

LOCAL LAW 1-2011

A LOCAL LAW AMENDING CHAPTER 156 OF THE VILLAGE CODE, TO AMEND THE LAW REGARDING THE LICENSING OF DOGS PURSUANT TO THE CHANGE IN NYS AGRICULTURE AND MARKETS LAW DELEGATING THE RESPONSIBILITY TO LICENSE DOGS TO LOCAL MUNICIPALITIES.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK, AS FOLLOWS:

SECTION 1. Section 156 of the Village Code on Dog Licensing, is hereby deleted in its entirety, and a new section adopted as follows (track changes was used for the mark-up copy, to show the changes in the law between the existing code and the new code):

New Law proposed:

Chapter 156, DOGS AND OTHER ANIMALS

[HISTORY: Adopted by the Board of Trustees of the Village of Mamaroneck as indicated in article histories. Amendments noted where applicable.]

ARTICLE I. Purpose:

Purpose.

New York's dog licensing and animal population control programs were significantly changed by amendments to Article 7 of New York's Agriculture and Markets Law in 2010. Pursuant to this change, dog licensing was made a local government function. 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 the protection of persons, property, domestic animals and deer from dog attack and damage.

ARTICLE II, Dogs at Large; Enclosures [Adopted 7-25-1955 as Secs. 3, 4 and 5 of Ch. 2 of the Unified Code of Ordinances, effective 10-2-1955]

§ 156-1. Running at large prohibited; nuisances. [Amended 2-11-1963, effective 2-19-1963]

Dogs, whether licensed or not, shall be subject to the following restrictions:

A. No person owning or having the custody and control of a dog shall permit such dog to be at large in the Village of Mamaroneck elsewhere than on the premises of the owner, except that it may be on the premises of another person with the knowledge and assent of such other person, or as may otherwise be permitted in § 260 of this Code.

B. The owner or person having the custody and control of a dog in said Village of Mamaroneck which is not on the premises of the owner or upon the premises of another person with the knowledge and assent of such person shall control and restrain such a dog by a leash.

C. The fact that a dog is at large in the Village of Mamaroneck elsewhere than on the premises of the owner shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog.

D. No person owning or having the custody and control of a dog shall permit said animal to soil, deface or commit any nuisance on any public property or any cemetery, graveyard or burial ground located within the Village of Mamaroneck. [Added 5-9-1977 by L.L. No. 7-1977, effective 5-13-1977; amended 5-14-2001, effective 5-17-2001]

§ 156-2. Penalties for offenses. [Amended 2-11-1963, effective 2-19-1963; 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987]

A violation of this article shall be punishable by such penalties as set forth in § 119 of the Agriculture and Markets Law.

§ 156-3. Enclosures and runs.

A. No person shall construct, erect or maintain a dog enclosure or dog run within 30 feet of any building used for residential purposes.

B. No person shall construct, erect or maintain a dog enclosure or dog run within the front yard area of any building. [Added 7-8-1968, effective 7-18-1968]

§ 156-4. Effect on other provisions.

The foregoing section shall in no wise be deemed to change or alter in any respect laws or ordinances or regulations covering the licensing of dogs within the Village.

ARTICLE II, Licensing [Adopted 9-25-1978 by L.L. No. 12-1978, effective 9-28-1978]

§ 156-5. **Licensing of Dogs required, rabies vaccination required, identification of dogs**

A. No person shall own or harbor a dog within the Village unless such dog is licensed with the Village Clerk pursuant to §109 (1) and (2) of the Agriculture and Markets Law of the State of New York.

B. All dogs within the Village of Mamaroneck four (4) months of age or older, unless otherwise exempted shall be licensed.

C. The owner of each dog required to be licensed shall obtain, complete and return to the Village Clerk a dog license application together with the license application

fee, any applicable license surcharges and such additional fees as may be established by the Village of Mamaroneck.

- D. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.
- E. Each license issued shall be valid for a period of one year from the date of issuance and shall not be transferrable.
- F. Pursuant to §111, Subdivision 1, of the NY State Agriculture and Markets Law on the identification of dogs, owners of dogs are required to have identification tags issued by the Village Clerk's Office of the Village of Mamaroneck assigning each dog with a municipal identification number.
- G. The identification number shall be carried by the dog on an identification tag which shall be affixed to a collar of the dog at all times, except while the dog is participating in a dog show. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the identification number has been assigned to.

§ 156-6. Fees. [Amended 10-12-1978 by L.L. No. 14-1978, effective 10-17-1987; 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987; 6-12-1989 by L.L. No. 12-1989, effective 6-19-1989]

- A. The fees for licensing a dog shall be as established by resolution of the Village Board pursuant to §110 of the Agriculture and Markets Law of the State of New York.
- B. No refund of fees shall be made once an application has been submitted to the Village Clerk.
- C. Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs.
- D. As required by Section 110 of the NYS Agriculture and Markets Law, in addition to the license fee established by (reference) of this law/ordinance, each applicant for a dog license shall pay the mandatory surcharge of at least one dollar (\$1.00) if the dog to be licensed is spayed or neutered, or a surcharge of at least three dollars (\$3.00) if the dog sought to be licensed is not spayed or neutered.

§ 156-7. Penalties for offenses. [Added 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987]

Any person violating this Article shall be subject to such penalties as set forth in § 118 of the Agriculture and Markets Law.

ARTICLE III, Collection of Fees [Adopted 1-23-1984 as L.L. No. 6-1984, effective 1-30-1984]

§ 156-8. Authority to collect redemption and adoption fees.

Pursuant to Article 7 of the New York State Agriculture and Markets Law, the Village of Mamaroneck is hereby authorized to collect redemption and adoption fees for seized dogs.

ARTICLE IV, Waste Removal [Adopted 6-17-1985 as L.L. No. 16-1985, effective 6-28-1985]

§ 156-9. Immediate removal required.

Any person who is the owner, keeper, harbinger, person in charge of or person walking a dog shall immediately pick up any feces expelled by such dog on any public property in the Village, or on any private property the owner of which has not given permission therefor and deposit them in a container lawfully used for the disposal of refuse. However, this provision shall not be applicable to a blind visually impaired person while actually using a guide dog licensed as such pursuant to the Agriculture and Markets Law of the State of New York and this chapter.

§ 156-10. Penalties for offenses. [Amended 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987]

Any person violating this Article shall be subject to a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.

## SECTION 2. Severability

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

## Section 3. Effective Date

This Local Law shall take effect immediately upon adoption and filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.