

**Town of Ossian
Regulation of Dog Control, Licensing & Fees
Local Law #1 - 2011**

Section 1. Title

This local law shall be known as the "Dog Control Ordinance, Licensing & Fees of the Town of Ossian, County of Livingston." To replace: (Local Law 1 – 1979 Increasing Dog Fees)

Section 2. Legislative purpose

The purpose of this article is to provide for the licensing and identification of dogs. Effective January 1, 2011, the State of New York has relinquished the responsibility of dog licensing function to local municipalities and eliminated the Animal Population Control Fund. Local municipalities will now be required to adopt legislation relating to this issue.

Section 3. Purpose

The purpose of this article is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of personal property, domestic animals and deer from dog attack and damage and to preserve the public health, safety and welfare by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of citizen of the Town.

Section 4. Authority

This local ordinance is enacted pursuant to the provisions of Section 122 of Article 7 of the Agriculture and Markets Law.

Section 5. Definitions

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

ADOPT – The delivery to any natural person 18 years of age or older, for the limited purpose of harboring a pet, of any dog seized or surrendered.

CLERK – The Town Clerk, or Deputy Town Clerk, of the Town of Ossian by whom licenses are to be validated or issued.

IDENTIFICATION TAG – A tag which sets forth an identification number, as required by the provisions set forth in this article.

OWNER – Any person who harbors or keeps any dog.

SERVICE DOG – Any dog that has been trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

POLICE WORK DOG – Any dog owned or harbored by any municipal police department or any state or federal law enforcement agency, which dog has been trained to aid law enforcement officers and is actually being used for police work purposes.

TOWN – The Town of Ossian, including incorporated areas.

DOG – Shall refer to both male and female dogs except where the context requires otherwise.

HARBOR – Means to provide food or shelter to any dog.

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:
(a) accompanied by and under the immediate supervision and control of the owner or other responsible person; (b) a police work dog in use for police work;

(c) 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; (d) is actively engaged as a livestock protection dog or a herd dog and is in the company of its designated livestock on lands owned or leased by the owner of the dog, or by permission of the owner or leaser of such lands.

DOG CONTROL OFFICER – Means any individual appointed or contracted with by the Town of Ossian, County of Livingston to assist in the enforcement of this ordinance.

Section 6. Prohibited

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Ossian, County of Livingston, to:

- (a) Run at large, from sunset to sunrise, unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the Article, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- (b) Cause damage or destruction to property or commit a nuisance upon the premises of any person;
- (c) Habitually chase motor vehicles, bicycles, horseback riders, pedestrians or persons moving by human or animal powered devices such as skateboards, roller blades, carriages, sleds, wagons, or skis;
- (d) Engage in habitual, loud, howling or barking or conduct itself in a manner as to disturb the public peace;
- (e) Kill or injure any other dog, cat, or human life.

Section 7. Enforcement

Any dog control officer, peace officer when acting pursuant to his/her special duties, or law enforcement officer, shall enforce this local ordinance.

Section 8. Seizure, Impoundment, Redemption and Adoption

- (a) Any dog found in violation of the provisions of the ordinance may be seized pursuant to the provisions of Section 117 of the Agriculture and Markets Law.
- (b) Every dog seized shall be properly cared for sheltered, fed and watered for the redemption period set forth in Section 117 of the Agriculture and Markets Law.
- (c) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to Article 7 of the Agriculture and Markets Law and by paying the redemption fees set forth in Section 117 of said Article.
- (d) Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Section 117 of the Agriculture and Markets Law.
- (e) All impoundment, adoption, seizure and redemption fees shall be the property of the County of Livingston and shall be used only for the controlling of dogs and the enforcement of this ordinance.
- (f) Residents of the Town who would like to adopt a dog from the County Shelter must obtain a license from the Town Clerk first.

Section 9. Licensing of Dogs:

- (a) All dogs in the Town of Ossian must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time

licensing or the renewal of an existing license.

- (b) 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.
- (c) Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made.
- (d) The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.
- (e) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
- (f) Fees for Licensing of Dogs: see Section (j) for exemptions.

Fee for a spayed or neutered dog will be \$5.50, (which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$13.50, (which included the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control). A replacement fee of \$2.00 per tag may be issued for lost tag. Such fees may be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

- (g) 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.
- (h) Purebred License: Can be obtained but may require a Kennel permit for boarding or breeding of dogs; these are issued conditionally in some zoning districts by the Zoning Board of Appeals. The Code Enforcement Officer will determine if a Kennel Permit is required before a Purebred License would be issued. All dogs under a purebred license must provide paperwork of a recognized Registered Club of which the Town of Ossian recognizes the following clubs:

- 1.) UKC – United Kennel Club
- 2.) AKC – American Kennel Club
- 3.) American Dog Breeders Association Inc.
- 4.) Field Dog Stud Book Registry
- 5.) The National Stock Registry
- 6.) National Greyhound Association
- 7.) Chinooks Worldwide Inc.
- 8.) CKC - Continental Kennel Club
- 9.) Maremma Sheepdog Club of America
- 10.) American Border Collie Association Inc.
- 11.) World Wide Kennel Club, Ltd.
- 12.) ACA – American Canine Association
- 13.) American's Pet Registry
- 14.) I.F.S.B. Chase Publishing
- 15.) Standard Foxhound Stud Book
- 16.) The Jack Russell Terrier Club of America, Inc.
- 17.) NKC – National Kennel Club

- (i) Purebred license fee will be:
 - 1-10 dogs fee of \$30.00 plus \$3.00 for each unneutered/unspayed dog
 - 11-25 dogs fee of \$60.00 plus \$3.00 for each unneutered/unspayed dog
 - 26 + dogs fee of \$150.00 plus \$3.00 for each unneutered/unspayed dog
- (j) Exemptions: The Town of Ossian requires a license for a service dog, or Police Work dog along with an affidavit of exempt form, but is exempt of any fees.

Section 10. Appearance Ticket

Any dog control officer or peace officer acting pursuant to his/her special duties, or police officer in the employ or under contract to the Town of Ossian, observing a violation of this ordinance in his/her presence shall issue an appearance ticket for such violation.

Section 11. Penalties

Any person convicted of a violation of this ordinance shall be deemed to have committed a violation and shall be subject to a fine of not less than \$50.00 per offense but not exceed \$250.00 (two hundred fifty dollars) or imprisonment for a period not exceeding 15 days.

Section 12. Separability

Each separate provision of this ordinance 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 13. Disposition of Dogs Voluntarily Surrendered to the County Shelter

- (a) In the event an owner wishes to surrender an unwanted dog to the County shelter, such person must execute a consent form prescribed by the County, allowing the Dog Control Officer to dispose of the dog immediately by either adoption or euthanasia at the discretion of the officer and absolve the County, forever, of liability in connection with said dog.
- (b) The owner of any dog surrendered to the County must pay a fee in the amount set by the County.
- (c) This service may be discontinued at any time, by order of the Dog Control Officer, if overcrowding or any other condition at the shelter would create a situation whereby dogs could not be properly sheltered and cared for.

Section 14. Repealer

This ordinance shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Ossian, County of Livingston, and they shall be, upon the effective date of this ordinance null and void.

Section 15. Effective Date

This ordinance shall take effect once filed with the Secretary of State.

Introduced: March 8, 2011

Effective: Once filed