

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Richford

FILED
STATE RECORDS

JAN 19 2011

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 11

A local law LICENSING AND CONTROL OF DOGS IN THE TOWN OF RICHFORD
(Insert Title)

Be it enacted by the Town of Richford Board Members of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Richford as follows:

See attached law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 11 of the (County)(City)(Town)(Village) of Richford was duly passed by the Town of Richford Board Members on December 14, 20 10, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

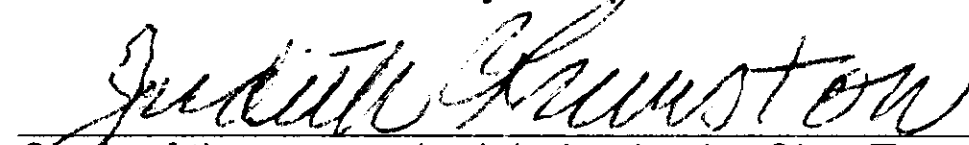
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

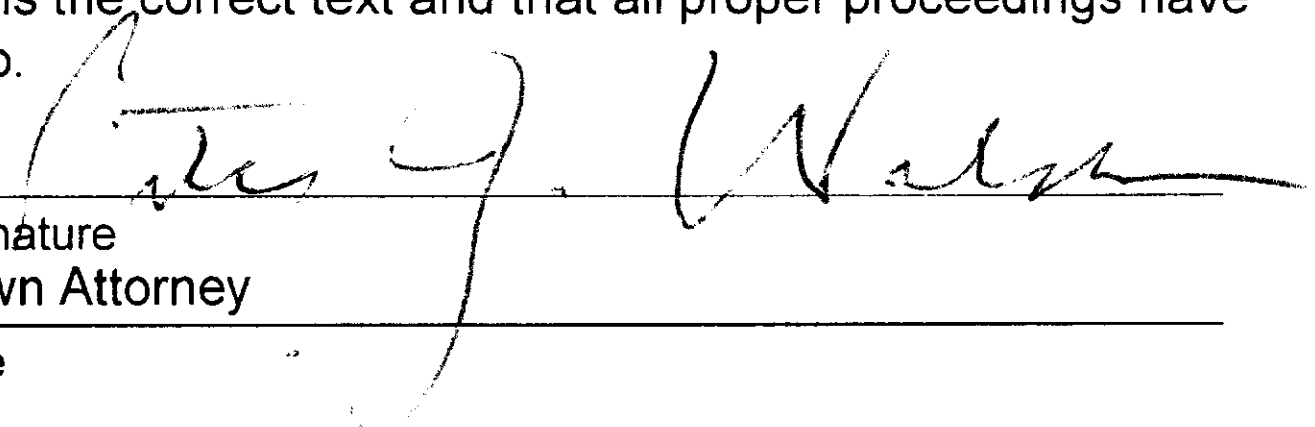
Date: 12-24-10

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF TOMPKINS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
Town Attorney
Title

County
City of Richford
Town
Village

Date: December 21, 2010

LOCAL LAW No. 1 of 2011
LICENSING AND CONTROL OF DOGS IN THE TOWN OF RICHFORD

SECTION 1: TITLE

The title of this Local Law shall be "Licensing and Control of Dogs in the Town of Richford"

SECTION 2: AUTHORITY

This Local Law is enacted pursuant to the provisions of Article 7, Chapter 59, Part T of the Agriculture and Markets Law of the State of New York in effect as of January 1, 2011 and as amended thereafter.

SECTION 3: PURPOSE

The purpose of this law is to provide for the licensing and identification of dogs, provide for the control and protection of the dog population, and protect the health, safety, and well-being of persons, property, companion, domestic, and farm animals, and deer by imposing restrictions, regulations, and seizure upon the keeping or running at large of dogs consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Richford.

SECTION 4: LIMITS TO APPLICABILITY

1. This Local Law shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined for the purposes of research to the premises of any college or other educational or research institution.
2. This Local Law shall not apply to any dog confined to the premises of any person, firm, or corporation engaged in the business of breeding or raising dogs for profit and licensed as a class A dealer under the Federal Laboratory Animal Welfare Act.

