

Chapter 53

ANIMALS

[HISTORY: Adopted by the Town Board of the Town of Rochester: Art. I, 8-1-1974 by L.L. No. 2-1974; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I); Art. II, 5-3-1984 by L.L. No. 2-1984. Subsequent amendments noted where applicable. Amended 12-02-2010 by L.L. No. ?-2010]

Section 1 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 2 Purpose:

The Town Board of the Town of Rochester hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs.

ARTICLE I Dog Control

[Adopted 8-1-1974 by L.L. No. 2-1974; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 53-1. Prohibited activities.

It shall be unlawful for any owner of or any person harboring any dog in the Town of Rochester to permit or allow such dog to:

- A. Engage in habitual loud howling or barking or conduct itself in such a manner as to habitually annoy any person other than the owner or person harboring such dog.
- B. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.
- C. Chase or otherwise harass any person in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- D. Habitually chase or bark at motor vehicles.

§ 53-2. Enforcement.

A Dog Control Officer to be designated by the Town Board as provided by § 114 of the Agriculture and Markets Law may enforce the provisions of this chapter and may also investigate and report to a Town Justice of the Town of Rochester any dangerous dog as described in § 121 of the Agriculture and Markets Law and see that the order or orders of the

Town Justice in such case are carried out.

§ 53-3. Filing of complaints.

Any person who observes a dog causing damage or destruction to property of a person other than its owner or committing a nuisance upon the premises of a person other than its owner may file a signed complaint, under oath, with a Town Justice of the Town of Rochester, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

§ 53-4. Action on complaints.

Upon receipt by the Town Justice of the Town of Rochester of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him; if the summons is disregarded, the Justice may permit the filing of an information and issue a warrant for the arrest of such person.

§ 53-5. License fees. [Repealed]

§ 53-6. Penalties for offenses.

Any person convicted of a violation of this Article and/or § 119 of the Agriculture and Markets Law shall be subject to a fine not exceeding \$250.00 or imprisonment for a period not to exceed 15 days.

ARTICLE II
Redemption of Seized Dogs
[Adopted 5-3-1984 by L.L. No. 2-1984]

§ 53-7. Purpose.

This article is adopted pursuant to Article 7, § 118 of the Agriculture and Markets Law of the State of New York for the purpose of establishing fees for impoundment, forfeiture and redemption of unlicensed or unidentified dogs.

§ 53-8. Definitions.

The meanings of words and expressions used in this article shall be identical to the meanings as used and defined in § 108, as amended, of the Agriculture and Markets Law of the State of New York.

§ 53-9. Redemption of dogs. [Amended 4-2-1998 by L.L. No. 1-1998]

For each time the Dog Control Officer shall seize a dog, the owner, upon claiming said dog, shall pay a redemption fee as set from time to time by resolution of the Town Board.¹

1. Editor's Note: The fee schedule is on file in the town offices.

§ 53-10. Impoundment.

The provisions of § 118, Subdivision 6, of the Agriculture and Markets Laws are hereby modified to provide as follows:

- A. Where the Dog Control Officer seizes an unlicensed dog, he shall hold such dog for a minimum of seven days, and he shall not euthanize such dog until after 14 days. In the event that such dog is not claimed by the owner on or before the seventh day, notwithstanding the provisions of any other law of the town or the State of New York, the dog shall be available for adoption up until the 14th day.
- B. If a dog is licensed, the Dog Control Officer must hold such dog for a minimum period of nine days and for an additional period of seven days thereafter, during which time such dog is available for adoption. If after the 16th day the dog is not adopted, the Dog Control Officer may euthanize said dog.

ARTICLE III

DOG LICENSING

§53-10 Definitions:

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.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURE AND MARKETS LAW: The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.

IDENTIFICATION TAG – 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.

OWNER – means any person who harbors or keeps any dog or other animal.

OWNER OF RECORD – means the person in whose name a dog was last licensed pursuant to this chapter.

PERSON – A person, partnership, corporation, association or other organized group of persons, business entity, municipality or other legal entity.

RESIDENT -- An individual who maintains a residence within the Town of Rochester, County of Ulster, State of New York.

TOWN – means the Town of Rochester, County of Ulster, State of New York

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.

§53-12 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.

§53-13 Licenses issued by Animal Shelters and Pounds

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.

§53-14 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.

§53-15 Term 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.

§53-16 Fees

(A) Individual Dog License Fee

\$3.00 for a spayed or neutered dog

\$11.00 for an unspayed or unneutered dog

(B) State Mandated Animal Population Control Surcharge

Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$1.00 payable at the time the dog license application is filed.

Each individual dog license for an unspayed or unneutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$3.00 payable at the time the dog license application is filed.

(C) Dog Enumeration Surcharge

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a \$5.00 dog enumeration surcharge payable at the time of the application is filed to license said dog.

(D) Replacement Tag Fee

A replacement tag fee of \$3.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

(E) Fee Exemptions

There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog, or therapy dog, all as defined in Article 7 of the State Agriculture and Markets Law.

Each copy of any license for such dogs shall be conspicuously marked "Guide Dog," "Hearing Dog," "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog," or "Therapy Dog", as may be appropriate, by the clerk.

(F) Use of Fees

All fees listed in this section and in Section 53-18 herein shall be utilized in funding the administration of the Dog Control Law of the Town of Rochester.

(G) Fee amendments

The Town Board may change the amount of the fees to be collected under this section and/or Section 53-18, herein, from time to time, by resolution

§ 53-17 Issuance of license; identification tag.

(A) Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

(B) 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.

(C) Change of Ownership, Lost or Stolen 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.

(D) Identification tag.

- i. The Town Clerk shall assign a Town permanent official 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. 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
- iv. 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

§ 53-18 Purebred Dog License and Fee

The owner of one or more purebred dogs registered by a recognized registry association as defined in Agriculture and Markets Law, §108 may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by this local law. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

The purebred dog license application shall state the name, address and telephone number of the owner; the county and town where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

The application shall be accompanied by the license fee prescribed by this local law and a certificate of rabies vaccination or statement in lieu thereof, as required by this local law and article 7 of the State Agriculture and Markets Law.

Upon receipt of the foregoing items, the clerk shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefore shall be made.

The Town Clerk shall:

- (i) provide a copy of the purebred license to the owner;
- (ii) retain a record of the purebred license in the office of the Town Clerk.

No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision one of this section, except when the new owner holds a valid purebred license.

Fees

\$25.00, if no more than ten (10) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

\$50.00, if no more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

\$100.00, if more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

Each Purebred Dog License shall be subject to an Animal Population Control Surcharge in the amount of \$3.00 payable at the time the dog license application is filed.

§ 57-19 Penalties

Any person convicted of a violation of this Article shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 6 Repeal of Inconsistent Local Laws or Ordinances:

This Local Law shall supersede all prior inconsistent Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the Town. All prior inconsistent Local Laws, Ordinances, Rules and Regulations shall be, upon the effectiveness of this Local Law, null and void.

Section 7 Severability Clause

The provision of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance..

Section 8 Effective Date

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