

**LOCAL LAW NO. 1 OF THE YEAR 2010  
DOG CONTROL AND LICENSING LAW  
TOWN OF STOCKHOLM**

**Section 1:** **Purpose:** The Town Board of the Town of Stockholm Finds that the running at large and other uncontrolled behaviors of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town. The purpose of this Local Law is also to govern the new licensing procedures as established under the Agriculture and Markets Law. Any item not specifically mentioned in this Local Law is to be governed by the Agriculture and Markets Law.

**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 and the Municipal Home Rule Law of the State of New York.

**Section 3:** **Title:** The Title of this Law shall be Dog Control and Licensing Law of the Town of Stockholm.

**Section 4:** **Definition of Terms:** As used in this Local Law the following words shall have the following respective meanings:

- (a) “*Dog*” means male and female, licensed and unlicensed, member of the species *canis familiaris*.
- (b) “*Owner*” means person entitled to claim lawful custody and possession of a dog 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. 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 dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be less than 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (c) “*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.
- (d) “*Dog Control Officer*” means any individual appointed by the municipality to assist in the enforcement of this law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the municipality to assist in the enforcement of this law.

**Section 5: Restriction:** It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Run at large in any of the streets or public places of the town, or upon the premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permission; and no dog shall be permitted in any public place or street within the town, unless it shall be effectively restrained by a chain or leash not to exceed six (6) feet in length. For the purpose of the Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner; or
- (b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog; or
- (c) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof; or
- (d) Chase, jump upon or at or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm; or
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property; or
- (f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property; or
- (g) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash; or
- (h) Persistently bark or chase pedestrians under any circumstances whether or not the dog is on the property of the owner or harborer; or
- (i) Cause personal injury to anyone or damage to the personal property or real property of someone other than the dog's owner.

**Section 6: Care of Dogs:**

It shall be unlawful for any owner of a dog or dogs to fail to provide such dog or dogs with adequate food, water and shelter at all times. Any person, firm, society or corporation shall at all times keep the area wherein the dogs are kept, possessed or harbored in a neat, clean and sanitary condition and in accordance with the regulations of the Board of Health and Public Health laws of the State of New York.

No dog may be restrained closer than within ten (10) feet of a public pedestrian sidewalk or pathway.

**Section 7: Licensing of Dogs:**

- (a) All dogs in the Town of Stockholm must be licensed with the Town Clerk. Dogs harbored in the town for a period of thirty (30) days or by the age of four (4) months must immediately make application for a dog license. Owners will be required to present the dogs current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- (b) All dog licenses will be for a period of one (1) year and will expire at the end of the month one (1) year from the date of issue.
- (c) Fees for licensing of Dogs: The fee for a spayed or neutered dog will be \$7.50 (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$15.50 (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) and the fee for each replacement tag will be \$3.00 with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (d) Enumeration Fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.
- (e) Purebred Licenses: The Town of Stockholm will NOT be issuing Purebred or Kennel licenses. All dogs will be licensed individually as per fee schedule stated above.
- (f) Service Dogs: The Town of Stockholm will NOT require a license for any properly certified guide dog, service dog, hearing dog or detection dog.
- (g) The Town of Stockholm 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 in which the dog will be harbored for licensing. The Town Clerk will do the license for adoption purposes.
- (h) 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 must accompany the forms as well as current rabies certificate. There will be NO refund of the fees.
- (i) All fees will be used in funding the administration of the Dog Control Law of the Town of Stockholm.
- (j) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the laws of the New York State Department of Agriculture and Markets Law are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the town for such service; Second Offense: \$60.00 plus the impoundment and euthanasia fees per animal.

**Section 8: Procedure for Seizure of Dogs:**

- (a) The Dog Control Officer or any peace officer may seize;

Any unlicensed dog whether on or off the owner's premises; and

Any dog not wearing a tag, not identified, and which is not on the owner's premises; and

Any dog found in violation of paragraphs (a) - (i) of Section 5 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Stockholm in such case is carried out; and

Any "dangerous dog" as set forth in Section 11 hereof.