SECTION 5: DEFINITIONS OF TERMS As used in this Local Law, the following words shall have the following respective meanings:

1. **"At large"** means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is:
 - 1.1. Leashed or in the presence of a competent person not less than 14 years of age and obedient to that person's commands or within a vehicle being driven or parked on the street or within the property limit of its owner or upon the premises of another with the consent and approval of such other person, or
 - 1.2. A police work dog in use for police work, or
 - 1.3. Accompanied by its owner or other responsible person and actively engaged in hunting or training for hunting on non-posted land or on posted land with the permission of the owner of the land.

2. **“Companion animal”** means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. “Companion animal” shall not include a “domestic animal” as defined in this Section.
3. **“Dangerous dog”** means any dog which:
 - 3.1. without justification attacks a person, companion, domestic, or farm animal and causes physical injury or death, or
 - 3.2. behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person, companion, domestic, or farm animal, or
 - 3.3. without justification attacks a guide dog, hearing dog, or service dog and causes physical injury or death.
 - 3.4. “Dangerous dog” does not include a police work dog when such dog is being used to assist a law enforcement officer in the performance of his or her official duties.
4. **“Detection dog”** means any dog that is trained and is actually used for or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.
5. **“Dog”** means any member of the species *Canis familiaris*.
6. **“Dog Control Officer”** means any individual appointed or authorized by the Town Board to assist in the enforcement of this Local Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town to assist in the enforcement of this Local Law.
7. **“Domestic animal”** means any domesticated sheep, cattle, horse, deer (fallow, red, sika, or whitetail raised under license from New York State Department of Environmental Conservation), llama, goat, swine, fowl, duck, goose, swan, turkey, confined rabbit, or pheasant (raised under license from New York State Department of Environmental Conservation). The varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purposes of this Local Law.
8. **“Farm animal”**, as used in this Local Law, means any ungulate, poultry, cattle, sheep, swine, goats, llamas, horses, or fur-bearing animals as defined in New York State Department of Environmental Conservation Law, which are raised for commercial or subsistence purposes. For the purposes of this definition, fur-bearing animal does not include dogs or cats.
9. **“Guide dog”** means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period that such dog is being trained or bred for such purpose.
10. **“Harbor”** means to provide food or shelter to any dog.

11. **“Hearing dog”** means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.
12. **“Identification tag”** means a tag issued by the Town of Richford which lists an identification number and which also states the following: Town of Richford, State of New York, (607) 657-8090 and such other information as the Town of Richford deems appropriate.
13. **“Leashed”** means restrained by a leash attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.
14. **“Owner”** means any person who harbors or keeps any dog.
 - 14.1. The “owner” means the person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost and such loss was promptly reported to the Dog Control Officer and a reasonable search has been made.
 - 14.2. If a dog is not licensed, the term “owner” shall designate and cover any person or persons, firm, association, or corporation who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any animal which is kept, brought, or comes within the Town of Richford.
 - 14.3. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this Local Law shall be held and deemed to be the owner of such dog for the purpose of this Local Law.
 - 14.4. In the event any dog found to be in violation of this Local Law shall be owned by a minor (under 18 years of age), the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog in violation of this Local Law.
15. **“Police work dog”** means any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.
16. **“Service dog”** means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person’s parent, guardian, or other legal representative.
17. **“Therapy dog”** means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes, and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.
18. **“Town”** means the area within the corporate limits of the Town of Richford and/or the municipal government of the Town of Richford.

19. **“Town Clerk”** means the elected Clerk of the Town of Richford and/or the Deputy Town Clerk appointed by the Town Board.
20. **“War dog”** means any dog which has been honorably discharged from the United States armed services.
21. **“Working search dog”** means any dog that is trained to aid in the search for missing persons and is actually used for such purpose provided, however, that such services provided by said dog shall be performed without charge or fee.

