

Chapter 98

ANIMALS

ARTICLE I

Dogs

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[HISTORY: Adopted by the Town Board of the Town of Lysander as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets — See Ch. 8.
Fees — See Ch. 146.

Noise — See Ch. 202.
Zoning — See Ch. 320.

ARTICLE I

Dogs

[Adopted 7-18-1983 (Ch. 55 of the 1989 Code); amended in its entirety 11-16-2015 by
L.L. No. 9-2015]

§ 98-1. Title.

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

§ 98-2. Purpose.

The purpose of this article is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, 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.

§ 98-3. Legislative authority.

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

§ 98-4. Applicability.

This article shall apply to any dogs, whether or not tagged or licensed, harbored in the Town of Lysander.

§ 98-5. Definitions; 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.

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*.

DOG CONTROL OFFICER — Any individual or incorporated humane society or other municipality appointed by the Town Board to enforce the provisions of this article.

HARBOR — To provide food or shelter to any dog.

IDENTIFICATION TAG — A tag issued by the Lysander Town Clerk that sets forth an identification number, as required by the provisions of this article.

IDENTIFIED DOG — A dog carrying an identification tag imprinted with the Town of Lysander.

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," unless 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.

§ 98-6. Licensing requirements; application procedures; fees.

- A. License requirement. No person shall own or possess a dog within the Town unless such dog is duly licensed pursuant to this article.
- B. 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 Lysander Town Clerk and shall be accompanied by the appropriate license fee.
 - (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 Lysander Town 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 Lysander Town 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 Lysander Town 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.
- C. 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.
- D. Upon validation by the Lysander Town 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.
- E. The Lysander Town Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.
- F. 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.

- G. 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.
- H. No dog can be released from the SPCA without first obtaining a license from the Lysander Town Clerk or license from appropriate municipal clerk.
- I. 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.
- J. 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 article.

§ 98-7. 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 Lysander Town Clerk's office.

§ 98-8. 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 Lysander Town 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 Lysander Town Clerk.
- C. In the case of a dog's death, the owner of record shall so notify the Lysander Town Clerk, either prior to renewal of license or upon the time of such renewal.

§ 98-9. Seizure and impoundment.

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

- A. The 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 § 98-10 of this article which is off the owner's premises.
- B. The 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. Promptly upon seizure of any identified dog, the owner shall be notified of such seizure and informed that the dog may be redeemed by the owner upon payment of the impoundment fee as set by resolution of the Town Board. If prompt notification to the owner cannot be made the dog will be transported to the CNY SPCA and may be redeemed by obtaining a release from the Town Clerk and Dog Control Officer after impoundment fees are collected and the dog is properly licensed in the Town of Lysander. Each dog seized in accordance with the provisions of this article shall be transported to the SPCA in accordance with the Town's Contract with said SPCA. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**
- D. Each dog which is not identified shall be transported without delay to the CNY SPCA for further disposition and kenneling by that agency.
- E. The seizure of any dog shall not relieve any person from any violation provided for by § 98-10 of this article.

§ 98-10. Prohibited acts.

It shall be a violation, punishable as provided in § 98-11 of this article for:

- A. Any owner who fails to license any dog.
- B. Any owner that fails to have any dog identified by this article.
- C. Any owner or person to knowingly affix to any dog any false or improper identification or special identification tag for identifying a guide, service, or hearing dog.
- D. Any owner to permit or allow any dog to run-at-large.
- E. To allow or permit any dog to engage in habitual and continuous loud howling, barking, crying, or whining, so as to unreasonably annoy other persons.

§ 98-11. Penalties for offenses.

A violation of this article shall be punishable upon conviction by a fine of not less than \$25, nor any more than \$250, for each subsequent conviction.

§ 98-12. Additional powers of Dog Control Officer and peace officers.

In addition to any other powers prescribed by statute or the laws of the Town of Lysander, the 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 article, or of Article 7 of the New York Agriculture and Markets Law.