

Chapter 84
DOG LICENSING AND CONTROL

ARTICLE I
General Provisions

§ 84-1. Authority.

This chapter is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York, as amended by Part T of Chapter 59 of the Laws of 2010, and as may be subsequently amended and supplemented.

§ 84-2. Purpose.

The purpose of this chapter 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.

§ 84-3. Definitions.

All words, terms or phrases used herein shall have the meanings indicated below or as defined in the Agriculture and Markets Law. If no specific definition is set forth, all words shall have their usual and customary meaning in the English language. The word “shall” is intended to be mandatory.

AT LARGE – An unleashed dog off the premises of the owner.

DANGEROUS DOG – In addition to the definitions set forth in § 108, Subdivision 24, of the Agriculture and Markets Law, a dog shall be considered a dangerous dog and subject to the provisions of § 123, Subdivision 3 et seq. of the Agriculture and Markets Law if such dog, without justification, attacks a person, dog, cat, farm animal and/or companion animal (as defined under New York State law) and causes physical injury or death to the same.

DETECTION DOG – Any dog that is trained and is actually used for such purposes 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.

DOGS – Both male and female dogs, unless the context requires otherwise.

GUIDE DOG – Any dog that is trained to aid a person who is blind and that is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred for such training.

HEARING DOG – Any dog that is trained to aid a person with a hearing impairment and that 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 training.

LEASHED or RESTRAINED BY A LEASH – The dog is equipped with a collar or harness to which is attached a leash not more than eight feet long, both collar or harness and leash to be of sufficient strength to restrain the dog, which leash shall be held by a person having the ability to control and restrain the dog by means of the collar or harness and leash.

OWNER – Includes any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the care, custody and control of the minor’s parents or other head of the household where the minor resides.

POLICE WORK DOG – Any dog owned or harbored by any municipal police department or any state or federal law enforcement agency, which dog has been trained to aid law enforcement officers and is actually being used for police work purposes.

SERVICE DOG – 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.

THERAPY DOG – Any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and that 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.

WAR DOG – Any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG – Any dog that is trained to aid in the search for missing persons and that is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

ARTICLE II

Dog Licensing and Identification

§ 84-4. License required.

- A. All dogs within the Town of Sweden four months of age or older, unless otherwise exempted shall be licensed by the Town of Sweden.
- B. The following dogs are exempt from the licensing requirements of this chapter.
 - (1) Any dog harbored within the Town of Sweden which is owned by a resident of New York City or licensed by the City of New York, for a period of 30 days;

- (2) Any dog harbored within the Town of Sweden which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, for a period of 30 days; and
- (3) Any dog held at a shelter pursuant to an agreement with a county, city, town, village or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association.

§ 84-5. Applications for dog license.

- A. The owner of each dog required to be licensed shall complete with the Town Clerk of the Town of Sweden a dog license application together with the applicable fees.
- B. The dog license application shall state the name, sex, actual or approximate age, breed, color and other identification marks of the dog; the name, address and telephone number of the owner; together with any additional information deemed appropriate by the Town Clerk.
- C. The dog 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.
- D. In the case of a spayed or neutered dog, the application shall be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered; provided, however, that such certificate or affidavit shall not be required if the same is already on file with the Town. In lieu of the foregoing certificate or affidavit, the application may be accompanied by a statement by a licensed veterinarian that, by reason of old age or other reason, the life of the dog would be endangered by spaying or neutering, in which case the license fee for such dog shall be the same as for a spayed or neutered dog.

§ 84-6. Purebred dog license.

- A. The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license in lieu of the individual licenses required by the Town of Sweden.
- B. An application for a purebred license shall comply with all of the requirements contained in § 84-5 herein, together with the requirement that the owner provide to the Town Clerk a copy of the registry certificate issued by a recognized registry association for all such dogs.

§ 84-7. Issuance of dog license and identification.

