

DOG LICENSING AND CONTROL LAW FOR THE TOWN OF OHIO
Local Law 1-2010

BE IT RESOLVED AND ORDAINED by the Town Board of the Town of Ohio, Herkimer County, New York:

SECTION 1: PURPOSE AND INTENT

The purpose of this law shall be to promote the health, safety morals and general welfare of the Town of Ohio, including the protection and preservation of property of the Town and its inhabitants and of the peace of good order by adopting and enforcing certain regulations and restrictions on the privileges of the owners of dogs and the rights and privileges of the Town of Ohio and by imposing restrictions upon the keeping and running at large of dogs within the Town of Ohio.

SECTION 2: DEFINITIONS

Dog: includes any dog of either sex and of any age unless otherwise indicated herein.

Dog Warden: means any person employed to assist in the enforcement of the law.

Owner: includes any person owning, harboring or keeping a dog within the limits of the Town of Ohio and/or parent, guardian or other adult person with whom a minor dog owner resides. Any person harboring a dog three (3) days prior to any violations to this law shall be deemed the owner of said dog.

Running at Large: shall mean any dog, licensed or unlicensed, while roaming or running off the property of its owner or custodian and not under restraint.

Restraint: a dog is under restraint if it is

- 1.) Controlled by a leash not to exceed ten (10) feet in length;
- 2.) On or within a vehicle being driven or parked on a street or roadway;
- 3.) Within the property limits of its owner; or;
- 4.) Upon the premises of another with the consent of such other person.

SECTION 3: DOG WARDEN APPOINTMENT, DISPOSITION OF CHARGES

- A) The Town Board of the Town of Ohio shall appoint a Dog Warden(s) as needed pursuant to the appropriate statutes of the State of New York. It shall be the duty of such Dog Warden(s) as well as any and all other peace officers within the Town of Ohio to enforce the appropriate provisions of this law as well as of the Agriculture and Markets Law of the State of New York with respect to dogs within the Town of Ohio. Dog Warden(s) and any violation of any portion of this law as well as any dogs otherwise required to be seized under and by virtue of the Agriculture and markets law of the State of New York. All complaints concerning alleged violations of this law shall be communicated to the Dog Warden(s).
- B) All such complaints shall be investigated and it shall be the duty of the Dog Warden(s) in the appropriate case to proceed with the civil or criminal enforcement of this law or any other provision of the law pertaining hereto.

- C) The Town Board of the Town of Ohio is hereby authorized in conjunction with, in lieu of the establishment of pounds and the employment of a Dog Warden(s) to contract with any incorporated society for the prevention of the cruelty to animals for the seizure and impounding of all unlicensed or untagged dogs not restrained by a leash while off the owner's premises whether or not tagged or licensed in violation of this law and for the maintenance of a pound for such dogs and for lost and strayed or homeless dogs and for the destruction and dispositions of seized dogs and redeemed as provided in the Agriculture and Markets Law of the State of New York.
- D) Any and all fees under this law by the Town Clerk or the Dog Warden(s) shall be paid into the Town and shall be used for the expense of executing and enforcing this law including the return of certain required fees to the State of New York for licensing of said dog.

SECTION 4: LICENSING

- A) Every person owning or harboring a dog within the Town of Ohio shall make application to the Town Clerk [pursuant to section 109 of the Agriculture and Markets Law] for a license and shall pay the prescribed license fee as set forth below. {pursuant to new section 110 of said law.}
- B) All dogs in the Town of Ohio 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.
- C) All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue. The purchase of multi year licenses will not be an option.
- D) Fees for Licensing of Dogs: The fees for a spayed or neutered dog will be \$6.00, (which includes the assessment of a \$1.00 surcharge for the purpose of carrying our animal population control) and the fee for an unsprayed or un neutered dog will be \$14.00 (which includes the 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 adjusted by a resolution of the Town Board, if deemed necessary.
- E) 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 delinquent at the time the enumeration is conducted.
- F) Purebred License: The Town of Ohio will not issue Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- G) Service dogs: The Town of Ohio will not charge a fee to license any guide dog, service dog, hearing dog or detection dog. Service dogs must be certified and certificate presented at the time of licensing.
- H) The Town of Ohio does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of Ohio in which the dog will be harbored for licensing.
- I) All dog licenses may be purchased by visiting the Town Clerk's office or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be No refunds of fees.

