

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 Galen
- Town
- Village

Local Law No. one of the year 20 11

A local law entitled "Licensing of Dogs"
(Insert Title)

FILED
STATE RECORDS
FEB 08 2011
DEPARTMENT OF STATE

Be it enacted by the Town Board of the
(Name of Legislative Body)

- County
- City of Galen
- Town
- Village

as follows:

Section 1. That the Town Code of the Town of Galen is hereby amended, which shall provide as set forth in Schedule A annexed hereto and made a part hereof.

Section 2. All other local laws and ordinances thereof of the Town of Galen inconsistent with the provisions of this local law are hereby repealed; provide, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section 3. If any of the other provisions in the foregoing local law be decided by a court having jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the foregoing local law as a whole, or any part thereof, other than the part so decided to be unconstitutional or be invalid.

Section 4. This local law shall take effect immediately.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. one of 20 11 of the (County)(City)(Town)(Village) of Galen was duly passed by the Town Board on December 29, 20 10, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*

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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local *(Elective Chief Executive Officer*)* 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.)

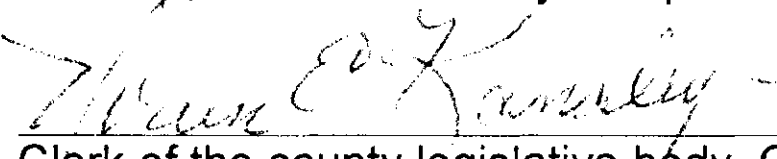
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

 Noreen E. Kanaley
Galen Town Clerk
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

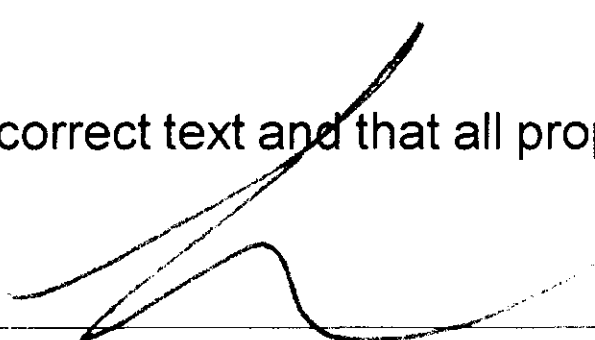
(Seal)

Date: December 29, 2010

(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 WAYNE

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
Arthur B. Williams, Town Attorney

Title

County _____
City of Galen
Town _____
Village _____

Date: January 3, 2011

***Dog License Local Law
Town of Galen***

Section 1. Title:

Title: the title of this Law shall be Dog Licensing Law of the Town of Galen, County of Wayne

Section 2. Authority:

This Local Law is enacted pursuant to the provisions of (Chapter 59; Part T of the Laws of 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3. Purpose:

The Town Board of the Town of Galen, County of Wayne hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs.

Section 4. Definitions:

All terms not specifically defined herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New York.

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

AGRICULTURE AND MARKETS LAW: The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.

IDENTIFICATION TAG – a tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

OWNER – means any person who harbors or keeps any dog or other animal.

OWNER OF RECORD – means the person in whose name a dog was last licensed pursuant to this chapter.

PERSON – A person, partnership, corporation, association or other organized group of persons, business entity, municipality or other legal entity.

RESIDENT -- [A person] An individual who maintains a residence within the Town of Galen, County of Wayne, State of New York.

TOWN – means the Town of Galen, County of Wayne, State of New York

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.

Section 5. Licensing of Dogs:

No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and laws of the Town.

All dogs within the Town that are four (4) months of age or older, unless otherwise exempted, shall be licensed. No license shall be required for any dog which is under the age of four months and which is not at large.

The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of the Town a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town.

Section 6. Licenses issued by Animal Shelters and Pounds:

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 in which the dog will be harbored for licensing.

Section 7. Licensing Grace Period for Dogs licensed in New York City or Outside New York State:

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 8. Proof of Vaccination against Rabies:

Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.

Section 9. Term of License and Renewals:

Each license issued pursuant to this local law, shall be valid for a period of one year and shall expire on the last day of the last month of the period for which it was issued. 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.

Section 10: Fees:

(A) Individual Dog License Fee

Six Dollars and fifty cents (\$ 6.50) for a spayed or neutered dog

Twelve Dollars and fifty cents (\$ 12.50) for an unspayed or unneutered dog

An additional fee of \$5.00 will be charged for the licensing of any dog which has been determined by a Court of competent jurisdiction to be a dangerous dog as defined by the State Agriculture and Markets Law.