- A. Upon validation by the Town Clerk, the application for a dog license or purebred dog license shall become a license for the dog or dogs described therein. Once an application is validated, no refund shall be made. Each license shall be valid for a period of one year, shall expire on the last day of the last month of its term and shall be nontransferable.
- B. Upon the first issuance of a dog license, the Town Clerk shall issue an identification number and provide the owner with a tag for such dog. Dogs under

a purebred license will not be issued such tag. One identification tag shall be furnished to the owner of record at no charge. In the event that an identification tag is lost, the Town Clerk, upon request of the owner shall issue a replacement tag at a fee in such amount as the Town Board may, from time to time, establish by resolution.

- C. The identification tag shall be affixed to a collar or harness on the dog at all times, provided that a dog participating in a dog show is exempt from such requirement, during such participation. Dogs under a purebred license are exempt from such requirement.
- D. The identification tag shall be imprinted with the words "State of New York" "Town of Sweden" a unique identification number and the telephone number of the Town Clerk's office.

§ 84-8. Fees for dog licenses.

All fees shall be used in funding the administration of the Dog Control Law of the Town of Sweden.

- A. The annual fees for licensing of dogs pursuant to this chapter shall be in such amounts as the Town Board may, from time to time, establish by resolution.
- B. In accordance with provisions set forth in § 110 Subdivision 3 of the Agriculture and Markets Law, in addition to the license fees established by the Town Board, each applicant for a dog license shall pay a New York State surcharge for the purpose of carrying out the Animal Population Control Program.
- C. Exempted from payment of the license fees are applications for a dog license for any guide, hearing, service, war, working search, detection, police or therapy dog.
- D. The annual fees for a purebred license shall be in such amounts as the Town Board may, from time to time, establish by resolution.
- E. In accordance with provisions set forth in § 109 Subdivision 3 of the Agriculture and Markets Law, in addition to the license fees established by the Town Board, each applicant for a purebred license shall pay a New York State surcharge for the purpose of carrying out the Animal Population Control Program.
- F. Replacement tags shall be obtained by the owner at his or her expense at a fee in such amount as the Town Board may, from time to time, establish by resolution.
- G. Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee in such amount as the Town Board may, from time to time, establish by resolution will be assessed to the owner of any dog found unlicensed at the time enumeration is conducted.

§ 84-9. Change of ownership, lost, stolen or deceased dogs.

- A. In the event of a change in ownership of any dog which has been licensed pursuant to this chapter or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Town Clerk.

- Such owner of record shall be liable for any violation of this chapter until such notification is made or until the dog is licensed in the name of the new owner.
- B. If any dog which has been licensed pursuant to this chapter is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Town Clerk. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this chapter committed after such report is filed.
 - C. In the case of a dog's death, the owner of record shall notify the Town Clerk either prior to renewal of licensure or upon the time of such renewal as set forth by the Town Clerk.

ARTICLE III Dog Control

§ 84-10. Restrictions.

- A. It shall be unlawful for any owner of any dog in the Town of Sweden to permit or allow such dog to engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort of any person other than the owner of such dog in the vicinity and exceeds 15 minutes, as stated in § 135-3B(2) of the Sweden Town Code.
- B. It shall be unlawful for any owner of any female dog in the Town of Sweden to permit or allow such dog off the premises of the owner or leave such dog out of doors and unconfined while such dog is in heat.
- C. It shall be unlawful for any owner of any dog in the Town of Sweden to permit or allow such dog to 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.
- D. It shall be unlawful for any owner of any dog in the Town of Sweden to permit or allow such dog to destroy property of a neighbor.
- E. It shall be unlawful for any owner of any dog in the Town of Sweden to permit, allow or fail to prevent such dog from defecating or otherwise committing a nuisance in a public street, public building, public park or on any private property except with the consent of the owner of such property. Upon the deposit of waste by a dog in the aforementioned places, the owner of such dog shall remove the waste and make proper disposal thereof.
- F. It shall be unlawful for any owner of any dog in the Town of Sweden to permit or allow such dog to chase, jump upon or at, or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- G. It shall be unlawful for the owner of any dog to permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.
- H. It shall be unlawful for the owner of any dog to permit or allow such dog to run at large in the Town of Sweden. All dogs shall be accompanied by the owner or a responsible person and under the full control of such owner or person on a leash affixed to the dog's collar or harness not to exceed eight feet

in length, except with the consent of the owner of such property. For the purpose of this chapter, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by the owner.

