

AMENDMENT TO CHAPTER 46 OF THE CODE OF THE TOWN OF OWEGO

The Town Board of the Town of Owego, County of Tioga hereby finds and declares that the purpose of this local law is to amend certain provisions of Chapter 46 of the Town of Owego Code entitled "Dogs" pursuant to the provisions of the Agriculture and Markets Law (Chapter 59; Part T of the Laws of 2010) and the Municipal Home Rule Law of the State of New York.

I. Section 46-3 of the Town of Owego Code entitled Definitions is hereby amended to include the following terms:

AGRICULTURE AND MARKETS LAW - The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.

IDENTIFICATION TAG - A tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

OWNER OF RECORD - The person in whose name a dog was last licensed pursuant to this Chapter.

PERSON - A person, partnership, corporation, association or organized group of persons, business entity, municipality, or other legal entity.

RESIDENT - An individual who maintains a residence within the Town of Owego, County of Tioga, State of New York.

TOWN - The Town of Owego, County of Tioga, State of New York.

II. Article II of the Town of Owego Code is hereby amended as follows:

A. The title of Article II shall be amended and entitled Licensing and Identification.

B. Sub-sections A and B of Section 46-13 entitled Licenses Required; Fees is hereby repealed and the following new provisions are hereby added:

1. Licensing of Dogs.

a. No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and laws of the Town.

b. All dogs within the Town that are four (4) months of age or older, unless otherwise exempted, shall be licensed. No license shall be required for any dog which is under the age of four months and which is not at large.

c. The owner of each dog required to be licensed shall obtain, complete and

return to the Town Clerk of the Town a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town.

d. The Town 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 in which the dog will be harbored for licensing or to the Town Clerk of the Town where the Shelter is located for the purchase of the license for adoption purposes.

e. Any dog harbored within the Town which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

2. Proof of Vaccination Against Rabies.

All applications for a dog license shall be accompanied by a valid rabies certificate signed by a licensed veterinarian or, in lieu thereof, a statement certified by a licensed veterinarian stating that the dog is too young to be vaccinated or because of old age or another reason, the life of the dog would be endangered by the administration of vaccine. A copy of the rabies certificate or certified statement shall be made and attached to the Clerk's copy of the application. In the case of an unlicensed dog being redeemed by the owner or a dog being adopted from a shelter, copies shall be forwarded to the Town Clerk. Such records shall be kept on file by the Town Clerk and be made available upon request for rabies and other animal disease control efforts.

3. Term of License and Renewals.

a. Each license issued pursuant to this local law, shall be valid for a period of one (1) year and shall expire on the last day of the last month of the period for which it was issued.

b. A new rabies certificate shall be required if the one on record has expired or expires within 30 days of the date of renewal. An in-lieu-of statement as described in Part 2 of this Section may be substituted for a rabies certificate. New rabies certificates and statements shall be copied and attached to the Town Clerk's copy of the renewal.

4. Fees.

An individual dog license fee shall be Ten Dollars and Fifty Cents (\$10.50) for a spayed or neutered dog. Such individual dog license shall be Seventeen Dollars and Fifty Cents (\$17.50) for an un-spayed or un-neutered dog.

5. State Mandated Animal Population Control Surcharge.

a. Each individual dog license for a spayed or neutered dog shall be subject to an animal population control surcharge in the amount of One Dollar (\$1.00) payable at the time the

dog license application is filed.

b. Each individual dog license for an un-spayed or un-neutered dog shall be subject to an animal population control surcharge in the amount of Three Dollars (\$3.00) payable at the time the dog license application is filed.

6. Dog Enumeration Surcharge.

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a Five Dollar (\$5.00) dog enumeration surcharge payable at the time the dog license application is filed.

7. Replacement Tag Fee.

A replacement tag fee of Three Dollars \$3.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

8. Fee Exemptions.

a. There shall be no fee for any license issued for the following:

Guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog, and therapy dog as all such terms are defined in Article 7 of the State Agriculture and Markets Law.

b. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "War Dog", "Working Search Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog", as may be appropriate, by the Town Clerk.

9. Issuance of License and Identification Tag.

a. Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

b. No license shall be transferable to another dog. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog.

c. In the event of a change in ownership of any dog, which has been assigned an official identification number or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.

d. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Town Clerk.

e. In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.

f. Identification tag.

i. The Town Clerk shall assign a Town permanent official 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.

ii. An identification is not required to be worn while the dog is participating in a dog show.

iii. The official permanent identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes in ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

iv. 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.

v. At the time a dog is licensed, one identification tag shall be furnished to the owner at no additional charge. Any replacement tag shall be obtained by the owner at the owner's expense. Any person wishing to replace a tag previously issued shall pay the sum of Three Dollars (\$3.00) to the Town Clerk for a replacement tag.

C. Sub-sections A and B of Section 46-14 entitled Purebred Dogs are hereby repealed and the following new provisions are hereby added:

1. Purebred Dog License and Fees.

a. The owner of one or more purebred dogs registered by a recognized registry association as defined in Agriculture and Markets Law §108 may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by this local law. 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.

b. The purebred dog license application 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 registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog 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.

c. 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 this local law and Article 7 of the State Agriculture and Markets Law.

d. Upon receipt of the foregoing items, the Town Clerk shall assign a license number, which shall be reserved for the sole use of the names owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefore shall be made.

e. The Town Clerk shall provide a copy of the purebred license to the owner and retain a record of the purebred license in the office of the Town Clerk.

f. 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 subdivision one of this section, except when the new owner holds a valid purebred license.

g. Fees.

i. Twenty -five Dollars (\$25.00) plus Ten Dollar (\$10.00) local fee, if no more than ten (10) registered purebred dogs or purebred dogs eligible for registration over the age of four (4) months are harbored on the owner's premises at the time of application.

ii. Fifty Dollars (\$50.00) plus Ten Dollar (\$10.00) local fee , if no more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of four (4) months are harbored on the owner's premises at the time of application.

iii. One Hundred Dollars (\$100.00) plus Ten Dollar (\$10.00) local fee, if more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of four (4) months are harbored on the owner's premises at the time of application.

h. Each purebred dog license shall be subject to an animal population control surcharge as follows:

i. Each purebred dog listed as spayed or neutered, upon proof of alteration, shall be subject to said surcharge in the amount of One Dollar (\$1.00) payable at the time the dog license application is filed.

ii. Each purebred dog listed as un-spayed or un-neutered dog shall be subject to said surcharge in the amount of Three Dollars (\$3.00) payable at the time the dog license application is filed.

III. The following new Sections will be added to Chapter 46 of the Town Code:

Section 46-20. Repeal of Inconsistent Local Laws.

This local law shall supersede all prior inconsistent local laws relative to the licensing

and identification of dogs within the Town. All prior inconsistent local laws shall be, upon the effectiveness of this local law, null and void.

Section 46-21 Severability Clause.

The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

Section 46-22. Effective Date.

The amendments to this local law shall be effective January 1, 2011 after filing with the Secretary of State.