

SECTION 1: LEGISLATIVE INTENT

The purpose of this local law is to promote, protect and preserve the health, welfare and property of the residents and owners of property within the Town of Lyndon by imposing restrictions and regulations upon the licensing, identification and control of dogs.

SECTION 2: AUTHORITY

This local law shall be consistent with the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, hereinafter referred to as “Article 7” and this local law shall be deemed automatically amended as said Agriculture and Markets Law shall be amended from time to time, as necessary to cause this local law to comply therewith.

SECTION 3: DEFINITIONS

- (a) “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.
- (b) “Enumerator” means any person designated by the Town Board to ascertain and list the names of all persons within the Town owning or harboring dogs and other duties herein listed.
- (c) “Town” means the Town of Lyndon.
- (d) All other definitions contained in Article 7 are hereby incorporated in this local law.

SECTION 4: DOG CONTROL OFFICER

In accordance with the provision of Article 7, the Town Board hereby appoints the Dog Control Officer to carry out the duties of such position as said Article 7 shall specify. Pursuant to Section 113, subdivision 6 of Article 7, the Town Board hereby directs the Dog Control Officer to act as Enumerator, which job shall not exclude other duties, but may include annually ascertaining and listing the names and addresses of all persons in the municipality owing or harboring dogs.

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 of 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 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 Lyndon must be licensed with the Town Clerk by the age of four (4) months. A current rabies certificate or statement in lieu thereof certified by a licensed veterinarian pursuant to Section 109, subdivision 2 of the Agriculture and Markets Law shall be required at the time of licensing or renewal of an existing license. Notwithstanding the foregoing, any dog which is owned by a non-resident of New York State and is licensed by a jurisdiction outside New York State shall for a period of thirty (30) days be exempt from the licensing and identification provisions 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, provided, that 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
- (c) Fees for licensing dogs: The fee for a spayed or neutered dog is \$6.00, (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog is \$13.00, (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control). Such fees may be changed by a resolution of the Town Board, in compliance with Article 7, if deemed necessary by the Town Board after reviewing them.

- (d) Enumeration surcharge: An additional surcharge of \$20.00 will be assessed for each dog found unlicensed or renewed at the time an enumeration is conducted, to be used as directed by Section 110(4)(a) of Article 7.
- (e) Exemptions: Any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog as defined in Article 7 is exempt from licensing fees. Each copy of any license for such dog shall be conspicuously marked to identify, by type of dog, the reason for the exemption.

SECTION 7: IDENTIFICATION TAGS

- (a) Identification tags as required by Article 7, Section 11, shall be issued for each dog at the time it is licensed. A dog participating in a dog show is exempted from carrying its identification tag during such participation. The Town will provide identification tags for dogs exempted from license fees under Section 6(e) above at the same cost, if any, incurred by the Town for such tags.
- (b) Replacement tags will be provided at the same cost, if any, incurred by the Town for such tags plus \$1.00.

SECTION 8: VIOLATIONS

Any violation set forth in Section 118 of Article 7 shall be a violation of this local law, and any violation of this local law shall be punishable as set forth in Section 118 of Article 7.

SECTION 9: ENFORCEMENT

This local law shall be enforced by any dog control officer or peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Lyndon.

SECTION 10: SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION

- (a) any dog found in violation of the provision of Section 5 of this local law may be seized pursuant to the provision of Section 117 of Article 7;
- (b) every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 117 of Section 7;
- (c) seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 and by paying impoundment fees as follows:

- (i.) fifteen dollars for the first twenty-four hours or part thereof and fifteen dollars for each additional twenty-four hours or part thereof for the first impoundment of any dog owned by that person;
- (ii.) twenty-five dollars for the first twenty-four hours or part thereof and twenty-five dollars for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
- (iii.) thirty-five dollars for the first twenty-four hours or part thereof and thirty-five dollars for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

Such fees may be changed by a local law if deemed necessary by the Town Board.

- (d) if the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this section whether or not such owner chooses to redeem his or her dog;
- (e) any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Section 117 of Article 7.

SECTION 11: COMPLAINT

Any person who observes a dog in violation of this local law may contact the Town of Lyndon Dog Control Officer or may file a complaint under oath with a Justice of the Town of Lyndon specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this local law.

SECTION 12: APPEARANCE TICKET

Any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Lyndon, having reasonable cause to believe that a person has violated this local law, shall issue and serve upon such person an appearance ticket for such violation.

SECTION 13: SEPARABILITY OR PROVISIONS

Should any section or provision of this local law be determined to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole, or any part thereof other than the part determined to be unconstitutional or invalid. In the event that any provision of

this local law is construed to be in contravention of the laws of the State of New York, the State Law will take precedence.

SECTION 14: REPEAL

This local law shall supersede all prior local laws, ordinances, rules and regulations which relate to the subject matter of this local law, and they shall be, upon the effective date of this local law, repealed.

SECTION 15: EFFECTIVE DATE

This local law shall become effective upon January 1, 2011 after filing in the office of the Secretary of State.