

# Local Law Filing

(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  Town  Village  
(Select one:)

of Stephentown

Local Law No. 3 of the year 2017

A local law Amended Dog Licensure Law  
(Insert Title)

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

County  City  Town  Village  
(Select one:)

of Stephentown as follows:

1. Purpose.

The purpose of this Local Law is to provide for the licensing and identification of dogs as the Town Board finds that such licensure relates to the control and protection of the dog population and the protection of persons, property and domestic animals from dog attack and damage.

2. Authority.

This Local Law is enacted pursuant to the provisions of (Article 7) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York. To the extent this law is inconsistent with any other Town laws, including but not limited to Local Law No. 3 of 2010 and Local Law No. 1 of 2017, laws which are replaced in their entirety with this law, the terms of this law shall control.

3. Title.

The title of this Local Law shall be Town of Stephentown "Dog Licensure Law".

4. Definition of Terms.

As used in this Local Law the following words shall have the following respective meanings:

(a) "Dog" means male and female, licensed and unlicensed, members of the specis canis familiaris.

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

(b) "Owner" means 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 dog 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 filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter.

(c) "Town" means the Town of Stephentown.

All other definitions as set forth in the Agriculture and Markets Law are incorporated herein.

## **5. Licensing of Dogs.**

(a) All dogs in the Town of Stephentown, unless exempted per Agriculture and Markets Law § 109(1) or otherwise, must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies vaccination at the time of such application for licensing or the application for renewal of an existing license. The owner of each dog required to be licensed shall obtain, complete and return to said Town Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established or hereinafter may be modified by resolution by the Town Board. Each license application shall also be accompanied by proof that the dog has been vaccinated against rabies.

**(b) All dog licenses will be for a period of one (1) year and will expire at the end of the twelfth (12th) month from the date of issue.**

(c) Fees for Licensing of Dogs. The fee for a spayed or neutered dog will be three dollars and fifty cents (\$3.50) annually, which includes the assessment of a one dollar (\$1.00) surcharge for the purpose of carrying out animal population control. The fee for an unsprayed or unneutered dog will be eleven dollars and fifty cents (\$11.50) annually for the license term. In addition to the foregoing, there shall be a three dollar (\$3.00) surcharge for each unsprayed/unneutered dog licensed for the purposes of carrying out the annual enumeration of the dog population.

A license for any guide dog, service dog, hearing dog, detection dog, war dog, working search dog, police dog and therapy dog is required, but no license fee shall be charged.

The Town Board may, by resolution, change any of the foregoing fees if it deems same necessary.

(d) In addition to the foregoing, a kennel license fee shall be required for a person to harbor four (4) or more dogs. **Such Local (Town) fee will be twenty five (\$25) dollars per year for four to ten dogs, a Local (Town) fee of fifty (\$50.00) dollars per year for eleven to twenty five dogs, and any kennels exceeding twenty five dogs a Local (Town) fee of \$100.00. A state surcharge is also charged and determined by the State Agriculture and Markets Department, \$1.00 per dog for spayed or neutered dogs and \$3.00 per dog for unsprayed or unneutered dogs.**

(e) The Town of Stephentown may contract with an animal shelter(s) to license dogs adopted by residents of the Town of Stephentown, allowing said shelter(s) to provide, accept and grant an application for a dog license made by a resident of the Town at the time of the adoption of a dog from said shelter(s) provided that such application is made in accordance with this law and the license fee, any additional tee and surcharge shall be remitted to the Town of Stephentown on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

(f) All dog licenses may be purchased and obtained by visiting the Office of the Town Clerk **with proof of updated rabies vaccination and if the dog is spayed or neutered, certificate of proof is required.** Initial licensing must be obtained by visiting the office of the Town Clerk. When renewing a license by mail the appropriate fee must accompany the forms. Fees are non-refundable.

#### **6. Seizure of Dogs at Large/Period of Impoundment.**

Any dog found to be running at large in violation of sections 117 or 118 of the Agriculture and Markets Law, whether licensed or unlicensed, will be seized by the Dog Control Officer and such dog shall be properly fed and cared for until redeemed by the owner adopted or disposed of as provided by sections 117 and 118 of the Agriculture and Markets Law. The owner of any dog impounded by the Town of Stephentown shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of ten dollars (\$10.00) for the impoundment plus all costs incurred by the Town for such impoundment.

#### **7. Penalties for Offenses.**

A violation of this Chapter shall be deemed an offense against this Chapter, and any person convicted of such violation shall be liable to the penalty set forth in Section 118 of the Agriculture and Markets Law.

#### **8. Severability.**

Should any section or provision of this law be deemed to be unconstitutional or invalid by a court of law, such decision shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

#### **9. Repealer.**

This Chapter shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the licensure of dogs within the Town of Stephentown and all other matters specifically detailed herein and they shall be upon the effectiveness of this Local Law, null and void.

#### **10. Effective Date.**

This local law shall become effective upon filing with the Secretary of State.

(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. 3 of 2017 of the (County)(City)(Town)(Village) of Stephentown was duly passed by the Town Board on October 16th 2017, in accordance with the applicable provisions of law.

**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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local 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.)**

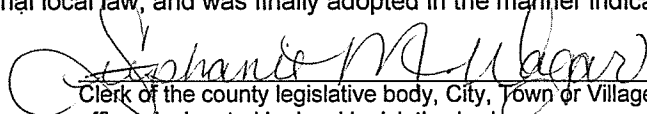
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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.

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10/16/2017

(Seal)