

**Town of Lake George**

**Local Law No. \_\_6\_\_ of the year 2010**

**A local law to amend Chapter 57 of the Code of the Town of Lake George relating to the licensing of dogs**

**Be it enacted by the Town Board of the Town of Lake George, as follows:**

Article 1 of Chapter 57 of the Code of the Town of Lake George is hereby amended in its entirety to read as follows:

**ARTICLE 1  
Control of Dogs**

**§ 57-1. Statutory authority.**

This Article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, as amended by Chapter 59, Part T, of the laws of 2010, and as may be subsequently amended or revised.

**§ 57-2. Purpose.**

The purpose of this Article shall be to preserve public peace and good order in the Town of Lake George and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Lake George.

**§ 57-3. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

AT LARGE -- Off the premises of the owner.

DOG WARDEN/ANIMAL CONTROL OFFICER -- A person or persons appointed by the Town for the purpose of enforcing this Article.

LEASHED -- 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.

OWNER –Any person who keeps, harbors, or has control of a dog. Dogs owned by minors shall be deemed to be in custody and control of parents or other head of the household where the minor resides. Any person harboring a dog for more than one week shall be deemed to be the owner of the dog for the purpose of enforcing this article.

**§ 57-4. Prohibited acts.**

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

A. Run at large, unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Article, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.

B. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harborer of the dog.

C. Cause damage or destruction to public or private property, defecate, urinate or otherwise commit a nuisance upon the property of other than the owner or harborer of the dog.

D. 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.

E. Chase, leap on or otherwise harass bicycles or motor vehicles.

F. Kill or injure any dog, cat or other household pet.

G. Be unlicensed when four months of age or older.

H. Not have a current and valid Town of Lake George identification tag on its collar while at large, whether or not restrained by an adequate leash.

**§ 57-5. Female dogs.**

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Warden/Animal Control Officer, or any peace officer, and removed to a safe place of confinement.

**§ 57-6. Conditions for keeping dogs.**

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harborer, the dogs become the property of the Town of Lake George to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

**§57-7 Licensing of dogs; fees.**

A. License required. All dogs in the Town of Lake George shall be licensed with the Town Clerk by the age of six months, and any person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license.

B. Expiration of license. 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.

C. License fees. The fee for a spayed or neutered dog shall be \$5, which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out a program of animal population control. The fee for an unspayed or unneutered dog shall be \$15, which fee includes the assessment of a surcharge of \$3 for the purpose of carrying out a program of animal population control. Replacement tag fees shall be \$2.00. Such fees shall be reviewed by the Town Board periodically and may be changed by resolution of the Town Board, as necessary.

D Purebred license. The Town of Lake George shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated above.

F. Service dogs. The Town of Lake George shall require a license for any guide dog, service dog, hearing dog or detection dog, the license fee will be waived as those terms are defined by Article 7 of the Agriculture and Markets Law.

G. Shelters. The Town of Lake George does not allow the licensing of dogs by a shelter. The shelter shall send the adoptive dog owners to the Clerk of the town or city in which the dog will be harbored for licensing or to the Town Clerk of the Town of Lake George where the shelter is located for the purchase of the license for adoption purposes.

H. All dog licenses shall be purchased in person at the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.

I. All fees shall be used in funding the administration of the Dog Control Law of the Town of Lake George

**§ 57-8- Seizure of dogs; redemption; disposition; impoundment fee.**

The Dog Warden/Animal Control Officer, or any peace officer, shall seize any unlicensed dog whether on or off the owner's premises and/or any dog not wearing a tag, not identified and not on the owner's premises.

A. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five days.

B. If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven days; if notified by mail, no less than nine days.

C. The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of Article III of this chapter are as follows:

(1) For the first impoundment: \$25.00 plus the prevailing charge to the Town of Lake George for each day of impoundment.

(2) For the second impoundment: \$45.00 plus the prevailing charge to the town of Lake George for each day of impoundment.

(3) For the third impoundment: \$65.00 plus the prevailing charge to the Town of Lake George for each day of impoundment.

D. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

E. Upon taking custody of any animal, the Dog Warden/Animal Control Officer, or any peace officer, shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.

#### **§ 57-9. Complaints.**

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Town of Lake George or with the authorized Dog Warden/Animal Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including place(s) violation occurred and the name and address of the dog owner, if known.

#### **§ 57-10. Enforcement.**

The Dog Warden/Animal Control Officer of the Town of Lake George shall, and all peace officers may, administer and enforce the provisions of this article and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this article.

#### **§ 57-11. Impeding Dog Warden/Animal Control Officer unlawful.**

No person shall hinder, resist or oppose the Dog Warden/Animal Control Officer or peace officer authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this article.

#### **§ 57-12. Disclaimer of liability.**

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by a Dog Warden/Animal Control Officer or peace officer or released to an authorized

humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

**§ 57-13. Penalties for offenses.**

Any violation of this article shall be punishable, for each violation, by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

**Section 2 Repealer.**

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

**Section 3. Severability.**

If any clause, sentence, paragraph, section, article or part of this local law shall be 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, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 4. When effective.**

This local law shall take effect January 1, 2011, after filing with the Secretary of State of the State of New York.