

## ***Local Law Filing***

---

**(Use this form to file a local law with the Secretary of State)**

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.

**TOWN OF ROYALTON  
LOCAL LAW NO. 3 OF THE YEAR, 2010**

**A Local Law Entitled Dog Licensing and Control**

Be it Enacted by the Town Board of the Town of Royalton as Follows:

Any prior local laws dealing with dog licensing and control are replaced as follows:

**DOG LICENSING AND CONTROL**

- § 1-1. Purpose and intent.
- § 1-2. Definitions.
- § 1-3. General regulations and restrictions.
- § 1-4. Enforcement.
- § 1-5. Procedure.
- § 1-6. Seizure of dogs.
- § 1-7. Penalties for offenses.
- § 1-8. Dog license fees.
- § 1-9. Impoundment fees: additional costs.
- § 1-10. Liability of town.
- § 1-11. Severability
- § 1-12. Filing and Effective Date

- § 1-1. Purpose and intent.

The purpose of this law shall be to promote the health, safety and general welfare of the Town of Royalton, including the protection and preservation of the property of the town and its inhabitants, by specifying, establishing and imposing certain restrictions, regulations and responsibilities relating to the control of dogs within the Town of Royalton, as hereinafter defined.

§ 1-2. Definitions.

As used in this law, the words in the following list shall have the following respective meanings:

**AT LARGE** -- Any dog shall be deemed to be "at large" if not accompanied by a person who is in control of the dog or who is providing restraint of the dog elsewhere than on the premises of the owner, keeper or another responsible person who has knowledge of the dog's presence and who assents thereto.

**ATTACK** -- Any action by a dog that might cause reasonable apprehension of harm or injury to a person, together with the apparent ability of the dog to inflict such harm. An actual bite by the dog is unnecessary to meet the qualifications of this definition.

**CONTROL** -- When a dog comes, heels, and stays promptly upon command.

**DANGEROUS DOG** -- A dog that, without provocation, chases or approaches in either a menacing fashion or in an apparent attitude of attack or attempts to bite or otherwise endanger any person or domestic animal while that dog is off the premises of its owner, keeper or harbinger and not under the control of its owner, keeper or harbinger.

**DESTRUCTION** -- Euthanasia of a dog; the act of painlessly causing the death of the dog.

**DISPOSAL** -- Arrangement for the sale or destruction of a dog.

**DOG** -- Includes the plural "dogs" and refers to any dog of either sex or any age unless otherwise indicated herein. Any member of the species *Canis familiaris* regardless of age, male and female, licensed and unlicensed.

**DOG CONTROL OFFICER** -- Any person who is appointed by the Town Board to assist in the enforcement of this article.

**DOMESTIC ANIMAL** -- Any cat, other dog or any other animal defined as a domestic animal in Article 7, §108, of the Agriculture and Markets Law of the State of New York.

**FEE SCHEDULE** -- A list of all fees charged by the Town of Royalton in conjunction with this article.

**FORFEITURE** -- The loss or giving up of any claim to a dog.

**GUIDE DOG** -- Any dog trained to guide blind, deaf or other handicapped persons.

**HABITUAL LOUD HOWLING OR BARKING** -- A dog that barks, bays, cries, howls, or makes any other noise for a period of thirty (30) minutes or barks intermittently for one (1) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private or commercial property, provided, however, that a dog shall not be deemed a barking dog for purpose of this Law, if, at the time the dog is barking or making any noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.

**HARBOR** -- To provide food and shelter for any dog.

**IDENTIFICATION TAG** -- A tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

**LEASH, LEASHED or RESTRAINED BY A LEASH** -- That the dog is equipped with a collar or harness to which is attached a leash of sufficient strength to restrain the dog, unless the dog is accompanied by its owner or other responsible person able to control the animal by voice command.

**MENACING FASHION** -- The behavior of a dog which would cause a person to reasonably believe that the dog would cause physical injury to such person.

**OWNER** -- Any person who is a licensed owner of a dog. This term also includes any person who owns, keeps or harbors or who has the care, custody or control of a dog, and can include more than one (1) person. 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.

**PENALTIES** -- Punishment fixed by law.

**PERMIT TO BE KEPT** -- Any person who harbors a dog for an individual or owner who lives off the premises.

**SECURITY DOG** -- