

TOWN OF NORTH ELBA
LOCAL LAW NO. 3
OF 2011

Section 1: Purpose: the Town of North Elba finds that the running at large and other uncontrolled behavior of licenced and unlicensed dogs has caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town.

Section 2: Authority: This Local Law is enacted pursuant to the provisions (*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 North Elba.

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 any person who keeps or harbors any dog or who is 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 anytime 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. If such person shall be under 18 years of age, the parent or guardian of such minor shall be deemed to be the owner.

* (c) "Run at Large" means to be on private lands without the knowledge, consent, and approval of the owner of such lands or upon public lands without being tethered with a leash.

(d) "Town" means the Town of North Elba, including the Village of Lake Placid and that portion of the Village of Saranac Lake within the Town of North Elba.

(e) "Municipal Identification Tag" means a tag which sets forth an official identification number assigned by the Clerk of the Town of North Elba.

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 whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

(c) Uproot, dig, or otherwise damage 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 or 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 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 North Elba 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 of licensing or the renewal of an existing license. A vaccination for rabies shall not be required if said vaccination would endanger the dog's life. A written statement from a duly licensed veterinarian indicating that a rabies vaccination would endanger the dog's life must be presented annually to be exempt from the licensing requirement of this local law.

(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. Each licensed dog will receive a Municipal Identification Tag from the Town Clerk.

(c) Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$9.00 plus a \$1.00 surcharge for the purpose of carrying out animal population control and the fee for an unsplayed or unneutered dog will be \$17.00 plus 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. There shall be a \$5.00 fee for replacement of Municipal Identification Tag.

(d) Enumeration Fee: If 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 enumeration is conducted.

(e) Purebred License: The Town of North Elba will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee stated above.

(f) Service Dogs: The Town of North Elba will not require a license for any guide dog, service dog, hearing dog or detection dog as same are defined by the Agriculture and Markets Law.

(g) The Town of North Elba does not allow the licensing of dogs by a shelter. The shelter must send the adoptive dog owners to the Town Clerk or the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town of North Elba, 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 offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be no refunds of fees.

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

Section 7: Procedure of Seizure of Dogs:

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

(i) Any unlicensed dog whether on or off the owner's premises. In the event the unlicensed dog is located on the owner's premises then the owner shall first be given a written notice that the unlicensed dog must be licensed within one (1) week or else be subject to immediate seizure under this law.

(ii) Any dog not wearing a Municipal Identification Tag, not identified, and which is not on the owner's premises; and

(iii) Any dog found in violation of paragraphs (a) - (g) of Section 5 of this Local Law; and

(iv) Any dog found in violation of any provision of Article 7 of the Agriculture and Markets Law.

All seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law or with the provisions of this Local Law.

(b) The Dog Control Officer or peace officer or police officer observing a violation of this Local Law in his/her presence is authorized to issue and serve an appearance ticket

for such violation. Said violation shall be considered a Petty Offense and not a Misdemeanor.

(c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Lake Placid Police Department, Dog Control Officer, any police agency having appropriate jurisdiction or other such entity having authority to receive such complaints specifying the nature of the violation, the date thereof, a description of the dog and the name and residence of the owner, if known, of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

(d) The owner of any dog impounded by the Town of North Elba shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, provided that the owner produces proof the dog has a:

- (i) Valid Dog License;
- (ii) Valid Rabies Vaccination; and
- (iii) Pays a \$75.00 seizure fee; and
- (iv) Pay the cost to impound the dog in an amount not to exceed \$75.00.

Section 8: Penalties: Any person convicted of a violation of this Local Law shall be subject to a fine in a minimum amount of \$25.00 but not to exceed \$250.00 and to a term of incarceration not to exceed fifteen (15) days, or both. Additionally, an owner shall pay a penalty of \$75.00 for any dog seized and the cost to impound said dog in an amount not to exceed \$75.00.

Section 9: Separability: Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10: Repealer: This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of North Elba, and they shall be upon the effectiveness of this Local Law, null and void.

Section 11: Effective Date: This Local Law shall be effective upon filing with the Secretary of State.