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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City

Town **of Torrey**

Local Law No. **2** of the year **2010**.

A local law " Regulations Regarding the Licensing of Dogs"
(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City

Town of **Torrey**
Village

as follows:

SECTION 1. Purposes:

A. Part T of Chapter 59 of the Laws of 2010 provides for the elimination, on January 1, 2011, of New York State Department of Agriculture and Markets' dog licensing functions, including the agency's centralized Dog Licensing System. As a result, the existing roles of both county government and the New York State Department of Agriculture and Markets in the licensing of dogs will be eliminated on January 1, 2011. As a result, effective January 1, 2011 the remainder of the dog licensing functions required by Article 7 of the Agriculture and Markets Law will become the responsibility of the of local government and local government action is necessary to determine local fees and other policies prior to January 1, 2011.

B. The Town Board of the Town of Torrey finds that it is necessary for the health, safety and well being of the public for the Town Board to adopt certain regulations pertaining to the licensing of dogs based on the new responsibilities it is required to carry out effective January 1, 2011, which regulations will 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.

C. The Town Board of the Town of Torrey finds that it is necessary for the fiscal soundness of the Town of Torrey to authorize certain fees and charges for the duties the Town is required to carry out exclusively pertaining to the licensing of dogs effective January 1, 2011.

SECTION 2. Authority:

This Local Law is enacted pursuant to the provisions of the Agriculture and Markets Law of the State of New York and of the Municipal Home Rule Law of the State of New York.

SECTION 3. Provisions:

Article I, II of Chapter 44 (Dogs and other Animals) of the Code of the Town of Torrey is hereby repealed in its entirety and a new Article I is hereby inserted in its place to read as follows:

Article I

DOG LICENSING LAW

§44.1 Title:

This law shall be known and may be cited as the Dog Licensing Law of the Town of Torrey

§44-2 Licensing of Dogs:

All dogs in the Town of Torrey, unless otherwise exempted by New York State Agriculture and Markets Law, must be licensed with the Town Clerk of the Town of Torrey by the age of four (4) months.

§44-3 Application:

The owner of each dog required to be licensed shall, for new applications and renewal applications, obtain, complete and return to the Town Clerk:

1. A dog license application;
2. The license application fee;
3. Any applicable license surcharges;
4. Such additional fees as may be established by the Town Board of the Town of Torrey;
5. 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;
6. In the case of a spayed or neutered dog, a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that, because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog.

§44-4 Identification Tag:

Each dog licensed pursuant to this Law shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

§44-5 License Term:

All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.

§44-6 Licenses Non-Transferrable:

Any license issued pursuant to this Law shall not be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a new license for such dog.

§44-7 Purebred Licenses:

The Town of Torrey will not issue purebred licenses.

§44-8 Guide Dog, Service Dog, Hearing Dog or Detection Dog Tag:

The Town of Torrey will not issue a special tag for identifying any guide dog, service dog, hearing dog or detection dog

§44-9 Fees and Surcharges:

The fees and surcharges for issuing dog licenses shall be fixed by the Town Board. Such fees and surcharges may from time to time be changed as the Town Board may determine. These fees and surcharges may include:

1. The license fee for a spayed or neutered dog;
2. The license fee for an unsprayed or an un-neutered dog (such fee having to exceed the fee for a license for a spayed or neutered dog by such amount as mandated by the New York State Agriculture and Markets Law);
3. In addition to the license fee authorized by this law and established by the Town Board of the Town of Torrey, a surcharge if the dog to be licensed is altered (such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law);
4. In addition to the license fee authorized by this law and established by the Town Board of the Town of Torrey, a surcharge if the dog to be licensed is not altered (such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law);

5. In addition to the license fee authorized by this law and established by the Town Board of the Town of Torrey, a surcharge to recover and defray the cost of an enumeration of dogs living with the Town of Torrey.
6. In addition to the license fee authorized by this law and established by the Town Board of the Town of Torrey, a surcharge offsetting costs associated with the provision and replacement of identification tags.

]§44-10 Penalties:

A violation of this Law shall be punishable by:

- A. A fine of twenty-five dollars (\$25.00) for a first violation;
- B. A fine of fifty dollars (\$50.00) for a second violation within five years of the first violation; and
- C. Where the person was found to have committed two or more such violations within the preceding five years, either a fine of one hundred dollars (\$100.00) or imprisonment for not more than fifteen days, or both.

SECTION 4. Separability:

If any clause, sentence, paragraph, section 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 or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 5. Effective Date:

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