SECTION 6: LICENSING OF DOGS

1. **Who may issue licenses:** The Town Clerk is solely authorized to issue licenses for the Town of Richford. The animal shelter and Dog Control Officer are not authorized to issue dog licenses for dogs redeemed or adopted.
2. **How licenses may be purchased:** All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee, rabies certificate, and spay/neuter certificate must accompany the application form. There will be no refund of fees.
3. **Period of validity:** All dog licenses shall be valid for a period of one year and shall expire at the end of the month one year from the date of issuance.
4. **Age at which a license is required:** The owner of any dog reaching the age of four months shall immediately make application for a dog license.
5. **What is on the application:** The application shall state, at a minimum, the sex, actual or approximate age, breed, color, 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 the owner.
6. **Rabies vaccination is required:** At the time of licensing or the renewal of an existing license, the owner shall complete an application accompanied by the license fee and a current Certificate of Rabies Vaccination, or in lieu thereof, a statement, certified by a licensed veterinarian, showing that:
 - 6.1. The dog has been vaccinated to prevent rabies, or
 - 6.2. Because of old age or other reason, the life of the dog would be endangered by the administration of the vaccine.
 - 6.3. No license shall be issued if the expiration date of the current rabies certificate for the dog being licensed expires within 30 days of the application date.
7. **Spay/neuter certificate:** In the case of a spayed or neutered dog, every application shall be accompanied by a certificate or certified statement signed by a licensed veterinarian showing that:

- 7.1. The dog has been spayed or neutered, or
- 7.2. 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 in the schedule of fees on file with the Town Clerk.
- 7.3. Such certificate or certified statement shall not be required if the same is already on file with the Town Clerk.
- 7.4. In any case in which the owner fails to supply the necessary documentation, the license fee for the dog shall be the same as for an unspayed/unneutered dog as set forth in the schedule of fees on file with the Town Clerk.
8. **Identification number:** The identification number issued the dog shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. The Town shall exempt dogs participating in a dog show from this requirement during such participation.
9. **False identification:** No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
10. **Special categories of dogs:** The Town of Richford shall require a license for any detection dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog, or working search dog.
 - 10.1. Each copy of any license for such a dog shall be conspicuously marked "Detection Dog," "Guide Dog," "Hearing Dog," "Police Work Dog," "Service Dog," "Therapy Dog," "War Dog," or "Working Search Dog," as may be appropriate, by the Town Clerk.
 - 10.2. The licensing fee will be waived. Such dogs are not exempt from the New York State mandated population control surcharge.
 - 10.3. The owner of such a dog may, at his or her own expense, procure a special tag for identifying such dog. This special tag shall be in addition to the identification tag required by and issued by the Town. The special tag shall be a different color and shape than the municipal identification tag.
11. **License records:** Upon receiving a complete application, any required documents, and the fee, the Town Clerk shall issue a license and tag. The Town Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.
12. **Purebred licenses:** The Town will not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the schedule of fees on file with the Town Clerk.
13. **No refunds:** No license fees are refundable or partially refundable in the event that a dog is sold, given away, lost, stolen, surrendered, or deceased before the expiration of the license, or in the event that the owner moves out of the Town of Richford

