

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231

**(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
- of Otego
- Town
- Village

Local Law No. 6 of the year 2010

A local law for the licensing and control of dogs in the Town of Otego  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

- County
- City
- of Otego as follows:
- Town
- Village

**BE IT ENACTED** by the Town Board of the Town of Otego as follows:

Section 1. Purposes

The purposes of this Local Law are: 1) to establish the fees for the licensing and identification of dogs, the control and protection of the dog population, the protection of persons, property, domestic animals, and deer from dog attack and damage; and 2) to preserve the public peace and promote the health, safety and welfare of the citizens of the Town of Otego [hereinafter referred to as "the Town"], consistent with the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, by the imposition of regulations on dogs and the keeping of dogs within the Town.

Section 2. Authority

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.

Section 3. Definitions

The definitions set forth in Section 108 of Article 7 of the Agriculture and Markets Law of the State of New York are incorporated by reference. In addition, the following terms are defined as follows:

(a) "At Large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (1) a guide dog; (2) a police work dog in use for police work; or (3) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

(b) "Adequate Shelter" means a weatherproof, four-sided, roofed structure of sufficient size to allow the dog for which it is provided to lie down, stand up, and turn around inside it, but sufficiently small to allow the dog to conserve body heat during cold weather. It shall be constructed so that any metal parts, except nail and/or screw heads and similar small parts, shall not come into contact with the dog while it is inside the structure. Each dog shall have its own individual shelter. A vehicle shall not be considered adequate shelter, except when the dog is actually being transported in such vehicle.

(c) "Leashed" means restrained by a rope, strap, chain or other restraining device, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

#### Section 4. Dog Licensing Requirement

All dogs within the Town four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete, and return to the Town Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town. 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. Each license issued shall be valid for a period of one year and shall not be transferable.

#### Section 5. License Fees

(a) Annual Fee - The annual license fee for each dog license issued by the Town pursuant to Sections 109 and 110 of the Agriculture and Markets Law of the State of New York, shall be: (1) \$6.50 for each spayed or neutered dog; and (2) \$16.50 for each unspayed or unneutered dog, which fees include a surcharge of \$1.00 for altered dogs or \$3.00 for unaltered dogs for the purpose of carrying out animal population control efforts, which surcharges shall be submitted to the animal population control fund.

(b) Purebred Licenses - The annual fee for each purebred or kennel license issued by the Town shall be:

(1) Thirty Dollars (\$30.00), if no more than ten (10) registered purebred dogs over the age of six months are harbored on the owner's premises at the time of the application;

(2) Fifty-Five Dollars (\$55.00), if no more than twenty-five (25) registered purebred dogs over the age of six months are harbored on the owner's premises at the time of application;

(3) One Hundred Five Dollars (\$105.00), if more than twenty-five (25) registered purebred dogs over the age of six months are harbored on the owner's premises at the time of application.

(4) In addition to the fees in subparagraphs 1, 2, and 3 above, there shall be a surcharge of \$1.00 for each altered purebred dog or \$3.00 for each unaltered purebred dog, for the purpose of carrying out animal population control efforts, which surcharges shall be submitted to the animal population control fund.

(c) The license fees described in Section 5(a) and 5(b) above shall include the cost of the identification tag. In the event a replacement identification tag is necessary, there will be a \$2.00 fee for the replacement tag.

(d) Discount for Senior Citizens - The annual license fee described in Section 5(a) and 5(b) above shall be discounted to \$3.50 for each spayed or neutered dog whose owner is age 62 or older and to \$10.50 for each unspayed or unneutered dog, whose owner is age 62 or older.

(e) Surcharge - In addition to the license fees imposed by Sections 5(a) and 5(b) of this Local Law, and in the event the Town conducts a dog enumeration, there shall be a surcharge of \$5.00 for any unlicensed dog discovered during the enumeration, which surcharge shall be retained by the Town and used to defray the cost of enumeration of dogs living within the Town.

(f) Duration of Licenses - All dog licenses shall last for a period of one year and will expire at the end of the month one year from the date of issuance. Owners may obtain a multiple-year license for up to three years, upon payment of the appropriate license fees for the additional years.

(g) Late Charge - A late charge will be imposed on each and every delinquent dog license at a rate of Two Dollars (\$2.00) for each thirty (30) day period after the expiration date of such license.

#### Section 6. Exemptions

(a) Guide dogs, hearing dogs, service dogs, war dogs, working search dogs, detection dogs, police work dogs or therapy dogs must be licensed, but shall be exempt from the requirement of paying a license fee.

(b) 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 this Local Law.

(c) A dog participating in a dog show shall be exempt from the identification requirements of Section 111 of the Agriculture and Market Law during such participation.

#### Section 7. Shelter License.

The Town authorizes the Delaware Valley Humane Society, or any animal shelter organization that contracts with the Town, to provide animal shelter services [hereinafter referred to as "animal shelter provider"], acting by its manager to provide an application for a dog license to any resident of the Town at the time of the adoption of a dog from the animal shelter provider and to direct the applicant to obtain the license at the office of the Town Clerk prior to completing the adoption, so that such application is made in accordance with Section 5(a) of this Local Law.

#### Section 8. Barking, Noisy Dogs Prohibited

No owner of any dog shall allow such dog to engage in habitual loud barking, howling or whining or otherwise to conduct itself in such a manner as to habitually annoy or disturb another person.

#### Section 9. Dog Leash Required

No owner of a dog shall permit such dog to run at large.

#### Section 10. Seizure of Dogs

(a) A dog control officer or a peace officer shall seize:

- (1) Any dog not wearing a collar and an identification tag and not on the owner's premises;
- (2) Any unlicensed dog;
- (3) Any dog running at large;
- (4) Any dog not confined as required by a deer depredation order;
- (5) Any dog which a judge or justice has determined there is probable cause to believe is dangerous where such judge or justice has issued an order to seize and hold the dog pending judicial determination;
- (6) Any dog confined as required by a night quarantine order.

(b) A dog control officer or a peace officer shall seize and destroy or destroy immediately any dog not confined as required by a deer depredation order, which is observed by such officer to be attacking, chasing or worrying a deer.

(c) A dog control officer or a peace officer may destroy any dog not confined as required by a night quarantine order.

#### Section 11. Adequate Shelter Required

It shall be a violation for any owner to confine, restrain, or otherwise leave any dog unattended outdoors without adequate shelter for more than one hour, or to allow any other person to do so.

#### Section 12. Penalties

Penalties for violation of this local law shall be as prescribed in Section 118 of the Agriculture and Market Laws of the State of New York, as the same may be amended from time to time hereafter. Any fines or penalties imposed and bail forfeitures shall be the property of the Town and used for the purposes allowed by Section 119 of the Agriculture and Markets Law, as the same may be amended from time to time hereafter.

#### Section 13. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

#### Section 14. Repealer

Ordinance No. II for 1979 is hereby repealed. Ordinance No. I of 1995 is hereby repealed. Local Law No. 1 of 1999 is hereby repealed. Local Law No. 3 of 2000 is hereby repealed.

#### Section 15. Effective Date

This local law shall take effective on January 1, 2011, subject to its filing with the Secretary of State.

(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. 6 of 2010 of the (County) (City) (Town) (Village) of Otego was duly passed by the Town Board on November 10, 2010, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

~~**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.~~  
(Elective Chief Executive Officer\*)

~~**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 Otego was duly passed by the Town Board on \_\_\_\_\_, 20, and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_.~~  
(Elective Chief Executive Officer\*)

~~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 \_\_\_\_\_.~~ Such local law was subject to permissive referendum and (Elective Chief Executive Officer\*)  
~~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.