- J) All fees will be used in funding the administration of the Dog Control Law of the Town of Ohio.
- K) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of the law or the Laws of New York State Department of Agriculture and markets law are as follows: First Offense: \$50.00 plus the same impoundment and euthanasia fees per animal that are charged to the town for such service, Second Offense: \$75.00 plus the impoundment and euthanasia fees per animal.
- L) It shall be lawful for any person to detain and deliver to the Dog Warden(s), or any other peace officers in the Town of Ohio, any dog not licensed or leashed as provided by this law if found at large within the Town of Ohio.

SECTION 5: REGULATING AND RESTRICTIONS

- A) No person owning, keeping, harboring or having the care, custody or control of any dog shall permit such dog to be at large in the Town of Ohio, Herkimer County, New York, unless under leash not exceeding ten (10) feet in length, other than when, on the premises of the other person owning, keeping harboring or having custody and/or control of such premises.
- B) No person who owns a dog shall permit dog to destroy or damage property of any kind nor deposit waste or commit a nuisance on the private property of any other person other than that of the owner of the dog.
- C) No person who owns a dog shall permit the premises, structures or enclosures in which such dogs are kept to be unclean or unsanitary.
- D) The fact that a dog is at large in the Town elsewhere than on the premises of the owner shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog.

SECTION 6: COMPLAINTS

- A) Any dog not wearing a tag, not identified and which is not on the owner's premises may be picked up by the Dog Control Warden or any other peace officers within the Town of Ohio. Dogs in dog shows are exempt from wearing tags during shows.
- B) Any person who observes or has knowledge of a dog causing damage to property of a person other than its owner or violating any section of this law or permitting a nuisance upon the premises of a person other than its owner, may file a signed complaint under oath with the Dog Warden(s) or any other peace officers within the Town of Ohio, specifying the objections and conduct of the dog and the name of the residence, if known, or the owner other than the person harboring said dog.
- C) Upon receipt of any complaint against the conduct of any particular dog for a violation of any provision of this law or in the event any dog is found by the dog warden(s), or any other peace officers within the Town of Ohio, to be in violation of any provision of this law, the Dog Warden(s), or any other peace officers within the Town of Ohio, may summon the alleged owner or other person harboring said dog to appear before a Town Justice of the Town of Ohio.

SECTION 7: REDEMPTION OF SEIZED DOGS

A) Every dog seized shall be properly fed and cared for at the expense of the Town of Ohio until a disposition thereof be made as herein provided .

Redemption of a seized dog shall be in conformance with the provisions of the Agriculture and Markets Law of the State of New York both as to license and unlicensed dogs.

B) In the event that a dog seized bears a valid New York State license tag, the Dog Warden(s) shall ascertain the owner of the dog and shall give immediate notice by personally serving such owner or an adult member of his family with notice, in writing, that the dog has been seized and that the dog will be destroyed unless redeemed within the period hereinafter provided.

C) The owner of a dog seized shall redeem the dog within five days of seizure and notice to the owner. The owner of such seized dog may redeem the dog without charge if it is the first time the dog has been seized for a violation of this law within one year. If it is the second seizure of the same dog or of different dog of the same owner within one year, the dog may be redeemed with a payment to the Dog Warden(s) of the sum of Twenty-Five (\$25.00) Dollars as the cost of such seizure. If it is the third seizure of the same dog or of a different dog of the same owner within one (1) year, the dog may be redeemed with a payment to the Dog Warden(s) of the sum of Fifty (\$50.00) Dollars as the cost of such seizure.

SECTION 8: PENALTIES

Any person found guilty of violating this law shall be guilty of a violation and shall be punishable by a fine of not more than Twenty-Five (\$25.00) Dollars for each violation

SECTION 9: SEPARABILITY

Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, and other provisions hereof shall remain valid and enforceable.

SECTION 10: REPEALER

This Local Law shall supersede all prior Local Laws, Ordinances, Resolutions, Rules and Regulations relative to the control of dogs within the Town of Ohio, and they shall be upon the effectiveness of the Local Law, null and void.

SECTION 11: EFFECTIVE DATE:

This Local Law shall take effect January 1, 2011, after filing with the Secretary of State.