14. **No transfers:** No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
15. **Change in ownership:** In the event of a change in ownership of any dog which has been licensed pursuant to this Local Law, the owner shall, within 10 days of such change, file with the Town Clerk a written report of such change. Such owner shall be liable for any violations of this Local Law until such filing is made or until the dog is licensed in the name of the new owner.
16. **Lost or stolen dogs:** If any dog which has been licensed pursuant to this Local Law is lost or stolen, the owner shall, within 10 days of the discovery of such loss or theft file with the Town Clerk a written report of such loss or theft. Such owner shall be liable for any violations of this Local Law until such filing is made.
17. **Death of the dog:** In the event of a dog's death, the owner shall so notify the Town Clerk either prior to or upon receipt of a license renewal form.
18. **Change in address:** In the event of a change in address of the owner of any dog which has been licensed pursuant to this Local Law, the owner shall, within 10 days of such change, file the new address with the Town Clerk.
19. **In-state moves:** In the event that a dog owner moves into the Town of Richford from within New York State, said owner shall, within 30 days of such move, provide proof of current dog license from the municipality of previous residence to the Town Clerk. The dog license shall be renewed in the Town of Richford when it expires in the municipality of previous residence.
20. **Out-of-state moves:** In the event that a dog owner moves into the Town of Richford from out of state, said owner shall, within 30 days of such move, make application for license with the Town Clerk.
21. **License Renewals:** The license renewal form shall be mailed by the Town Clerk via US Postal Service prior to the month of expiration.
 - 21.1. A new rabies certificate shall be required if the one on record has expired or expires within 30 days of the date of renewal. An in-lieu-of statement as described above may be substituted for a rabies certificate. New rabies certificates and statements shall be copied and attached to the Town Clerk's copy of the renewal.
 - 21.2. A spay/neuter certificate shall not be required if one is already on file with the Town Clerk. In a case where the dog has been spayed or neutered during the preceding year, the certificate shall be presented to the Town Clerk in order to receive the reduced fee for a spayed or neutered dog. The Town Clerk shall make a copy of the certificate and attach it to the original license on file.
 - 21.3. Renewing early or late does not change the renewal month. However, owners having more than one dog may request common renewal dates for their licenses, which may be granted at the discretion of the Town Clerk, provided that all other licensing and renewal requirements are met. No licensing fees will be prorated, refunded, or waived when accommodating such a request.

21.4. Upon renewal, the Town Clerk shall provide a validated license to the owner. The Town Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.

21.5. In the event that a dog's license expires beyond the renewal date, a \$1.00 late fee per month will be assessed in addition to the license fee. Failure to renew after 12 months will result in the total license fee being the sum of the original renewal fee, the fees for the delinquent months, and the new year's renewal fee. No late fees are prorated.

21.6. Any dog owner who fails to renew his or her dog license by the date set forth on the renewal form shall receive from the Town of Richford, by certified mail, a "Notice of Failure to License or Delinquent License Renewal" form. In this case, a \$1.00 fee will be added to any other fees owed to offset the cost of postage and mailing. Failure to respond to this Notice within 15 days of receipt – in person, by telephone, or by mail – shall result in an appearance ticket issued for him or her to appear in court. Fines shall be imposed as set forth in Section 15 of this Local Law.

22. Revocation of license:

22.1. The Town Board may revoke any license if the person holding the license refuses to comply with this Local Law or any other law or ordinance governing the protection and keeping of animals. There will be no refund of licensing fees.

22.2. If the applicant is found to have withheld or falsified information on the application, the Town Clerk may refuse to issue or the Town Board may revoke the license.

23. Licensing fees: The annual fee schedule for dog licenses shall be determined by the Town of Richford and shall be on file with the Town Clerk.

23.1. The fee for an unspayed or unneutered dog shall be at least five dollars more than the fee for a spayed or neutered dog. All revenue derived from such fees shall be the sole property of the Town of Richford and shall be used only for controlling dogs, enforcing this Local Law and any rule, regulation, or ordinance adopted pursuant thereto, and to subsidize public humane education programs related to responsible dog ownership.

23.2. In addition, a one dollar fee for each spayed or neutered dog and a three dollar fee for each unspayed or unneutered dog will be added for the purposes of carrying out dog and cat population control efforts as mandated by the New York State Agriculture and Markets Law.

24. Exemptions to licensing fee: Fees for licenses for any detection dogs, guide dogs, hearing dogs, police work dogs, service dogs, therapy dogs, war dogs, or working search dogs shall be waived. Such dogs are not exempt from the mandated population control fee.

25. Replacement tags: At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge over the licensing fees. If the dog license tag is lost, it shall be replaced at the owner's expense upon application to the Clerk and with a sworn statement of the facts regarding the loss, at a cost of \$4.00. Issuance of a new tag will result in a different municipal identification number.

