

**LOCAL LAW #1 FOR THE YEAR 2010, "DOG CONTROL LAW"**

Section 1. Purpose

The purpose of this local law is to provide for the licensing and identification of dogs, the control and protection of the dog population, and to promote the public health, safety and welfare of the community, including the protection and preservation of the property of the Town of Brighton and its inhabitants, and of the peace and good order therein by regulating and controlling activities of dogs within the Town of Brighton and to provide for its enforcement thereof pursuant to Article 7 of the New York State Agriculture and Markets Law. Definitions from Section 108 of Article 7 will be used to define words in this local law.

Section 2. Prohibited Acts:

Any owner of a dog or any other person who harbors a dog in the Town of Brighton shall be in violation of this law if such dog:

- a) engages in habitual loud howling or barking in such manner as to annoy any person other than the person owning or harboring such dog
- b) being a female in heat is not securely confined by the owner or person harboring such dog
- c) causes damage or destruction to property or otherwise commits a nuisance other than on the premises of the owner or person harboring such dog
- d) is not in full compliance with this Local Law or Article 7 of the Agriculture and Markets Law of the State of New York
- e) No dog shall be allowed or caused to run at large and not in control in the Town of Brighton, except on the premises of the person who owns, keeps, or harbors or otherwise has the care or custody of such dog, or except on the premises of another person with the knowledge and consent of such other person.

Section 3. Complaint

- a) Any animal control officer, peace officer, or other authorized individual acting pursuant to special duties, in the employ of or under contract to the Town of Brighton having reasonable cause to believe that a person has violated this local law shall issue and serve upon such person an appearance ticket for such violation.
- b) In addition to the penalties provided for in Section 4 of this local law, any person retrieving a dog from the pound must pay to the contracted Humane Society the fee provided for in Section 117 of the Agriculture and Markets Law of the State of New York. All other provisions of Section 117 of said law are hereby adopted and made a part of this local law.
- c) A violation of any order issued by a Town Justice under the provisions of this Section 3 shall be an offense punishable, upon conviction, as provided in Section 4 of this local law.

#### Section 4. Penalties

Upon conviction, a violation of this local law shall be deemed a civil offense punishable by a civil penalty not less than twenty-five dollars (\$25.00) for the first offense within the preceding five year period, and not less than fifty dollars (\$50.00) for a second offense within a preceding five year period, and not less than one hundred dollars (\$100.00) for more than two offenses within the preceding five years.

#### Section 5. Enforcement

Any person or persons who are or may be lawfully authorized by the Town Board of the Town of Brighton, shall, and all peace officers may, administer and enforce the provisions of this law, and for such purposes shall have the authority to issue appearance tickets.

#### Section 6. Validity

If any section, paragraph, subdivision, clause, phrase or provision of this law shall be judged invalid or held unconstitutional, it shall not affect the validity of this law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

#### Section 7. Licensing of Dogs

- a) Any dog, age 4 months and older, that is harbored in the Town of Brighton must be licensed. All dogs must wear an Identification (ID) Tag to show proof of licensing. The ID tag will bear the name "Town of Brighton, State of New York", the dog's ID number, and the Town's point of contact phone number. The dog must wear the ID tag at all times.
- b) Application for a dog license must be made through the Town Clerk's Office. The following is required to obtain a license:
  - i. A current Rabies Vaccination Certificate
  - and
  - ii. Applicable license fee
- c) Dogs can be licensed for a period of one, two or three years, but not beyond the last day of the eleventh month following the expiration date on the Rabies Certificate. A dog must be licensed for a minimum period of one year. All licenses expire on the last day of the last month of the period for which they are issued.
- d) Fees for Licensing of Dogs:
  - i. The fee for an unsprayed/unneutered dog is \$10.00 for one year, \$20.00 for two years, and \$30.00 for three years. A \$3.00 NY State surcharge will be added to this cost for each year for the animal population control program pursuant to Section 110-3 of Article 7.
  - ii The fee for a spayed/neutered dog is \$5.00 for one year, \$10.00 for two years, and \$15.00 for three years. A \$1.00 NY State surcharge will be added to this cost for each year for the animal population control program pursuant to Section 110-3 of Article 7. Proof of spay/neuter must be presented at time of licensing or renewal of license to receive the reduced license fee.
  - iii. An ID tag will be provided to the owner at the time of initial licensing. The fee to replace a dog's ID tag will be set at \$5.00 per ID tag which includes postage for mailing the dog's ID

tag to the owner.

- e) Renewing a Dog License:
  - i. Notice of an expiring dog license will be mailed, by the Town Clerk's Office, to the address of the dog's owner of record thirty days before the dog's license is due to expire.
  - ii. Renewal of a dog's license can be accomplished through the mail or in person at the Town Clerk's Office during regular office hours. If renewing by mail, a current Rabies Certificate (if required) and the appropriate fee must be included. Only check or money order made out to the "Brighton Town Clerk" will be accepted. There will be no refunds of fees.
- f) Pure Bred License: The Town of Brighton will not issue Pure Bred or Kennel Licenses. All dogs will be licensed individually per the fees set forth in Para d of this Section.
- g) Service Dogs: The Town of Brighton will not require a license fee for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog as defined in Section 108 of Article 7. Any license issued will reflect the type of dog on the license.
- h) The Town of Brighton does not allow the licensing of dogs by a contracted Humane Society or other shelter. The shelter must send the owner of record or adoptive dog owner to the Town Clerk for licensing before releasing the dog to the owner.
- i) Enumeration Fee: The Town Board will determine the need for an enumeration of dogs. A fee of \$5.00 will be assessed to each dog found to be unlicensed or the dog's license has expired at the time the enumeration is conducted.
- j) All fees associated with dog licensing will be reviewed periodically by the Town Board and may be changed by resolution of the Town Board, if deemed necessary. All fees collected in association with dog licensing will be used for funding the administration of the Dog Control Law in the Town of Brighton.

## Section 8. Shelter Services

The Town of Brighton will contract for shelter services from an incorporated Humane Society.

- a) Redemption Period: The Humane Society under contract with the Town of Brighton for dog control shall have the privilege of extending the redemption period to more than five (5) days to allow for the placement of special dogs under certain conditions with the number of added redemption days left to the discretion of the Humane Society.
- b) Adoption Policy: The Humane Society under contract with the Town of Brighton for dog control shall adopt and enforce their own adoption policy and set their own adoption fees with all adoption fees required immediately becoming the property of the Humane Society under contract.

## Section 9. Proof of Ownership:

If any owner or dog harbinger forfeits title to any dog seized in the Town of Brighton for any violation of Article 7 or a local dog control law at the expiration of the appropriate redemption

period and if the person is proved to the satisfaction of a Town Justice that he is, in fact, the owner or harbinger of any dog seized in violation of Article 7 or a local dog control law, that person or persons shall be held responsible for all impoundment fees, fines, penalties and damages incurred by said dog subsequent to the dog's seizure.

Section 10. Repealed:

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

Section 11. Effective Date

This local law shall take effect on January 1, 2011 or upon its filing with the Secretary of State of the State of New York, whichever is later.

Filed with DOS: November 23, 2010