

Town of Berlin-Local Law No. 2 of the year 2010

A Local Law regulating the licensing of dogs.

Be it enacted by the Town Board of the Town of Berlin, New York as follows:

Section 1. PURPOSE AND INTENT:

The Town Board of the Town of Berlin finds it necessary to make a Local Law to address the licensing of dogs since the State of New York, on June 22, 2010, signed into law a measure that mandates this function to the Town of Berlin, effective January 1, 2011.

The purpose of this Local Law is to meet this mandate which will provide a necessary protection of health, safety and welfare of persons within the Town of Berlin.

All owners of dogs who are residents of the State of New York shall license their dog(s).

All owners of dogs who are permanent residents of the Town of Berlin shall license their dog(s) in the Town of Berlin.

Owners of dogs whose permanent place of residence is outside the boundaries of the Town of Berlin shall be required to show proof of dog licensing when and if so needed. Such owners are subject to be in compliance with any and all Local Laws pertaining to dogs.

Section 2. AUTHORIZATION:

This Local Law is adopted pursuant to section 10 of the Municipal Home Rule Law and New York Agriculture and Markets Law Part T of Chapter 59 of the Laws of 2010.

Section 3. DEFINITIONS:

As used in this Local Law, the following terms shall have the meanings as indicated:

CUSTODIAN:

means any person having possession or guardianship of any dog who is not the owner of the dog.

DOG - means any male or female, licensed or unlicensed member of the species *Canis Familiaris*.

DOG CONTROL OFFICER -^v

means any individual appointed by the Town of Berlin to enforce any and all New York State Agriculture and Markets Laws and Local Laws regulating dogs

HARBOR- means to provide food and/or shelter to any dog.

IDENTIFICATION TAG -

means a tag issued by the Town of Berlin which is the official identification number assigned to a specific

dog. IDENTIFIED DOG -

means any dog carrying an identification tag as required by this Local Law.

LICENSE EXPIRATION DATE -

means the expiration date as noted on the issued dog license.

OWNER - means any person who harbors or keeps a dog. Any person owning or harboring a dog for a period of one (1) week in the Town of Berlin shall be held and deemed the owner of such dog for purposes of this Local Law.

OWNER OF RECORD - means the person in whose name any dog was last licensed. If any license was or is issued on application of a person under eighteen (18) years of age, the owner of record shall be deemed to be the parent or guardian of such person.

TOWN CLERK- means the Clerk of the Town of Berlin, where dog licenses are issued pursuant to this Local Law.

Section 4. PROCEDURE TO OBTAIN A DOG LICENSE:

NEW (ORIGINAL) LICENSE:

The owner of any dog reaching the age of four (4) months shall immediately make application to the Town Clerk for a dog license.

Such application must be accompanied with a proof of rabies vaccination and of being spayed or neutered. Such certification must be signed by a veterinarian to be deemed valid in order to obtain a dog license.

Dog licenses shall be issued for a period of one (1) year.

No license shall be issued to expire after the expiration date of the rabies vaccination.

All licenses shall expire on the last day of the last month for which it is issued.

The owner of any dog shall notify the Town Clerk of a change of address, ownership or death of the licensed dog.

LICENSED DOG IDENTIFICATION:

A Town of Berlin dog license identification tag will be provided to the owner of the dog. The identification tag must be affixed to a dog collar and worn by the dog at all times.

LICENSE RENEWAL:

At the beginning of each month the Town Clerk shall mail a reminder to all owners of dogs whose license will expire at the end of that month.

No license shall be issued to expire after the expiration date of the rabies vaccination.

For those owners who fail to renew the license the Town Clerk shall mail a late renewal fee invoice and warning that failure to renew the license, within a specified time, shall result in the issuance of a court appearance ticket.

Section 5. **LICENSE FEES:**

License fee for spayed/neutered Dog: \$ 9.00 + NYS Surcharge \$1.00 = \$10.00

License fee for un-spayed/un-neutered Dog: \$14.00 + NYS Surcharge \$3.00 = \$17.00

Section 6. **VIOLATIONS:**

It shall be the duty of the dog control officer to bring action against any owner, custodian or person within the Town of Berlin who violates any of this Local Law.

It shall be a violation for

- A. any owner to fail to license any dog.
- B. any owner to fail to renew a dog license on or before the license expiration date.
- C. any owner to fail to identify a licensed dog.
- D. any person to knowingly affix to any dog a false or improper identification tag.
- E. any person to furnish any false or misleading information on any forms required by the Town of Berlin to obtain a dog license.

Section 7. **PRESUMPTION:**

Establishment of the fact or facts that the owner of a dog failed to properly license and identify his/her dog as licensed shall be presumptive evidence that the owner or person harboring said dog is not in compliance with provisions of this Local Law.

Section 8. **SEIZURE, IMPOUNDMENT AND REDEMPTION:**

- A. Any dog found in violation of not having been vaccinated against the rabies disease shall be seized and impounded and properly cared for, sheltered, fed and watered.
- B. Seized dogs may be redeemed by producing proof of licensing and identification and paying any and all fees, levied fines and related expenses associated with the dog.
- C. If the owner of any unredeemed dog is known, such owner shall be required to pay any fees, levied fines or related expenses associated with the dog whether or not such owner chooses to redeem his or her dog.
- D. Any dog unredeemed after a thirty (30) day redemption period shall be made available for adoption.

Section 9. **COMPLAINTS:**

Any person may file a complaint under this Local Law with the Berlin dog control officer or any law enforcement officer of the Rensselaer County Sheriffs Department or New York State Police. Such complaint may serve as the basis of enforcing the provisions of this Local Law. The Berlin Dog Control Officer is authorized to take appropriate legal action against violators of this Local Law.

Section 10. **PENALTIES:**

Any person who is found to have violated any provision of this Local Law shall, upon conviction thereof, be subject to a minimum fine of \$50.00 and a maximum fine of \$275.00 per dog, per violation.

Section 11. **INTERFERENCE WITH OFFICERS:**

Any person who shall interfere with or obstruct any dog control officer or police officer shall be guilty of a misdemeanor, punishable by imprisonment for not more than one (1) year or by a fine of not more than one thousand dollars (\$1,000.00) or both.

Section 12. **EFFECTIVE DATE:**

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.