

**TOWN OF DAY
COUNTY OF SARATOGA, STATE OF NEW YORK
Local Law No. 04 of the Year 2023**

A LOCAL LAW PROVIDING FOR DOG CONTROL IN THE TOWN OF DAY

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

1. Purpose
 - a. The Purpose of this local law is to provide for the licensing, [and] identification and control of dogs.
 - b. This local law shall not apply to any dog not required to be licensed under applicable New York State law.
2. Definitions. The following words and terms have the following meaning as used in this local law, unless otherwise expressly stated or unless the context or subject matter requires otherwise:
 - a. "Town" means the Town of Day.
 - b. "Clerk" means the Town Clerk of the Town of Day.
 - c. "Dog" means any member of the species canis familiaris.
 - d. "Dog Control Officer" means [the Town of Day Dog Control Officer] any individual appointed by the Town Board to such position or in the absence of such appointment, the Town Supervisor.
 - e. "Harbor" means to provide food or shelter to any dog.
 - f. "Identification Tag" means a tag issued by the licensing municipality which sets forth an identification number, together with the name of the municipality, the state of New York, contact information, including telephone number, for the municipality and such other information as the licensing municipality deems appropriate.
 - g. "Identified dog" means any dog carrying an Identification Tag.
 - h. "Owner" means any person who is entitled to claim lawful custody and possession of a dog, and any person is who responsible for purchasing the license for such dog. The term owner shall include any person or person, firm, association or corporation who or which at any time, owns, has custody of harbors or is otherwise in control of any dog that is kept, harbored or

maintained within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held and deemed to be the owner of any dog found to be in violation of this Local Law.

i. "Owner of Record" means the person in whose name any dog was last licensed pursuant to this local law or similar local law of another municipality of New York State or if such person shall be less than 18 years of age, then the Owner of Record shall be deemed to be the parent or guardian of such person.

3. Licensing of dogs required; rabies vaccination required.

a. Licensing Required.

i. The Owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog which is under the age of four months or is otherwise not required to be licensed under applicable New York State law. Except as otherwise provided in this subdivision a license shall be issued or renewed for a period of one year, 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. All licenses shall expire on the last day of the last month of the period for which they are issued. In the event an applicant for a license presents, in lieu of a rabies certificate, a statement certified by a licensed veterinarian, as provided herein, a license shall be issued or renewed for a period of one year from the date of said statement.

ii. Application for a dog license shall be made to the Town Clerk. The application may be made in person or by mail.

iii. The application shall state the sex, actual or approximate age, breed, color, and municipal identification number of the dog if any, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of residence of the owner, as well as any further information required by New York State law.

iv. The application shall be accompanied by a license fee in an amount to be fixed from time to time by the Town Board, which license fee shall be different for spayed or neutered dogs and non-spayed or neutered dogs, and in either case a certificate of rabies vaccination or statement in lieu thereof, as required herein. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian, or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the Clerk. In lieu of the spay or

- neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog as set forth herein. Fees are non-refundable.
- v. Upon validation by the Clerk, the application shall become a license for the dog described therein.
 - vi. The Clerk, shall provide a copy of the license to the Owner and retain a record of the license that shall be a public record of the Town.
 - vii. No license is transferable. Upon the transfer or ownership of any dog, the new owner shall immediately make application for a license for such dog.
- b. The Clerk, at the time of issuing any license pursuant to this local law, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of old age or another reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk, shall file such record with a copy of the license.
- c. License fees. All revenue derived from such fees shall be the sole property of the municipality setting the same and shall be used only in accordance with New York State law, with the exception of those fees mandated for Animal Population Control Program which must be at least a \$1.00 surcharge for spayed / neutered dogs, and which must be at least a \$3.00 surcharge for unspayed / unneutered dogs. The Animal Population Control Program surcharge fees will be submitted to the Animal Population Control Fund.
- d. The Saratoga County Animal Shelter is authorized by the Town to issue dog licenses for dogs which will reside within the Town. The Saratoga County Animal Shelter is authorized to charge for and collect the license fee which will include the Animal Population Control Program surcharge. All information regarding dogs licensed by the Saratoga County Animal Shelter will be promptly provided to the Clerk. Subsequent renewals of each license shall be done by the Clerk.
- e. Enumeration. If the Town Board of the Town of Day determines the need for a town-wide dog enumeration, an enumeration fee may be assessed for each dog found to be unlicensed or with an expired license at the time of the enumeration.

