

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.

Town of Jackson

Local Law No. 1 of the year 2011

A local law to implement a dog control and licensing program

Be it enacted by the Town Board of the Town of Jackson as follows:

TOWN OF JACKSON DOG CONTROL LAW

Section 1: Purpose: The Town Board of the Town of Jackson finds that 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 provision 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 the Dog Control Law of the Town of Jackson.

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 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 Town Clerk or the Dog Control Officer and a reasonable search has been made. If a dog is not licensed, the term

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“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. If the “owner” is under 18 years of age, the head of the household in which said minor resides, 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 a public place or on private land without the knowledge, consent, and approval of the owner of such lands.
- (d) “Town” means the Town of Jackson.
- (e) “Dog Control Officer” or “Dog Warden” means a person or persons appointed by the Town for the purpose of enforcement of this Law.
- (f) “Altered Dog” means a dog which has been spayed or neutered.
- (g) “Unaltered Dog” means a dog which has not been spayed or neutered.

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 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 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 such property.
- (d) Chase, jump upon or at, or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles, bicycles, or wheelchairs while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

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- (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 Jackson must be licensed with the Town Clerk by the age of four (4) months and owners are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- (b) All dog licenses will be for a period of one year and will expire at the end of the month of one year from the date of issue.
- (c) The Town Clerk must be notified when a dog is sold, deceased, transferred to new owner or considered lost.

(d) Fees for Licensing of Dogs:

- 1) Altered and Unaltered Dogs: The fees for an altered and an unaltered dog will be set by a resolution of the Town Board.
- 2) Purebred License: The fees for Purebred Licenses will be set by a resolution of the Town Board.
- 3) Replacement Tags: If an issued dog tag is lost, a new tag with a new number may be issued. The fees for replacement tags will be set by a resolution of the Town Board.
- 4) Enumeration Fee: When the Town Board determines the need for a dog enumeration, the fees will be set by a resolution of the Town Board.
- 5) Service Dogs: The Town of Jackson will require as license for any guide dog, service dog, therapy dog, hearing dog or detection dog, however, upon documentation that said dog is a service dog; the license fee will be waived.
- 6) Seasonal Dogs:
All dogs in the Town of Jackson must be licensed. Any dog, whose owner does not primarily reside within the Town of Jackson, may show proof of license from another municipality.

- (e) The Town of Jackson does NOT allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk for licensing.

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- (f) Original dog licenses can be purchased by visiting the Town Clerk's Office. Thereafter, a renewal will be sent annually by the Town Clerk to the owner which can be returned either by mail or by visiting the Town Clerk's Office. When completing an original or renewal license, the appropriate fee and up-to-date Certificate of Rabies vaccination must be presented. If the dog has been altered, proof of documentation should also be presented so that the Town Clerk has it on file for the life of the dog.
- (g) In rare cases, an updated rabies vaccination may not be advised by a licensed veterinarian. In such cases, the owner will need from the licensed veterinarian a written statement explaining why the life of the dog would be endangered by the vaccine.
- (h) All fees, excluding the NYS surcharge, will be used in funding the administration of the Dog Control Law of the Town of Jackson. There will be NO refund of fees.
- (i) Fees for Seizure Impoundment of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the Law of the New York State Department of Agriculture and Markets Law are as follows:
- 1) First Offense: For the first impoundment of any dog owned by that person - \$30 for the first 24 hours or part thereof and \$15 for each additional 24 hours or part thereof.
 - 2) Second Offense: For the second impoundment of any dog owned by that person - \$40 for the first 24 hours or part thereof and \$15 for each additional 24 hours or part thereof.
 - 3) Third Offense: For the third and subsequent impoundments of any dog owned by that person - \$60 for the first 24 hours or part thereof and \$15 for each additional 24 hours or part thereof.
 - 4) If upon redemption of any dog received a rabies vaccination, said charge of such vaccination shall be added to impoundment fees.

Section 7: Procedure for Seizure of Dogs:

- a) The Dog Control Officer or Dog Warden shall seize:
- 1) An unlicensed dog whether on or off the owner's premises:
 - 2) Any dog not wearing a tag, not identified, and which is not on the owner's premises, and

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- 3) Any dog found in violation of paragraphs (a) through (g) of Section 5 of this Local Law.
 - 4) Such seized dog shall be available for redemption by their owners for a period of time equal to five (5) days for each unidentified dog (whether licensed or not), ten (10) day for each licensed dog whose owner is notified personally that the dog is in the shelter or ten (15) day for each licensed dog whose owner is notified by certified mail that the dog is in the shelter.
 - 5) Such seized dog shall be available for adoption (or euthanasia) if at the end of the appropriate redemption period, said dog has not been redeemed by its owner.
 - 6) Prior to releasing a dog to its owner or adopting out a dog, the Dog Control Officer or shelter shall deliver to the owner a statement of number of days the dog has been in the shelter and the costs for any veterinary care, which statement the owner shall take to the Jackson Town Clerk to whom all fees due and owing for the shelter and veterinary care shall be paid together with the impoundment fees pursuant to statute and any licensing fees, whereupon the Town Clerk shall give a receipt to the owner who shall then deliver it to Dog Control Officer or shelter at which time such dog may be released to owner.
- b) The Dog Control Officer observing a violation of this Law in his/her presence shall issue and serve an appearance ticket for such violation.

Section 8: Penalties: Any person convicted of a violation of this Local Law shall be liable for a penal penalty of twenty-five dollars (\$25.00) for the first violation; of fifty dollars (\$50.00) 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 with the Town of Jackson, 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.

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout 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 Town of Jackson was duly passed by the Town Board on December 29, 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 (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ 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 (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ 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 (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ 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.

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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.


Town Clerk

(Seal)

Date: January 4, 2011

(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 WASHINGTON

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

Attorney for the Town
Title

Town of Jackson

Date:

1/3/2011