

Town of Cherry Valley – County of Otsego – State of New York

Villages within Town: Village of Cherry Valley

Dog Control Law of the Town of Cherry Valley – Local Law 2011-1

As follows:

SECTION 1: **Purpose:** The Town Board of the Town of Cherry Valley desires to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

SECTION 2: **Authority:** The Local Law is enacted pursuant to the provisions of Article 7, Chapter 59; Part T 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 Cherry Valley.

SECTION 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 species canis familiaris.

(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 shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.

(c) “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.

(d) “Town” means the Town of Cherry Valley.

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 accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

(b) Engage in habitual and loud howling, barking, crying or shining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than of such dog.

(c) Uproot, digs, or otherwise damages any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.

(d) Chase, jump upon or at or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.

(e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

(f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

(g) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

SECTION 6: Licensing of Dogs:

(a) All dogs in the Town of Cherry Valley 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.

A current rabies vaccination may be waived only if a statement from a licensed veterinarian is filed at the time of application for licensing stating such rabies vaccination would endanger the dog's life.

(1) The Town Clerk shall assign an 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, except that the tag is not required to be worn while the dog is participating in a dog show.

(2) 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.

(3) Any person wishing to replace a tag previously issued shall pay the sum of three (\$3.00) dollars to the Town Clerk for a replacement tag.

(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. No license or renewal shall be issued for a period expiring after the expiration date of the current rabies certificate for the dog being licensed.

(c) Fees for Licensing of Dogs:

The fee for a spayed or neutered dog will be \$ 2.50, (which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unsprayed or unneutered dog will be \$10.50, (which included 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 changed by a resolution of the Town Board, if deemed necessary.

(d) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$20.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.

(e) Purebred License: The Town of Cherry Valley will not be issuing purebred or kennel licenses. All dogs will be licensed individually as per fee system stated above.

(f) Service Dogs: The Town of Cherry Valley will not require a license for any guide dog, service dog, hearing dog or detection dog.

(g) The Town of Cherry Valley 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 of Cherry Valley, where the shelter is located for the purchase of the license for adoption purposes.

(h) All dog licenses may be purchased by visiting the Town office or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.

(i) All fees will be used in funding the administration of the Dog Control Law of the Town of Cherry Valley.

(j) Fees for Seizure of Dogs:

(1) Any dog found in violation of the provisions of this law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

(2) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law.

(3) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in Section 118 of said Article.

(4) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subdivision (3) of this Section whether or not such owner chooses to redeem his or her dog.

(5) 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 118 of the Agriculture and Markets Law. The owner of the unredeemed dog shall pay the euthanasia fees per animal.

(k) Change in owner or address. In the event of a change in ownership of any dog which has been licensed pursuant to this chapter or change of address of the owner of record of any dog, the owner of record shall, within ten (10) days of the change, file with the Town Clerk a written notification of such change. Such owner of record shall be liable for any violation of this chapter until such filing is made or until the dog is licensed in the name of the new owner.

(l) Lost or stolen dog. If any dog which has been licensed is lost or stolen, the owner of record shall, within ten (10) days of discovery of such loss or theft, file with the Town Clerk a written notification of such event. In the case of loss or theft, the owner of record shall not be liable for any violation of this chapter committed after such notification has been made.

(m) Death of dog. In case of the death of a licensed dog, the owner of record shall notify the Town Clerk of the dog's death either before or upon receipt of a renewal notice from the Town Clerk.

SECTION 7: Procedure for Seizure of Dogs:

(a) The Dog Control Officer or any peace officer shall seize:

- (1) Any unlicensed dog whether on or off the owner's premises;
 - (2) Any dog not wearing a tag, and after January 1, 2011, not identified, and which is not on the owner's premises, and
 - (3) Any dog found in violation of paragraphs (a)-(j) of Section 5 of this Local Law.
- Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Cherry Valley in such case is carried out.

(b) The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.

(c) Any person who observes a dog in violation of the Local Law may file a complaint under oath with the Town Justice of the Town of Cherry Valley specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of the Local Law.

SECTION 8: Penalties: Any person convicted of a violation of this Local Law shall be liable for a civil penalty of twenty dollars (\$20.00) for the first violation; of thirty dollars (\$30.00) for a second violation and fifty dollars (\$50.00) for each subsequent violation.

Pursuant to Agriculture and Markets Law §119 all money and penalties collected for violation of Article 7 and this law shall remain property of the Town of Cherry Valley.

SECTION 9: Prosecution: The local Dog Control Officer is authorized to prosecute any violation of this local law in the Town Court of the Town of Cherry Valley.

SECTION 10: 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 11: Repealed: This Local Law shall supersede all prior Local Law, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Cherry Valley, and they shall be upon the effectiveness of this Local Law, null and void.

SECTION 12: Effective Date: This Local Law shall be effective March 1, 2011 after filing with the Secretary of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 2011-1 for 2011 of the Town of Cherry Valley was duly passed by the Town Board on February 10th 2011, in accordance with the applicable provisions of law.

Town Clerk

(Seal) Town of _____

Date: _____