

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of EDMESTON

FILED  
STATE RECORDS  
JAN 10 2011  
DEPARTMENT OF STATE

Local Law No. 1 of the year 20 11

A local law DOG LICENSING AND CONTROL  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of EDMESTON as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2011 of the ~~(County)(City)~~(Town)~~(Village)~~ of EDMESTON was duly passed by the TOWN BOARD on DEC. 14 2010, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on 20    , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

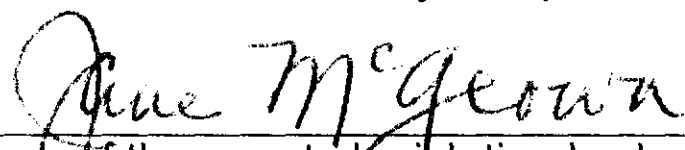
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

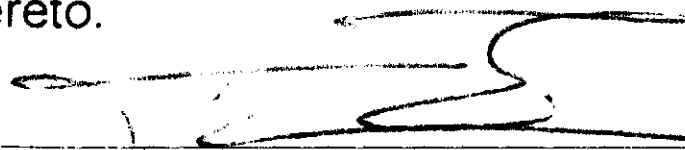
  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body  
JANE MCGEOWN, TOWN CLERK  
Date: December 14, 2010

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF OTSEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Signature TIMOTHY R JOHNSON  
TOWN ATTORNEY  
Title

~~County~~  
~~City~~ of EDMESTON  
Town  
~~Village~~

Date: Dec 27, 2010

New York State Department of State Division of Corporations, State Records and Uniform Commercial Code One Commerce Plaza, 99 Washington Avenue Albany, NY 12231-00001  
[www.dos.state.ny.us/corps](http://www.dos.state.ny.us/corps)

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of EDMESTON

Local Law No. 1 of the year 2011

Be it Enacted by the Town Board of the Town of EDMESTON  
As follows:

**Section 105 Title:**

Title: the title of this Law shall be Dog Licensing and Control Law of the Town of EDMESTON, County of OTSEGO.

**Section 106 Authority:**

This Local Law is enacted pursuant to the provisions of (Chapter 59; Part T of the Laws of 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home rul Law of the State of New York.

**Section 107 Purpose:**

The Town Board of the Town of EDMESTON, County of OTSEGO hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs.

**Section 108 Definitions:**

All terms not specifically define herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New York.

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

**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** – means any person who harbors or keeps any dog or other animal.

**OWNER OF RECORD** – means the person in whose name a dog was last licensed Pursuant to this chapter.

**PERSON** – A person, partnership, corporation, association or other organized group of Persons, business entity, municipality or other legal entity.

**RESIDENT** – [A person] An individual who maintains a residence within the Town of EDMESTON, County of OTSEGO, State of New York.

**TOWN** – means the Town of EDMESTON, County of OTSEGO State of New York.

**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.

### **Section 109 Licensing of Dogs**

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.

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.

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 surcharge and such additional fees as may be established by the Town.

### **Section 110 Licenses issued by Animal Shelters and Pounds**

#### **Option 1**

*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 or City 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.*

#### **Option 2**

*Authority of \_\_\_\_\_ (insert the name of the shelter) to Issue Dog Licenses on behalf of the Town.*

*The Town hereby authorizes \_\_\_\_\_ (insert name of shelter) acting by its manager to provide, accept and grant an application for a dog license made by a resident of the Town at the time of the adoption of a dog from \_\_\_\_\_ (insert shelter) provided that such application is made in accordance with this local law and the license fee, any*

*additional fee and surcharge shall be remitted to Town Clerk of the Town on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.*

**Optional Section            Licensing Grace Period for Dogs licensed in New York City or outside New York State.**

*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 the local law.*

**Section 111 Proof of Vaccination against Rabies**

Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.

**Section 112 Term of License and Renewals**

**Option 1**

Each license issued pursuant to this local law, shall be valid for a period of 1 (choose one; two or three) year(s) and shall expire on the last day of the last month of the period for which it was issued. No license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed.

**Option 2**

Each license issued pursuant to this local law shall be valid for a period of \_\_\_\_\_ (choose one; two or three) year(s) and shall expire on \_\_\_\_\_ (insert common renewal date) regardless of the date of issuance.

**Section 113 Fees**

***(Please note that you must charge at least \$5.00 more for an individual dog license for an unsprayed or unneutered dog).***

- (A) **Individual Dog License Fee**  
\$ 7.50 for a spayed or neutered dog  
\$ 15.50 for an unsprayed or unneutered dog
- (B) **State Mandated Animal Population Control Surcharge**

Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$ 1.00 payable at the time the dog license application is filed.

Each individual dog license for an unsprayed or unneutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$ 3.00 payable at the time the dog license application is filed.

**Optional Dog Enumeration Surcharge**

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a \$ \_\_\_\_\_ dog enumeration surcharge payable at the time of the application is filed to license said dog.

**Optional Replacement Tag Fee**

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

**Optional Fee Exemptions**

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

- Guide dog (as defined in article 7 of the State Agriculture and Markets Law),
- Hearing dog (as defined in article 7 of the State Agriculture and Markets Law),
- Service dog (as defined in article 7 of the State Agriculture and Markets Law),
- War dog (as defined in article 7 of the State Agriculture and Markets Law),
- Working search dog (as defined in article 7 of the State Agriculture and Markets Law),
- Detection dog (as defined in article 7 of the State Agriculture and Markets Law),
- Police work dog (as defined in article 7 of the State Agriculture and Markets Law),
- Therapy dog (ad defined in article 7 of the State Agriculture and Markets Law),

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

**Section \_\_\_\_\_ Issuance of license; 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. Upon the transfer of ownership of any dog, the new Owner shall immediately apply for a new license for the dog. A license cannot be Transferred to another dog.
- (C) Change of Ownership, Lost or Stolen Dogs

Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.

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.

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.

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.

(D) 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 tag 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 of 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 first 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 \$ 3.00 dollars to the Town Clerk for a replacement tag.

**Section 115 Purebred Dog License and Fee**

***Option 1***

There will not be distinct purebred licenses as previously provided for by the State. Any and all existing purebred licenses will now be required to comply with this local law.



**Option 2**

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.

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.

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.

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

The Town Clerk shall:

- (i) provide a copy of the purebred license to the owner;
- (ii) retain a record of the purebred license in the office of the Town Clerk.

No purebred license shall be transferable. Upon change of ownership of any dog licensed un 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.

Fees

\$ 20.00 if no more than ten (10) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

\$ 40.00, if no more than twenty-five(25) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

\$ 60.00, if more than twenty-five (25) registered purebred dogs of purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application.

Each Purebred Dog License shall be subject to an Animal Population Control Surcharge in the amount of \$ 3.00 payable at the time the dog license application is filed.

***(Please note that you must charge an animal population control surcharge on purebred license that is at least three (3) dollars for the purposes of carrying out animal population control efforts as provided in section one hundred seventeen – a of this article.***

**Section 116 Penalties**

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five (\$75.00) for each subsequent violation.

**Section 117 Repeal of Inconsistent Local Laws or Ordinances:**

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

**Section 118 Severability Clause**

The provision 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 ordinance.

**Section 119 Effective Date**

This local law shall be effective January 1, 2011 after filing with the Secretary of State.