- I. It shall be unlawful to own or harbor a dog unless licensed as provided by Article II of this chapter.

§ 84-11. Penalties for offenses.

Any person who violates or knowingly permits violation of this chapter shall be subject to a fine of not more than \$75, except that, where the person was found to have violated this chapter or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may be not more than \$150; where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than \$300 or imprisonment for not more than 15 days, or both.

§ 84-12. Judicial jurisdiction.

Any Town Justice of the Town of Sweden shall have jurisdiction to hear all actions and proceedings hereunder and of all prosecutions for the violation of this chapter.

§ 84-13. Complaints.

All complaints concerning alleged violations of this chapter shall be communicated to the Dog Control Officer or Deputy Dog Control Officer. All such complaints shall be investigated, and it shall be the duty of the Dog Control Officer or the Deputy Dog Control Officer in the appropriate case to proceed with civil or criminal enforcement of this chapter or any other provision of law pertaining hereto.

§ 84-14. Appearance tickets.

The Dog Control Officer or Deputy Dog Control Officer, having reasonable cause to believe that a person has violated this chapter, shall issue and serve upon such person an appearance ticket for such violation. The appearance ticket shall be in the form prescribed by the Town Board by resolution in accordance with provisions of § 122 of the Agriculture and Markets Law and this chapter. An answer to such appearance ticket may be made within five days of the violation, by registered or certified mail, return receipt requested, in lieu of a personal appearance on the return date at the time and court specified in the appearance ticket, in accordance with the provisions of § 122 of the Agriculture and Markets Law and this chapter.

§ 84-15. Enforcement, seizure and impoundment.

In accordance with the provisions set forth in § 117 of the Agriculture and Markets Law:

- A. It shall be the duty of the Dog Control Officer or Deputy Dog Control Officer to enforce the provisions of this chapter and to seize all dogs found in violation of the chapter or which are ordered seized by a Town Justice.
- B. The Dog Control Officer, when acting pursuant to his or her duties, shall make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the municipal identification number of the dog (if any),

the location where seized, the reason for the seizure and the owner's name and address, if known.

- C. For any dog seized pursuant to § 84-15A above, the following notification and redemption procedures shall be followed:
 - (1) Unidentified dogs, whether or not licensed, shall be held for a period of five days from the day seized, during which time the owner may redeem the dog.
 - (2) For identified dogs, whether or not licensed, the owner shall be notified personally or by certified mail, return receipt requested, of the facts of the seizure and the redemption procedures. If notification is made personally, the dog shall be held for seven days after the day of notice; if notification is made by mail, the dog shall be held for a period of nine days, during which period the owner may redeem the dog.
- D. In either case above, the owner must produce proof of licensing and pay seizure and impoundment fees in order to redeem the dog. The seizure and impoundment fees shall be as set from time to time by the Town Board and in accordance with the provisions of § 117 of the Agriculture and Markets Law.
- E. If not so redeemed by the end of the appropriate redemption period, the owner shall forfeit all title to the dog, and the dog shall be made available for adoption, released to an authorized humane society or shelter or euthanized.
- F. Prior to releasing a dog to its owner or adopting out a dog, the owner must pay all accrued charges to the Town Clerk and obtain a license for such dog. Subsequent to euthanasia the Dog Control Officer shall take a written report of such destruction and report disposition to the Town Clerk, who shall keep a record thereof.

§ 84-16. Conflict of law.

In the event that this chapter is deemed to conflict with Article 7 of the New York State Agriculture and Markets Law, the New York State Agriculture and Markets Law shall control.