26. **Dog enumeration:** When the Town determines the need for a dog enumeration, an enumeration surcharge in addition to the regular licensing fees will be assessed to the owner of any dog found to be unlicensed or unrenewed at the time the enumeration is conducted. Such fees will be listed on the schedule of fees on file with the Town Clerk and shall be used to pay the expenses incurred while conducting the enumeration. In the event the additional fees collected exceed the expenses incurred, such excess fees may be used for enforcing this Local Law.

SECTION 7: CONDITIONS FOR KEEPING DOGS

All premises occupied by dogs shall be kept in a clean, sanitary condition. Adequate food, water, shelter, and space must be provided for each dog owned. For the purpose of this Section, "adequate" shall mean sufficient for age, size, and number of dogs on the premises. Failure to provide adequate food, water, shelter, or space shall subject the dogs to seizure and confinement. Upon conviction of the owner, the dogs shall be released to an authorized animal shelter, veterinarian, or kennel for adoption or euthanasia.

SECTION 8: REMOVAL OF FECES

1. Any owner who permits or allows a dog to defecate on any public or private property other than the property of the owner shall immediately clean up the feces, place it in a plastic container or bag, and deposit it in a container used for the disposal of refuse.
2. In no event shall any feces be deposited in any creeks, streams, or ponds.

SECTION 9: VIOLATIONS

It shall be unlawful for any owner of any dog in the Town of Richford to:

1. permit or allow a dog to run at large unless
 - 1.1. it is controlled by a leash or in the presence of a competent person not less than 14 years of age and obedient to that person's commands, or
 - 1.2. it is within a vehicle being driven or parked on the street or within the property limit of its owner or upon the premises of another with the consent and approval of such other person, provided the dog can be placed under restraint should it become uncontrollable or dangerous to passersby, or
 - 1.3. it is hunting or training for hunting and is in the company of a hunter or hunters and is on non-posted land or on posted land with the permission of the owner of the land, or
 - 1.4. it is a police work dog in use for police work.
2. permit or allow a dog to uproot, dig, or otherwise damage any lawns, flower beds, vegetable or other gardens or any other property not belonging to the owner of such dog.
3. permit or allow a dog to habitually chase, run alongside of, or bark at motor vehicles, motorcycles, carriages, or any other vehicle or device while said vehicles are on public streets or highways or upon private property other than the property of the owner of said dog. For the purposes of this Section, a horse or other load- or person-bearing animal shall be considered a vehicle or device.

4. permit or allow a dog to create a nuisance by defecating, urinating, or digging on public or private property without the consent of the property owner.
5. permit or allow a female dog in heat out of the owner's premises unless restrained by a leash and accompanied by the owner or authorized competent person not less than 14 years of age. For the purposes of this item only, the owner's premises are defined as a house, closed garage, closed building, or fenced enclosure.
6. permit or allow a dog to be unlicensed unless such dog is less than 4 months of age.
7. permit or allow a dog to create a noise disturbance by barking, howling, crying, or whining (that is, a noise that disturbs a reasonable person of normal sensitivities unless the noise itself is confined to the owner's property) for a period of twenty minutes or more within a one hour period. NOTE: Livestock-guarding dogs shall be exempt from noise disturbance regulations when performing duties protecting livestock on premises controlled by the owner.
8. permit or allow a dog to bite, chase, jump upon, or otherwise harass any person in such a manner as to cause intimidation, or to put such a person in reasonable apprehension of bodily harm or injury.
9. permit or allow a dog to kill other animals except rats, mice, and insects.
10. permit or allow a dog to roam with other dogs in a pack.
11. permit or allow a dog to be at large in any recreational areas unless said dog is on a leash.
12. fail to have any dog identified by a valid and current Town of Richford dog license tag, unless the dog's owner is not a resident of the town and so long as the dog is currently and validly licensed in the owner's municipality of residence.
13. hinder or interfere with any agent of the Town or Dog Control Officer in the performance of any duty of this Local Law.
14. knowingly affix to any dog any false or improper identification tag or any identification tag belonging to another dog.
15. fail to confine, restrain, or present such dog for any lawful purpose pursuant to this Local Law or Article 7 of New York State Agriculture and Markets Law.
16. furnish any false or misleading information on any license or form required by the Town of Richford or the Dog Control Officer.
17. fail to notify the Town Clerk of any change of ownership, change of address, death, loss, or theft of any dog licensed in the Town of Richford.