4. Identification of dogs.

- a. Each dog licensed pursuant to this local law shall be assigned, at the time dog is first licensed, a municipal identification number. Such

identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times.

b. No tag carrying an identification number shall be attached to the collar of any dog other than the one to which it was assigned.

c. Change of ownership; lost or stolen dog.

i. In the event of a change in the ownership of any dog which has been licensed pursuant to this local law or in the address of the owner of record of any such dog, the owner of record shall, within ten (10) days of such change, file with the Clerk a written report of such change. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.

ii. If any dog which has been licensed pursuant to this article is lost or stolen, the owner of record shall, within ten (10) days of the discovery of such loss or theft file with the Clerk a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this article committed after such report is filed.

iii. In the case of a dog's death, the owner of record shall so notify the Clerk prior to renewal of licensure or upon the time of such renewal as set forth by the municipality in which the dog is licensed.

5. Restrictions. It shall be a violation, punishable as set forth herein, for the owner of a dog in the Town of Day to permit or allow such dog to do any of the following things:

a. Run at large within the Town of Day which means to be in a public place or on private land without the knowledge, consent and approval of the owner of such land.

b. Engage in habitual or loud barking or howling or to conduct itself in such a manner as would be reasonably expected to annoy any person other than the Owner of such dog.

c. Cause damage or destruction of property, or commit a nuisance upon the premises of a person other than the Owner of such dog.

d. Chase or otherwise harass any person in a manner which reasonably puts such person in apprehension of bodily harm or injury.

e. Create a nuisance by defecating on public property which is not immediately cleaned up by proper bagging and disposal by the Owner of such dog, or digging on public property, or defecating, urinating or digging on private property without the consent or approval of the owner of such property.

6. Violations.

a. It shall be a violation, punishable as provided herein, for:

- i. Any owner fail to license any dog;
- ii. Any owner to fail to have any dog identified as required by this local law;
- iii. Any person to knowingly affix to any dog any false or improper identification tag;
- iv. Any person to furnish any false or misleading information on any form required to be filed pursuant to the provisions of this local law;
- v. Any owner of a dog to fail to notify the Clerk of any change of ownership or address as required by this local law;
- vi. Fail to comply with any provision of this local law.

b. The Town Dog Control Officer shall have the authority to bring an action against any person who has, within the Town, committed any violation set forth herein. [Any municipality] The Town may elect either to prosecute such action as a violation under the penal law or to commence an action to recover a civil penalty.

c. A violation of this section shall be punishable, subject to such an election, either:

- i. Where prosecuted pursuant to the penal law, by a fine of not less than \$50.00 except that (i.) where the person was found to have violated this local law within the preceding five years, the fine may not be less than \$100.00, and (ii.) where the person was found to have committed two or more violations within the preceding five years, it shall be punishable by a fine of not less \$200.00 or imprisonment for not more than 15 days, or both; or
- ii. Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than \$50.00 except that (i.) when the person was found to have violated this local law within the preceding five years, the civil penalty may be not less than \$100.00 and (ii.) where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not less than \$200.00.

7. Severability. [The invalidity of any section or part thereof of this Local Law shall not invalidate any other section or part thereof. All other sections or parts thereof shall remain valid and enforceable.] If any clause, sentence, paragraph, subdivision, section, or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph,

subdivision, section, or part of this local law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

8. Repealer. This Local Law shall supersede all prior Local Laws and Ordinances relating to dog control in the Town of Day, and such prior laws and ordinances are hereby repealed.
9. Effective date. [This Local Law shall take effect January 01, 2011 after filing with the Secretary of State.] This Local Law shall take effect up on filing with the New York Secretary of State.

Explanation: New Material is underlined. Deleted Material is in [brackets.]