

LOCAL LAW NO. 2 OF THE YEAR 2010

A LOCAL LAW ENTITLED, "LOCAL LAW FOR THE LICENSING, IDENTIFICATION AND CONTROL OF DOGS WITHIN THE TOWN OF CAMBRIA"

Section 1. Title.

The title of this local law shall be "Local Law for the Licensing, Identification and Control of Dogs within the Town of Cambria".

Section 2. Authority.

This local law is enacted pursuant to the provisions of Article 7 of the NYS Agriculture and Markets Law.

Section 3. Purpose.

The purpose of this local law is to provide for the licensing and identification of dogs, and to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

Section 4. Definitions.

- (a) "At large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (1) accompanied by and under the immediate supervision and control of the owner or other responsible person; (2) a police work dog in use for police work; or (3) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.
- (b) "Habitual" for purposes of this local law shall mean a dog barking, whining or howling for repeated intervals of at least ten minutes with less than two minutes of interruption, which can be heard by any person, including a law enforcement officer or dog control officer, from a location outside of the owner's or caretaker's premises.
- (c) "Harbor" means to provide food or shelter to any dog.
- (d) "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of this local law shall be owned by a person under eighteen (18) years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

Section 5. Licensing of Dogs Required

In accordance with Article 7, Section 109 of the NYS Agriculture and Markets Law, all dogs reaching the age of four months shall be licensed and identified. Application for license shall be made in accordance with the provisions of law. The following dogs, as defined in Article 7 of the NYS Agriculture & Markets Law, shall be exempt from licensing fees: Guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog. In addition, any dog harbored within the Town of Cambria which is owned by a non-resident of New York State and licensed by a jurisdiction outside of the State of New York shall, for a period of thirty (30) days, be exempt from the licensing and identification provisions.

The license fee for each dog license issued shall be as follows:

Unspayed/unneutered dogs	\$18.00 (includes NYS Animal Control surcharge of \$3.00)
Spayed/neutered dogs	\$11.00 (includes NYS Animal Control surcharge of \$1.00)
Replacement Tags	\$ 5.00

In addition to any other applicable fee, any person applying for a dog or purebred license for a dog identified as unlicensed during a dog enumeration shall pay a surcharge of ten dollars (\$10.00) for each dog identified as unlicensed. Such additional surcharge shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred in conducting an enumeration in any year, such excess fees may be used by the Town of Cambria for any other lawful purpose.

The Town of Cambria authorizes its duly appointed Dog Control Officer to provide, accept and grant an application for a dog license made by a resident of the Town of Cambria at the time of the adoption of a dog from the Niagara County SPCA, provided that such application is made in accordance with this local law and the license fee, along with any additional fee and surcharge shall be remitted to the Town Clerk of the Town of Cambria within five business days upon receipt of license fee. Upon receipt, the license will be validated by the Town Clerk and issued accordingly.

Section 6. Purebred Licenses

Purebred licenses shall be available to eligible purebred dog owners. Only those dog owners who are in compliance with the applicable provisions of the Town of Cambria Zoning Ordinance relating to special permit requirements for operation of private or public kennels shall be eligible for a purebred license.

Section 7. Applications

The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by subdivision five of this section. Application for a purebred license shall be made to the Town Clerk and 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 dog registered 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 Section 109 of the NYS Agriculture and Markets Law.

The following license fees shall apply to purebred licenses:

Purebred Licenses	\$75.00, plus any applicable surcharges imposed by New York State for each purebred license, if no more than ten (10) registered purebred dogs.
	\$125.00, plus any applicable surcharges imposed by New York State for each purebred license, if no more than twenty five (25) registered purebred dogs.

License fees listed may be amended from time to time by resolution of the Town Board, as set forth in the adopted fee schedule.

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. 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 Section five of this local law, except when the new owner holds a valid purebred license.

Section 8. Identification Exemption

A dog participating in a dog show shall be exempt from the identification requirement of Article 7, Section 111 of the NYS Agriculture and Markets Law during such participation.

Section 9. Restrictions – Control of Dogs

It shall be unlawful for any owner or any person harboring any dog in the Town of Cambria with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof to permit or allow such dog to:

- (a) Run at large, unless said dog is restrained by an adequate collar or leash or unless accompanied by its owner or responsible person able to control the animal;
- (b) Engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person;
- (c) Cause damage or destruction to property, or commit a nuisance by defecating or urinating upon premises other than those of the owner of such dog;
- (d) Chase or otherwise harass any person in such a manner as to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or
- (e) Habitually chase, run alongside of or bark at motor vehicles or bicycles.

Section 10. Enforcement

This local law shall be enforced by any Police Officer or Peace Officer, when acting pursuant to his special duties, or Dog Control Officer in the employ of or under contract to the Town of Cambria.

Section 11. Seizure, Impoundment, Redemption and Adoption

- (a) Any Police Officer or Peace Officer, acting pursuant to his special duties, or Dog Control Officer in the employ of or under contract to the Town of Cambria shall seize any dog found to be in violation of the provisions of Section 117 of the NYS Agriculture and Markets Law.
- (b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 117 of the NYS Agriculture and Markets Law.
- (c) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the NYS Agriculture and Markets Law and by paying the impoundment fees to the Town of Cambria Town Clerk as set forth below:
 - ◆ \$25.00 First Offense
 - ◆ \$50.00 and \$3.00 for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person;
 - ◆ \$75.00 and \$3.00 for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

Redemption fees listed may be amended from time to time by resolution of the Town Board, as set forth in the adopted fee schedule.

- (d) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this section whether or not such owner chooses to redeem his or her dog.
- (e) All other provisions relating to redemption of seized dogs shall be as outlined in Article 7, Section 117 of the NYS Agriculture and Markets Law.

Section 12. Complaint.

Any person who observes a dog in violation of Section 9 of this local law may file a complaint under oath with a Justice of the Town of Cambria specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this local law. Upon receipt by the Town Justice of any complaint filed against the conduct of a particular dog, the Town Justice may summon the alleged owner or other person harboring such dog to appear in person before him.

All other violations of this local law shall be enforced in accordance with Article 7 of the NYS Agriculture and Markets Law.

Section 13. Penalties.

Any person convicted of a violation of this local law shall be liable for a civil penalty not exceeding \$50.00 for a first violation, not exceeding \$75.00 for a second violation and not exceeding \$125.00 for each subsequent violation.

Section 14. 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, all other provisions hereof shall remain valid and enforceable.

Section 15. Repealer.

This local law shall supercede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Cambria and they shall be, upon the effective date of this local law, null and void.

Section 16. Effective Date.

This local law shall take effect January 1, 2011 in accordance with the provisions of the law.