NOTE: Establishment of the fact or facts that a dog or owner has committed any of the acts prohibited by this Local Law shall be presumptive evidence against the owner of such dog that he or she has failed to properly confine, leash, or control the dog.

SECTION 10: DOG CONTROL OFFICER (DCO)

1. The Town shall appoint a Dog Control Officer for the purpose of enforcing the rules and regulations of this Local Law. He or she shall be compensated as established and determined by appropriate resolution of the Town Board.
2. The Dog Control Officer and any law enforcement officer shall have the power to issue an appearance ticket, citation, or summons in the enforcement of this Local Law.
3. Each seized dog which is not identified shall be held for a period of 5 days from the day seized, during which period the dog may be redeemed by its owner. Said owner shall provide proof of identification and licensing and pay an impoundment fee as required by the animal shelter, veterinarian, or kennel contracted with the Town of Richford. Such impoundment fee is in addition to any penalties assessed by the Town, the Town Clerk, the Dog Control Officer, and/or the Town Justice.
4. In the case of an identified dog, the owner of record shall be promptly notified by the Dog Control Officer. If notification is personally given, the dog shall be held for a period of 5 days after the day of notice, during which time the dog may be redeemed by the owner. If such notification is made by certified mail, return receipt requested, the dog shall be held for a period of 9 days from the date of the mailing. Said owner shall provide proof of identification and licensing and pay an impoundment fee as required by the animal shelter, veterinarian, or kennel contracted with the Town of Richford. Such impoundment fee is in addition to any penalties assessed by the Town, the Town Clerk, the Dog Control Officer, and/or the Town Justice and in addition to any postage/ mailing costs incurred.
5. If not redeemed, the owner shall forfeit all title to the dog at the end of the appropriate redemption period and it shall be made available for adoption or euthanized pursuant to the provisions of New York State Agriculture and Markets Law.
6. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees required by the contracted animal shelter, veterinarian, or kennel whether or not such owner chooses to redeem his or her dog.
7. Any owner who fails to pay the impoundment fees shall be guilty of a violation punishable by a fine as set forth in Section 15 of this Local Law.
8. The seizure of any dog shall not relieve any person from any violation of this Local Law.
9. Every impounded dog shall be properly cared for, sheltered, fed, and watered.
10. Upon taking custody of any animal, the Dog Control Officer or any law enforcement officer shall make a record of the matter. The record shall include the date and time of pickup, breed, general description, sex, identification number (if any), location of release of custody, and the name and address of the owner (if known).

11. The Dog Control Officer or any law enforcement officer may kill any dog which is observed in the act of attacking or about to attack another companion, domestic, or farm animal, or person, and there shall be no liability on such DCO in damages or otherwise for such killing.
12. When a dog is found running at large and its ownership is verified, the Dog Control Officer may, at his or her sole discretion, exercise the option of serving the owner with a Notice of Violation in lieu of impounding the dog.
13. The Dog Control Officer shall investigate all dog bite cases by a rabies-suspect dog involving human exposure and shall search out and attempt to discover the dog involved and shall either impound or require its owner to quarantine the dog for disease in accordance with the statutes of the state. Failure of the owner to comply shall constitute a misdemeanor and the DCO shall be obliged to impound the rabies-suspect dog.
14. The Dog Control Officer is hereby empowered and authorized to enter upon private property for the purpose of determining if the owners of dogs have complied with the provisions of this Local Law and to apprehend any dog in violation or whose owner is in violation of this Local Law.
15. The Dog Control Officer shall have the right and obligation to investigate complaints of cruelty to or neglect of dogs and shall have the right to seize or impound any dog which has been subject to such cruelty or neglect.

