

TOWN OF PERU

LOCAL LAW NO. 1 OF THE YEAR 2011

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

Section 1. Title.

The title of this Local Law shall be "DOG LICENSING AND CONTROL LAW OF THE TOWN OF PERU".

Section 2. 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 rule Law of the State of New York.

Section 3. Purpose.

The purpose of this law shall be provide for the licensing and identification of dogs and to preserve public peace and order in the Town of Peru and to promote the public health, safety and welfare of its people, wildlife, and dogs by enforcing regulations and restrictions on the activities of dogs consistent with the rights and privileges of dog owners and with the rights and privileges of the citizens of the Town of Peru.

Section 4. Definition of Terms.

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

For the purpose of this Local Law the terms as hereafter used are defined as follows:

- a. "Agriculture and Markets Law" means the New York State Agriculture and Markets Law in effect as of the effective date of this Chapter, as amended by this Chapter, and as h\thereafter amended
- b. "At Large" means unleashed and off of its owner's premises. Any dog hunting in the company of a hunter or hunters shall not be considered as running at large.

- c. "Confined" means kept on the owner's premises, either within a building, kennel or other suitable enclosure to include "invisible" fencing systems or securely fastened on a chain, wire, or other effective tether of such length but no shorter than eight (8) feet and so arranged so that the dog cannot reach or endanger any person on any adjacent premises or on any public street, way or place, or if the dog is being transported by the owner, it is secured in a cage, or is restrained within an enclosed vehicle in a manner consistent with the dog's safety and good health and so that it cannot be expected to escape therefrom.
- d. "Dog" means any member of the species canis familiars, both male and female, licensed or unlicensed.
- e. "Dog Control Officer" means any person or persons lawfully authorized by the Town Board, County or New York State Legislature to administer and enforce the provisions of this Local Law and Article 7 of the Agriculture and Markets Law.
- f. "Euthanize" means to bring about death by a humane method.
- g. "Harbor" means to provide food, water, and shelter to any dog.
- h. "Identified Dog" means any dog carrying an identification tag affixed to its collar pursuant to Section 112 of the Agriculture and Markets Law.
- i. "Identification Tag" means 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.
- j. "Leashed" means restrained by a leash of sufficient strength that is attached to a collar or harness on a dog. Such leash shall be held by a person of sufficient ability to control the dog.
- k. "Owner" means any person who keeps, harbors, or has custody, care or control of a dog. Dogs owned by any individual under 18 years of age shall be deemed to be in the custody and control of that person's parents or other head of the household where that person resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this Local Law.

- l. "Owner of Record" means the person in whose name a dog was licensed pursuant to this chapter.
- m. "Person" means any individual, corporation, partnership, association or other organized group of persons, business entity, municipality, or other legal entity.
- n. "Resident" means an individual who maintains a residence within the Town of Peru, County of Clinton, and State of New York.
- o. "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 5. 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 surcharges and such additional fees as may be established by the Town.

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.

Section 6. Licensing Fees and Their Disposition

As authorized by Section 110 of the Agriculture and Markets Law, and as required for controlling dogs, the fees for licensing dogs in the Town are:

SPAYED OR NEUTERED

LOCAL FEE	STATE FEE	TOTAL FEE
\$5.00	\$2.50	\$7.50

**UNSPAYED OR UNNEUTERED
UNDER FOUR (4) MONTHS (AT LARGE)**

LOCAL FEE	STATE FEE	TOTAL FEE
\$5.00	\$7.50	\$12.50

**UNSPAYED OR UNNEUTERED
OVER FOUR (4) MONTHS**

LOCAL FEE	STATE FEE	SPAY/NEUTER FEE	TOTAL FEE
\$5.00	\$7.50	\$3.00	\$15.50

Senior Citizen (65+) flat fees are: \$5.00 for altered dogs, \$15.00 for unaltered dogs.

These fees will be adjusted by the Town Clerk as they are adjusted by the State of New York from time to time. Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs.

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.

In addition to the license fee established by Section 6 of this law, each applicant for a dog license shall pay a surcharge of \$2.00 which shall be retained by the Town of Peru and used to defray the cost of an enumeration of dogs living within the Town of Peru and the cost of providing replacement identification tags. licensed is altered, or a fee of

Section 7. 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 8. Issuance of License; Identification Tag

Upon validation by the Town Clerk of the Town of Peru, a dog license shall be issued and a record of its issuance using the Peru Town Form DL-1 filled out in triplicate with one copy going to owner, one copy filed for the municipality and retained in the office of the Town Clerk of the Town of Peru and one copy for the records of the Peru Town Dog Control Officer. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

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.