There shall be no fees for any license issued for the following: guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog and therapy dog all as defined in Article 7 of the State Agriculture and Markets Law upon proof of the proper documentation of the dogs functions in these specific roles.

Each copy of any license for such dogs shall be conspicuously marked “Guide Dog,” “Hearing Dog,” “Service Dog,” “Working Search Dog,” “War Dog,” “Detection Dog,” “Police Work Dog,” or “Therapy Dog”, as may be appropriate, by the clerk.

(B) State Mandated Animal Population Control Surcharge

Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of One Dollar (\$1.00) payable at the time the dog license application is filed.

Each individual dog license for an unspayed or unneutered dog shall be subject to an Animal Population Control Surcharge in the amount of Three Dollars (\$3.00) payable at the time the dog license application is filed.

(C) Dog Enumeration Surcharge

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a **Five Dollars (\$5.00)** dog enumeration surcharge payable at the time of the application is filed to license said dog.

(D) Replacement Tag Fee

A replacement tag fee of **Three Dollars (\$3.00)** shall be charged to offset the costs associated with the provision and replacement of identification tags.

(E) Late Fee

A late fee for the licensing of dogs in the amount of **Five Dollars (\$5.00)** shall be imposed for dogs licensed over sixty (60) days late.

The owner of record shall be responsible for any prior year(s) of unpaid dog licensing fees at the rate of \$5.00 per year.

(F) Redemption fee

A redemption fee of \$45.00 shall be imposed by the Town for any dog impounded by the the Animal Control Officer. The owner shall also be liable for boarding fees incurred to

Humane Society of Wayne County.

(G) Refund of Fees

The Town will not refund or pro-rate dog license fees.

Section 11. Issuance of license; identification tag:

(A) Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

(B) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

(C) Change of Ownership, Lost or Stolen Dogs

Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.

In the event of a change in ownership of any dog which has been assigned an official identification number or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.

If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Town Clerk.

In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.

(D) Identification tag.

- i. The Town Clerk shall assign a Town permanent official identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.
- ii. An identification tag is not required to be worn while the dog is participating in a dog show.

- iii. The official permanent identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- iv. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned
- v. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no additional charge. Any replacement tag shall be obtained by the owner at the owner's expense. Any person wishing to replace a tag previously issued shall pay the sum of **Three Dollars (\$3.00)** to the Town Clerk for a replacement tag as referenced in **Section 10** above.

Section 12. Purebred Dog License and Fee:

The owner of one or more purebred dogs registered by a recognized registry association as defined in Agriculture and Markets Law, §108 may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by this local law. 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.

The purebred dog license application shall state the name, address and telephone number of the owner; the county and town 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 and breed 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.

The application shall be accompanied by the license fee prescribed by this local law and a certificate of rabies vaccination or statement in lieu thereof, as required by this local law and article 7 of the State Agriculture and Markets Law.

Upon receipt of the foregoing items, the clerk 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.

The Town Clerk shall:

- (i) provide a copy of the purebred license to the owner;
- (ii) retain a record of the purebred license in the office of the Town Clerk.

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.

Fees

Forty Dollars (40.00), if no more than ten (10) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

Seventy five Dollars (75.00), if no more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

One Hundred Ten Dollars (\$110.00), if more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

Each Purebred Dog License shall be subject to an Animal Population Control Surcharge in the amount of **One Dollar (\$1.00)** for each spayed/neutered dog and **Three Dollars (\$3.00)** for each unspayed/unneutered dog payable at the time the dog license application is filed.

Section 13. Penalties:

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Fifty Dollars (\$50.00) for a first violation; One Hundred Dollars (\$100.00) for a second violation and One Hundred Fifty Dollars (\$150.00) for each subsequent violation.

Section 14. Amendment to Fees/Penalties:

The Town of Galen may, by Resolution, amend the fees to be charged and penalties to be imposed under this local law.

Section 15. Repeal of Inconsistent Local Laws or Ordinances:

This Local Law shall supersede all prior inconsistent Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the Town. All prior inconsistent Local Laws, Ordinances, Rules and Regulations shall be, upon the effectiveness of this Local Law, null and void.

Section 16. Severability Clause

The provision of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance..

Section 17. Effective Date

This local law shall be effective January 1, 2011 after filing with the Secretary of State.