- (b) The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Stockholm specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

**Section 9: Penalties:** Any owner committing an offense against any of the provisions of this Local Law or who shall omit, neglect or refuse to do any act required by this Local Law shall be subject to and punishable by a fine of not more than two hundred fifty and no/100 dollars (\$250.00) or by penalty of two hundred fifty and no/100 dollars (\$250.00) and/or by imprisonment for not more than fifteen (15) days, or both, such fine and penalty to be recovered by the Town in a civil action and/or special proceeding pursuant to Article 4 of the Civil Practice Law and Rules of the State of New York; or by enforcement in the Town Court of the Town of Stockholm by issuance of an appropriate Summons in accordance with the Uniform Justice Court Act of the State of New York and/or the Criminal Procedure Law of the State of New York. Every owner shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Where the owner committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the owner and person responsible for purposes of this section. In the case of any violation or threatened violation of any other provisions of this Local Law in addition to other remedies herein provided, the Town may institute any appropriate action at law or in equity and/or a special proceeding pursuant to Article 4 of the Civil Practice Law and Rules of the State of New York to prevent such lawful activity, to restrain, correct or abate such violation.

**Section 10: Exemptions:** This Law shall not apply to a dog owned by a nonresident, while passing through the Town of Stockholm, nor to dogs brought into the Town of Stockholm for a period not exceeding fifteen (15) days, if entered in any exhibition at any dog show therein, and confined and in immediate charge of the exhibitor, or to a dog commonly known as a seeing-eye dog while guiding its master.

This Local Law shall not apply to dogs actually confined to the premises or incorporated societies devoted to the care or hospital treatment of lost, strayed or homeless animals, or confined to the premises of public or private hospitals devoted to the treatment of sick animals.

**Section 11: Dangerous Dog:** Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York shall be dealt with in accordance with Article 7 of said Agriculture and Markets Law.

“*DANGEROUS DOG*” shall mean:

- (a) Any dog that, when unprovoked, approaches, does any menacing act or aggressive action directed toward any person or in an apparent attitude of attack, upon the street, sidewalks, highways or any public grounds or places;
- (b) Any dog with a known propensity, tendency or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of a human being or domestic animals as well as household pets;
- (c) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal, including household pets without provocation on public or private property;
- (d) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

**Section 12: Complaint of Violation; Appearance Ticket; Seizure:**

Any person who observes or has knowledge of a dog violating any provision of this Local Law may file or register a verbal complaint to the Dog Control Officer specifying the objectionable conduct of the dog, the date thereto, the description of the dog and the name and address, if known, of the owner or other persons harboring said dog.

Upon receipt by the Dog Control Officer of any such complaint, or in the event that any dog is found by the Dog Control Officer to be in violation of any provisions of this Local Law, the Dog Control Officer shall, issue a citation or ticket to the owner if he or she can be ascertained. If warranted and the owner can not be located after reasonable attempts, then the dog shall be seized and disposed of in accordance with the requirements of the Agriculture and Markets Law of the State of New York. If a ticket or citation is issued it shall detail the violations and instruct the owner to appear before the Justice for the Town of Stockholm.

Whether or not the Justice finds there is a probable cause of seizure of said dog, he shall, within five (5) days and upon written notice of not less than two (2) days to the owner of the dog, hold a hearing on the complaint.

If satisfied that the dog is a dangerous dog, the Justice shall then order the owner or any Dog Control Officer or peace officer to destroy the dog(s) immediately, or shall order the owner to confine, securely, such dog permanently or at such time as otherwise specified in the order. If the owner fails to destroy or confine the dog as required by such order, then the Dog Control Officer or peace officer shall destroy such dog on or off the premises of owner. If said appearance ticket is discarded by such person, the Dog Control Officer or complainant may file the information with said Court, the Court shall then issue a warrant for the arrest of such person.

In the event that any dog has been seized or taken into custody by the Dog Control Officer, its owner shall be required to pay the boarding facility, designated by the Town, the costs necessarily, incurred per dog, per day for each day during which said dog(s) shall be boarded by the boarding facility so designated by the Town.

**Section 13: Separability:** Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**Section 14: Repealer:** This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Stockholm, and they shall be upon the effectiveness of this Local Law, null and void.

**Section 15: Effective Date:** This Local Law shall be effective January 1, 2011 after filing with the Secretary of State.