Identification tag:

- i. The Town Clerk shall assign a Town 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 \$2.50 dollars to the Town Clerk for a replacement tag.

Section 9. Terms of License and Renewals

Each license issued pursuant to this local law, shall be valid for a period of one year 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.

Section 10. Changes of Ownership or Address: Lost, Stolen or Dead 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.

Section 11 Dog Control Officer

Pursuant to Section 114 of the Agriculture and Markets Law, the Town Board shall maintain the appointment of a Town Dog Control Officer or contract for Dog Control Officer services with any other municipality or with any incorporated humane society or similar incorporated dog protective association. Such Officer shall have the authority and powers that are set forth in Section 114 of the Agriculture and Markets Law and shall be responsible for enforcing the Agriculture and Markets Law and this Local Law.

Section 12. Licensing Enforcement

A. Licensing Renewals

The Town Dog Control Officer shall periodically review the records of the Town Clerk to ascertain dog owners who have failed to renew dog licenses within the prescribed time period, and shall initiate enforcement thereof by posting or personally delivering a ten (10) day notice of delinquency to the dog owner of

record and if the license is then not renewed within the ten (10) day period, initiate prosecution of such act as a violation under the Penal Law in accordance with Section 119 of the Agriculture and Markets Law and this Local Law.

B. Dog Census for Licensing Purposes

The Town Dog Control Officer will complete a Town dog census every three (3) years and dog owners discovered to be in violation of the Agriculture and Markets Law will be served or posted a ten-day notice of delinquency requesting the owner to come into compliance. Thereafter, should the dog owner fail to come into compliance within the ten (10) day period, the Dog Control Officer will initiate prosecution of such act as a violation under the Penal Law in accordance with Section 119 of the Agriculture and Markets Law and this Local Law. Completed dog census reports will be kept on file with the Town Clerk.

Section 13. Regulations and Restrictions

No owner of any dog shall permit such dog to:

- a. run at large, including in any street or public place or upon private property, without the consent or approval of the owner of such property; or
- b. be off the owner's property unless leashed; or
- c. engage in habitual howling, barking, crying, or whining or to conduct itself in such a manner as to unreasonably and habitually annoy or disturb any person other than the owner of the dog, regardless of whether or not the dog is on the owner's premises; or
- d. cause damage or destruction to public or private property, or otherwise commit a nuisance upon property other than that of the owner of the dog; or
- e. bite, chase, jump upon, or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury, except when such person may be on the owner's private property without said owner's consent; or
- f. chase, leap on, or otherwise harass bicycles, motor vehicles and/or pedestrians while on a public street, highway, or place; or

- g. attack, kill, or injure any poultry, livestock, or domestic pets not belonging to the owner or attack, kill, or injure any protected wildlife; or
- h. be in violation of the dog licensing requirements of Section 109 of the Agriculture and Markets Law; or
- i. be in violation of the dog identification requirements of Section 112 of the Agriculture and Markets Law.
- j. Ride in an open vehicle without proper safety restraints for said dog.

For the purposes of this section, the term "habitual" shall mean a dog barking, whining, or otherwise making noise for repeated intervals of at least five minutes with less than two minutes of interruption, which can be heard by any person, including a law enforcement officer or dog control officer, from a location outside of the owner's or caretaker's premises.

Section 14. Filing Complaints.

Any person who observes a dog in violation of any section of this Local Law may file a signed complaint, under oath, with a Justice of the Town of Peru or with the Dog Control Officer or any Police Officer, specifying the place(s) where the violation occurred, and the name and address of the dog owner, if known.

Section 15. Enforcement.

This Local Law may be enforced by the Dog Control Officer and/or a Police Officer.

No person shall hinder, resist, or oppose any person authorized to administer or enforce the provisions of this Local Law, from performing their duties.

Section 16. Seizure Procedure.

Any Dog Control Officer or Police Officer shall have the authority to seize a dog pursuant to Section 118 of the Agriculture and Markets Law. To effect seizure, a Dog Control Officer may only use such degree of force as shall be necessary to gain control over the dog without intentionally injuring or harming the dog, and such dog shall be impounded pursuant to Section 118 of the Agriculture and Markets Law. A Dog Control Officer is not authorized hereby to

enter a building without permission of the building owner to seize a dog. When permission is not given and probable cause exists to believe that a dog is in the building and is in violation of the Agriculture and Markets Law or of this Local Law, then the Dog Control Officer can apply to a Court of competent jurisdiction to obtain a warrant to enter the building to seize the dog pursuant to Article 690 of the Criminal Procedure Law.

Any dog found to be suffering from inadequate shelter in violation of this Local Law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

Every dog seized shall be properly cared for, sheltered, fed, and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law.

