

CHAPTER 55: This chapter shall be known and may be cited as the "Dog Licensing and Control Law of the Town of Lysander, New York."

[§ 55-2 Purpose.](#)

The purpose of this chapter is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of personal property, domestic animals and deer from dog attack and damage and to preserve the public health, safety and welfare by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of citizens of the Town.

[§ 55-3 Authority.](#)

This chapter is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York, as amended by Part T of Chapter [59](#) of the Laws of 2010, and as may be subsequently amended and supplemented.

[§ 55-4 Applicability.](#)

This chapter shall apply to any dogs, whether or not tagged or licensed, harbored in the Town of Lysander, except that [§ 55-10](#) shall apply only to that part of the Town of Lysander outside the Village of Baldwinsville.

[§ 55-5 Definitions and word usage.](#)

All words, terms or phrases used herein shall have the meanings indicated below or as defined in the Agriculture and Markets Law. If no specific definition is set forth, all words shall have their usual and customary meaning in the English language. Words used in the present tense include the future and the plural includes the singular. The word "shall" is intended to be mandatory.

[\*\*ANIMAL/DOG CONTROL OFFICER\*\*](#)

Any individual or other entity appointed by the Town Board to enforce the provisions of this chapter.

[\*\*CLERK\*\*](#)

The Town Clerk, or Deputy Town Clerk, of the Town of Lysander or his or her agent.

[\*\*DOG\*\*](#)

Any member of the species canis familiaris.

[\*\*HARBOR\*\*](#)

To provide food or shelter to any dog.

## IDENTIFICATION TAG

A tag issued by the Clerk that sets forth an identification number, as required by the provisions of this chapter.

## IDENTIFIED DOG

A dog carrying an Identification Tag.

## OWNER

Any person, alone or jointly, who harbors or keeps any dog.

## PERSON

Any individual or corporation, partnership, company, association, other organized group of persons or other legal entity.

## RUN AT LARGE

To be off the premises owned or leased by the owner and not restrained by an adequate leash, cord, chain, rope or other restraining device of reasonable length. No dog shall be deemed to be "running at large," however, if the dog is:

A. A guide dog actually leading a visually impaired or other disabled person.

B. A police dog in use for police work.

C. Accompanied by its owner or other responsible person and under such person's full and immediate control by voice command.

## TOWN

The Town of Lysander, including incorporated areas.

## § 55-6Dog licensing requirements, procedures and fees.

A. License application.

(1) 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 under the age of four months that is not at large or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective society.

(2) Application for a dog license shall be made to the Clerk and shall be accompanied by the appropriate license fee, as specified below.

(3) The application shall state the sex, actual or approximate year of birth, breed, color(s), and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town of residence of owner, and such other information as deemed necessary by the Clerk.

(4) In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Clerk.

(5) The application shall be accompanied by 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 age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk shall make or cause to be made from such statement a record of such information and keep such record, electronically or otherwise, along with a copy of the license.

B. License fees. The fees for a dog license shall be as set by resolution of the Town Board. Guide dogs, hearing dogs, service dogs, war dogs, working search dogs, detection dogs, police work dogs and therapy dogs, all as defined in the Agriculture and Markets Law, shall be exempt from license fees.

C. Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund of license fees shall be made.

D. The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.

E. A license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance. Renewal shall be for a minimum of one year and shall not exceed three years, based on the validation term of the rabies vaccination.

F. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall make application for a license for such dog within 10 days after the transfer.

G. No dog can be adopted out of the Town's animal shelter without first obtaining a license from the Clerk of the municipality where the adopted dog will be harbored.

H. Purebred licenses. An application for a purebred license may annually be made by the owner of one or more purebred dogs registered by a recognized registry association, describing the location of the premises where the dogs will be harbored, and identifying by sex, breed, and registry name and number each dog over the age of four months to be harbored on the premises. Fees for purebred licenses shall be set by resolution of the Town Board.

I. Any dog harbored within the Town that is owned by a resident of New York City or licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction

outside the State of New York, shall for a period of 30 days be exempt from the licensing and identification provisions of this chapter.

#### [§ 55-7 Identification of dogs.](#)

A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent municipal identification number. Such identification number shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times.

B. The 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.

C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee set by resolution of the Town Board.

