

LOCAL LAW NO. 1 – DOG CONTROL LAW OF THE TOWN OF STRATFORD

Town of STRATFORD, FULTON COUNTY, NEW YORK

Local Law No. 1 of the year 2017

SECTION 1. Purpose

The Town Board of the Town of Stratford finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and 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.

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. Title

The title of this law shall be: “Dog Control Law of the Town of Stratford”

SECTION 4. Definition of Terms

As used in this local law, the following shall have the following meanings:

- a. **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.
- b. **CONFINED:** That such animal is securely confined or restrained and kept on the owner’s premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person or any adjacent premises or any public street, way or place or if the animal is being transported by the owner, that it is securely confined in a crate or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.
- c. **DOG:** Dog shall mean male and female, licensed and unlicensed, members of the species *Canis Familiaris*.
- d. **DOG CONTROL OFFICER:** Any person authorized by the Fulton County Legislature or the Town Board of the Town of Stratford from time to time to enforce the provisions of this local law or the provisions of the Agriculture and Markets Law.

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- e. **OWNER;** The party purchasing the license unless dog is or has been lost, and such loss reported to the dog warden and reasonable search has been made. If an animal is not licensed, the term of owner shall designate and cover any person or persons, control of, harbors, or is otherwise responsible for any animal 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 a violation of this local law shall be held and deemed to be the owner of such dog for the purpose of the local law. In the event any dog found to be in violation of this chapter shall be owned by a minor, 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 the said dog and violation of this local law.
- f. **RECREATIONAL AREAS:** Recreational areas shall mean any real property owned by the Town of Stratford which is used for recreational purposes by the public including, but not limited to, parks or playgrounds.
- g. **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.
- h. **TOWN:** means the Town of Stratford, County of Fulton, State of New York.
- i. **HARBOR:** To provide food or shelter to any dog.

SECTION 5. 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 restrained by an adequate leash at all times. For the purpose of this local law, 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, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog during the hours of 10:00 pm to 7:00 am.
- c. Uproot, dig or otherwise damage any vegetable, lawns, flowers, garden beds or other property not belonging to the owner of such dog.
- d. Chase, jump upon or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- e. Habitually chase, run alongside of or bark at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or person harboring of said dog.
- f. Create a nuisance by defecating, urinating or digging on public property or private property other than property of the owner of the dog.

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- g. If a female dog, be confined by the owner when in heat.
- h. Be at large on any school premises or recreational areas or sidewalks adjacent thereto, unless said dog is on a leash.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by Section 5 of this local law shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine, leash or control his or her dog.

SECTION 6. Harboring of Excessive Dogs

Within the limits of the Town of Stratford, it shall be unlawful for any owner, occupant, tenant or other person whatsoever to keep or harbor more than five (5) dogs upon any individually assessed property without having obtained a Special Permit from the Town. For the purposes of this local law, dogs under four (4) months of age shall not be included in the total number of dogs kept or harbored upon a property.

SECTION 7. Application for Special Permit

A Special Permit to allow the keeping or harboring of more than five (5) dogs upon any property may be issued by the Town of Stratford Building Code Enforcement Officer and/or Animal Control Officer upon application and review of the premises to insure compliance with the intent of this local law. In addition to such other information as may be required or requested by the Building Code Enforcement Officer and/or Animal Control Officer, such application shall include the following information:

- A. The name, address, and telephone number of the individual or entity applying for the Special permit.
- B. The property where such dogs are to be kept or harbored, and as to which the Special Permit is sought.
- C. The total number of dogs proposed to be kept or harbored by such person or entity upon such property, provided that such number of dogs shall in no event exceed fifteen (15) animals.
- D. Proof that all such dogs have been licensed and properly vaccinated for rabies.
- E. A description of the manner and facilities in which such dogs will be kept or harbored on the property, including as applicable, any interior or exterior areas, sufficient to establish (1) that such dogs will be maintained in a safe and humane environment, and (2) that the keeping of such dogs will not result in a nuisance to other properties.

Any Special Permit shall be valid for a period of one (1) year from the date of issuance, unless earlier revoked or surrendered. Any Special Permit issued shall be specific to the

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individual(s) and separately assessed propert(ies) identified therein, and may not be transferred or assigned.

The Dog Control Officer will make a minimum of two routine inspections twice a year where more than five (5) dogs are housed.

SECTION 8. Enforcement

This local law shall be enforced by any Dog Control Officer or Peace Officer when acting pursuant to their special duties. 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.

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 9. 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 rabies certificate, license application fee, any applicable license surcharges and such additional fees as may be established by the Town.

SECTION 10. 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 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 11. 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 be exempt from the licensing and identification provisions of this local law if seasonal resident.

SECTION 12. 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 13. 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 14. Fees

(A) Individual Dog License Fee

\$5.00 for a spayed or neutered dog

\$15.00 for an unspayed or unneutered dog

(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 \$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 \$3.00 payable at the time the dog license application is filed.

(C) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.

(D) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the laws of the New York State Department of Agriculture and Markets Law are as follows: First Offense: The same impoundment, vet, and euthanasia fees per animal that are charged to the town for such service, Second Offense: \$150.00 plus the impoundment, vet, and euthanasia fees per animal.

Fee Exemptions

There shall be no fee for any license issued for the following:

- guide dog (as defined in article 7 of the State Agriculture and Markets Law),
- hearing dog, (as defined in article 7 of the State Agriculture and Markets Law),

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- service dog, (as defined in article 7 of the State Agriculture and Markets Law),
- war dog, (as defined in article 7 of the State Agriculture and Markets Law),
- working search dog, (as defined in article 7 of the State Agriculture and Markets Law),
- detection dog, (as defined in article 7 of the State Agriculture and Markets Law),
- police work dog (as defined in article 7 of the State Agriculture and Markets Law),
- therapy dog (as defined in article 7 of the State Agriculture and Markets Law).

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.

Section 15. Issuance of License.

- (A) 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.
- (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.

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

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 \$5.00 for spayed or neutered dogs or \$15.00 for unsprayed or unneutered dogs to the Town Clerk for a replacement tag.

Section 16. Purebred Dog License and Fee

There will not be distinct purebred licenses as previously provided for by the State. Any and all existing purebred licenses will now be required to comply with this local law.

Section 17. Penalties

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 18. 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 19. 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.