Upon seizing a dog, the Dog Control Officer shall promptly make and maintain a complete record of the seizure and subsequent disposition of any dog. Such record, using the Town Form DL-18 in quadruplicate, shall include, but not be limited to, a description of the dog, the date and hour of seizure, the official identification number of such dog, if any, the location where seized, the reason for seizure, and the owner's name and address, if known. After this record is complete and an attempt has been made to notify the owner, if known, by phone, the Dog Control Officer will deliver the dog to the Town's contracted place of impoundment with the completed Town Form DL-18 for distribution by the adoption agency to the seizing Dog Control Officer, the Owner of the seized dog, the Town of Peru and a file copy for the adoption agency. The Dog Control Officer will deliver the dog to a veterinarian if the dog appears seriously injured or sick and in need of emergency measures.

Section 17. Notification of Owner; Redemption Periods and Conditions.

The procedure for notifying the owner, the appropriate redemption periods, and the conditions for redemption shall be governed by Section 118 of the Agriculture and Markets Law. Title to any dog not redeemed by its owner at the expiration of the time for redemption shall be forfeited to the Town. Such dog shall then be made available to adoption or be euthanized subject to the provisions of Section 118 of the Agriculture and Markets Law.

Seized dogs may be redeemed by producing proof of appropriate shelter and by paying the impoundment fees set forth below:

Fifty Dollars (\$50.00) for the first twenty four (24) hours or any part thereof that the dog is impounded, plus Twenty Five Dollars (\$25.00) for each additional twenty four (24) hours or any part thereof that the dog is impounded plus all other normal fees associated with the impoundment.

If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth above whether or not such owner chooses to redeem his or her dog.

Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanasia subject to the provisions of Section 118 of the Agriculture and Markets Law.

Section 18. Property Damage.

The owner of a dog shall not permit such dog, even though leashed, to do any of the following acts:

- a. Enter public buildings (except for business concerned with dogs), restaurants, or stores without first obtaining the approval of the owners. However, a dog that is trained to aid a person with a disability and is actually used for such purposes or any dog owned by a recognized training center located within the State during the period such dog is being trained or bred for such purpose is exempt from this provision.
- b. Damage or deface property not belonging to the owner of the dog.
- c. Deposit waste or commit a nuisance on the private property of a person or party other than that of the owner of the dog or on public property..

Section 19. Injuries, Expenses and/or Damages.

Any injuries, expenses and/or damages caused by a dog to any animal or property shall be the sole responsibility of the owner of said dog.

Section 20. Conditions for Keeping Dogs.

The owner of a dog shall keep all premises occupied or used by dogs in a clean and sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure by the Dog Control Officer. "Adequate" shall mean sufficient for the age, size, and number of dogs on the premises.

All dogs being transported or driven in motor vehicles must be under the complete control of the driver and safely secured. All dogs left unattended inside

a motor vehicle shall have proper air ventilation. A motor vehicle shall not be used as a permanent place of harboring a dog.

Upon violation of this section and conviction in court of the owner, the dogs become the property of the Town of Peru to be released to an authorized SPCA, humane society, veterinarian, or kennel for adoption or euthanization.

Section 21. Accidents and Accident Reports.

Any person operating a motor vehicle which strikes and injures a dog shall stop and promptly report the matter to such dog's owner or the New York State Police. The operator of such motor vehicle shall report his/her name and residence, including street address and street number, insurance carrier and insurance identification information and license number.

Section 22. Violations and Penalties.

A violation of any provision of this Local Law and/or a violation of Section 119 of the Agriculture and Markets Law shall constitute a misdemeanor as defined in the Penal Law of the State of New York. Violation of this ordinance shall be punishable as follows: by a fine of a mandatory minimum of \$25.00, not to exceed \$1,000.00; or by imprisonment for not less than 15 days and not more than one year, or by both such fine and imprisonment.

The provisions hereof are in addition to the regulations, restrictions, requirements, and penalties contained in Article 7 of the Agriculture and Markets Law, as amended or changed. Each separate offense hereunder shall constitute a separate additional violation.

Section 23. Non-Liability of Town.

The owner or harbinger of any dog so destroyed under the provisions of this Local Law, whether destroyed by the Dog Control Officer or a Police Officer or released to an authorized SPCA, humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

Section 24. Miscellaneous Provisions.

No dog shall be tied near a public building or other public facility which would intimidate person(s) from approaching or passing such areas.

Section 25. Separability.

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

Section 26. Prior Local Law.

This Local Law supersedes Local Law No. 8 of 2003, which shall be null and void upon the filing of this Local Law No. of 2011 with the Secretary of State.

Section 27. Effective Date.

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

Adopted by Town Board on _____, 2010.