SECTION 12: DISPOSITION SERVICES FOR OWNED DOGS VOLUNTARILY SURRENDERED

1. Any person within the Town of Richford who owns a dog and who no longer wants such dog may surrender such dog to the Dog Control Officer with its license, if available, for disposition according to this Section.
2. A Dog Control Officer may accept such a dog from the owner for disposition, provided said owner executes a consent form, as prescribed by the Town of Richford, agreeing to the disposition and absolving the Town of Richford and the Dog Control Officer of all liability.
3. Any dog surrendered to a Dog Control Officer under this Section shall not be eligible for redemption.
4. The service of disposing of unwanted dogs by the Dog Control Officer may be discontinued at any time, when accepting such dogs would create a condition whereby dogs seized under the Sections of this Local Law could not be properly sheltered or surrendered.
5. The fee for any dog surrendered under this section shall be \$50, payable when the dog is surrendered.

SECTION 13: DANGEROUS DOG; LIABILITY OF OWNER

1. If a companion, domestic, or farm animal is injured or killed as a result of being attacked, chased, or worried by any dog, the owner of said dog shall be liable for damages. The owner of such injured or killed animal may make a complaint to the Dog Control Officer or a law enforcement officer who shall proceed pursuant to the Dangerous Dog Section of Article 7 of New York State

Agriculture and Markets Law. The determination of a Dangerous Dog and the prosecution of the owner of such a dog shall be pursuant to said Article 7.

2. In no event shall the Town of Richford be held liable for any damage done by any dog.
3. In the event that a dog is determined by the Richford Town Court to be a dangerous dog, the Court shall give notice to the Town Clerk of such a determination and note will be made in the dog's record. Additionally, the Clerk shall notify local law enforcement, emergency, and Dog Control personnel.

SECTION 14: COMPLAINT OF VIOLATION

Any person who observes a dog in violation of this Local Law may file a complaint with the Dog Control Officer or a signed complaint under oath with the Richford Town Justice specifying the nature of the violation, the date and time thereof, a description of the dog, and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law. If requested, the Dog Control Officer of the Town of Richford will assist any person in preparing and filing a complaint of violation of this Local Law.

SECTION 15: PENALTIES FOR OFFENSES

1. **First offense within 5 years:** Any person convicted of a violation of this Local Law shall be liable to a civil penalty not to exceed \$50.
2. **Second offense within 5 years:** Any person convicted of a second violation of this Local Law for conduct occurring within five years following the date of a prior conviction for a violation of this Local Law shall be liable to a civil penalty not to exceed \$100.
3. **Third and subsequent offences within the preceding 5 years:** Any person convicted of a third or subsequent violation of this Local Law for conduct occurring within five years following the date of a prior conviction for a violation of this Local Law shall be liable to a civil penalty not to exceed \$200.
4. Penalties are in addition to any impoundment or licensing fees also owed.

SECTION 16: FEES

1. Fees and expenses provided for by this ordinance shall be established and may be amended from time-to-time by resolution of the Town Board.
2. A current fee schedule will be on file with the Town Clerk.

SECTION 17: NON-LIABILITY

No action shall be maintained against the Town of Richford or any persons authorized by the town when performing duties pursuant to this Local Law or to New York State Agriculture and Markets Law to recover the possession or value of any dog or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or New York State Agriculture and Markets Law.

SECTION 18: REPEALER

This law shall supersede all prior Local Laws, ordinances, rules and regulations relative to the control of dogs in the Town of Richford and they shall be, upon the effective date of this law, repealed and made null and void.

SECTION 19: SEVERABILITY

In the event that any clause, sentence, paragraph, section, or part of this Local Law is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part directly involved in the controversy in which such judgment shall have been rendered.

SECTION 20: EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State of the State of New York.