D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

E. The identification tag shall be imprinted with the words "Town of Lysander" and "State of New York, a unique identification number, and the telephone number of the Clerk's office.

#### [§ 55-8 Change of ownership, lost or stolen dogs.](#)

In accordance with the provisions of § 112 of the Agriculture and Markets Law:

A. In the event of a change in ownership of any dog that has been assigned an identification number or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Clerk.

B. If any dog that has been assigned a municipal identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Clerk.

C. In the case of a dog's death, the owner of record shall so notify the Clerk, either prior to renewal of license or upon the time of such renewal.

#### [§ 55-9 Seizure and impoundment.](#)

In accordance with § 117 of the Agriculture and Markets Law:

A. The Animal/Dog Control Officer shall seize:

(1) Any dog which is not licensed, whether on or off the owner's premises.

[\(2\)](#) Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous.

[\(3\)](#) Any dog which poses an immediate threat to the public safety.

[\(4\)](#) Any dog in violation of any of the provisions of § [55-10](#) of this chapter which is off the owner's premises.

[B.](#) The Animal/Dog Control Officer, when acting pursuant to his or her special duties, shall make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the municipal identification number of the such dog (if any), the location where seized, the reason for the seizure and the owner's name and address, if known.

[C.](#) Each dog seized in accordance with the provisions of this chapter shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

[D.](#) Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this chapter and further provided that the owner pays the impoundment and any other applicable fees as set by resolution of the Town Board.

[E.](#) Promptly upon seizure of any identified dog, the owner of such dog shall be notified personally or in writing by first class mail of the fact of seizure and the period for redemption. If notification is given personally, such dog shall be held for a period of seven days after the date of notice, during which period the dog may be redeemed by the owner. If notification is made by mail, the dog shall be held for a period of nine days from the date of mailing, during which time the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon the payment of the impoundment and any other applicable fees set by the Town Board, and by producing proof that the dog has been licensed.

[F.](#) If, at the end of the appropriate redemption period, said dog has not been redeemed by its owner, the owner shall forfeit all title to the dog and it shall be available for adoption or be released to an authorized humane society or shelter.

[G.](#) Prior to releasing a dog to its owner, the Animal/Dog Control Officer shall deliver to the owner a statement of number of days the dog has been in the shelter and the costs for any veterinary care, which statement the owner shall take to the Clerk to whom all fees due and owing for the shelter and veterinary care shall be paid, together with the impoundment fees and any licensing fees, whereupon the Clerk shall give a receipt to the owner who shall then deliver it to Animal/Dog Control Officer at which time such dog may be released to owner.

#### [§ 55-10 Prohibited activities by dogs.](#)

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

[A.](#) Run at large. The fact that a dog runs at large in the Town of Lysander shall be presumptive evidence that the owner permitted or allowed said dog to run at large in violation of this chapter.

[B.](#) Engage in habitual and continuous loud howling, barking, crying or whining so as to unreasonably annoy other persons.

#### [§ 55-11 Penalties for offenses.](#)

Any person violating any provision of this chapter or the Agriculture and Markets Law, including, without limitation, the failure to license a dog, the failure to have a dog property identified, to knowingly affix to any dog any false or improper identification tag or special identification tag for identifying guide, service or hearing dogs or the provisions of [§ 55-10](#), shall be subject to a fine, which shall not be less than \$25 nor more than \$100, except that:

[A.](#) Where the person was found to have violated this chapter within the preceding five years, the fine shall not be less than \$50 nor more than \$250 or imprisonment for up to 30 days, or both such fine and imprisonment; and

[B.](#) Where the person was found to have committed two or more violations of this chapter within the preceding five years, the fine shall not be less than \$75 nor more than \$500 or imprisonment for up to 60 days or both such fine and imprisonment.

#### [§ 55-12 Additional powers of Animal/Dog Control Officer and peace officers.](#)

In addition to any other powers prescribed by statute or the laws of the Town of Lysander, the Animal/Dog Control officer and any peace officer authorized to act as such within the Town of Lysander may issue an appearance ticket pursuant to the New York Criminal Procedure Law or, in lieu thereof, a uniform appearance ticket or, in lieu thereof, a uniform appearance ticket and simplified information, for any violation of this chapter, or of Article 7 of the New York Agriculture and Markets Law.

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