

Town of Marshall New York
Local Law #5 2010
Dog Control

Section 1: Purpose: The Town Board of the Town of Marshall finds that the running at large and other uncontrolled behavior of licensed 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 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 #5 2010* of the Town of Marshall.

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 or unlicensed, member 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 two (2) 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 public place or on private land without the knowledge, consent and approval of the owner of such lands.

(d) **“Town”** means the Town of Marshall

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 this 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 of the property.
- (d) Chase, jump upon or at or otherwise harass any person in such manner as to cause intimidation for 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 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 Marshall must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies Vaccination at the time of licensing or the renewal of an existing license.
- (b) 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.

(c) Fees for Licensing of Dogs:

The fee for a spayed or neutered dog will be \$5.00, (which includes 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 \$13.50, (which includes 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 \$10.00 fee will be assessed to all dogs found unlicensed or not renewed at the time the enumeration is conducted.
- (e) Purebred License: The Town of Marshall 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 Marshall will not require a license for any guide, hearing, service, war, working search, detection, police and therapy dogs. The definitions of such service dogs are under Article 7 of the Agriculture & Markets Law.
- (g) The Town of Marshall 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.

- (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 refund of fees.
- (i) All fees will be used in funding the administration of the Dog Control Law of the Town of Marshall.
- (j) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York Department of Agriculture and Markets are as follows: **First Offense:** The same impoundment and euthanasia Fees per animal that are charged to the Town for such service. **Second Offense:** \$60.00 plus the impoundment and euthanasia fees per animal.

Section 7: Procedure for seizure of dogs:

- (a) The Dog Control Officer or any peace officer shall seize any unlicensed dog whether on or off the owner's premises.

Any dog not wearing a tag, and after June 15, 1985, not identified, and which is not on the owner's premises, and 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 Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Marshall 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 this Local Law may file a complaint Under oath with the Town Justice of the Town of Marshall 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 8: Penalties: Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Fifty Dollars (\$50.00) for a first violation; of Seventy-five Dollars (\$75.00) for a second violation and One Hundred Dollars (\$100.00) for each subsequent violation.

Section 9: 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 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 Marshall, and they shall be upon the effectiveness of this Local Law, null and void.

Section 11: Effective Date: This Local Law shall be effective January 1, 2011 after filing with the Secretary of State.