, resist or oppose the Dog Warden/Animal Control Officer or peace officer authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this article.

Section 14 Disclaimer of liability:

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by a Dog Warden/Animal Control Officer or peace officer or released to an authorized humane society 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 Penalties for offenses:

Any violation of this article shall be punishable, for each violation, by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

Section 16 Repealer:

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

Section 15 Severability:

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 16 when effective:

This local law shall take effect January I, 2011, after filing with the Secretary of State of the State of New York.