

Town of Lorraine

Local Law No. 1 of 2016

**A Local Law Regarding Dog Control Law of the Town
of Lorraine**

Town of Lorraine
Local Law #1 of 2016

Article 1 – Statement of Authority

The Town Board of the Town of Lorraine pursuant to the authority granted under Article 7 of the Agriculture and Markets Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enacts as follows:

Article 2 – Statement of Purpose and Findings

The Town Board of the Town of Lorraine hereby finds that in view of new State Laws imposing increased responsibility on the Town for the licensing of dogs and dog control that it is necessary to have a global revision of all prior regulations of the Town with respect to licensing of dogs and dog control. It is the purpose of this law to adopt comprehensive regulations for the licensing of dogs and dog control issues within the Town.

Article 3 – Enactment

The Town Board of the Town of Lorraine hereby enacts as follows:

Section 1:

Title: The title of this Law shall be Dog Control Law of the Town of Lorraine.

Section 2:

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) “Town” means the Town of Lorraine as defined by NYS Municipal Law that lies outside of any incorporated village.
- (d) “Dangerous Dog”, as also defined in Article 7 of the NYS Ag and Markets law,

means any dog which without justification.

1. Attacks a person, companion, animal, and causes physical injury or death, or
 2. Behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals, or domestic animals or
 3. Without justification attacks a service dog, guide dog, or hearing dog and causes physical injury or death.
- (e) "County", means Jefferson County Dog Control office.

Section 3:

Restrictions: It shall be unlawful for any owner of any dog in the Town (exclusive of villages) to permit or allow such dog to:

- (a) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- (b) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.
- (c) 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.
- (d) Chase, run alongside of or bark at motorized vehicles, and/or manual modes of pedestrian modes of travel (motorcycles, bicycles, skate boards, etc.) while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.
- (e) Defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.
- (f) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

Section 4: Licensing of Dogs

- (a) All dogs in the Town of Lorraine unless otherwise exempted, must be licensed with the Town Clerk by the age of 4 months and are required to present a Certificate of Rabies with a minimum of 30 days remaining before such certificate expires (ref. Public Health Law, Section 4, Article 7, Section 109) at the time of licensing or the renewal of an existing license provided, however, that dogs of any age which are held at a shelter, pursuant to a contract or agreement with any County, City, Town or Village, or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association do not have to be licensed.
- (b) Any dog harbored within the Town of Lorraine 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.

- (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.
- (d) Fees for Licensing of Dogs:
The fee for a spayed or neutered dog will be \$10.00, (which included the NYS assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an un-spayed or un-neutered dog will be \$20.00, (which included the NYS 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.
- (e) Enumeration:
Jefferson County Dog Control will conduct enumerations every two years within the Town of Lorraine. The Town will have the authority to levy an enumeration fee for dogs found after the enumeration. The fee will be established through a Town Board resolution, if deemed necessary.
- (f) Service Dogs:
The Town of Lorraine will require a license for any guide dog, service dog, hearing dog, detection dog, search dog, working or therapy dog. In such cases, no licensing fee shall be assessed.
- (g) Licensing:
 - 1. All dog licenses, except as outlined in paragraph (i), must be purchased by visiting the Town offices 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.
 - 2. Alternately, if licensing for adoption or redeeming takes place at the County Shelter, the County shall advise the Town of Lorraine monthly of such action along with dog owners name and address. The County shall also forward all appropriate licensing fees to the Town of Lorraine at the same time.
- (h) All fees will be used in funding the administration of the Dog Control Law of the Town of Lorraine.
- (i) The Town of Lorraine authorizes Jefferson County Dog Shelter acting by its manager to provide, accept and grant an application for a dog license made by a resident of the Town of Lorraine at the time of the adoption or redemption of a dog from Jefferson County Dog Shelter provided that such application is made in accordance with Section 4 of this law/ordinance and the license fee, any additional fee and surcharge shall be remitted to the Town Clerk of the Town of Lorraine on or before the fifth day of the month following the month in which the license fee and additional fee and surcharge was received.

Section 5: Procedure for Seizure of Dogs:

- (a) The Dog Control Officer or any police officer shall seize:
- Any unlicensed dog whether on or off the owner's premises;
 - Any dog not wearing a tag, and not identified, and which is not on the owner's premises, and
 - Any dog found in violation of paragraphs (a)-(f) of Section 3 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Lorraine in such case is carried out.
- (b) The Dog Control Officer or police officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Jefferson County Dog Control Office 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 this Local Law.

Section 6: Penalties

- (a) For a first violation a fine of no less than \$25.00 nor more than \$100.00.
- (b) For a second offense within a one year period, a fine of no less than \$50.00 nor more than \$150.00.
- (d) For a third or subsequent offense within a one year period, a fine of no less than \$75.00 nor more than \$200.00.

Section 7: Authority Granted:

- (a) The Town of Lorraine grants the Jefferson County Dog Control Department the authority to file complaints, secure summons, execute processes authorized herein in section 3 (a) – (f) on behalf of the Town in addition to the authority already granted to Jefferson County Dog Control under NYS Agriculture and Markets Law Section 113.

Article 4 – Repealer.

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

Article 5 – Severability.

If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 6. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.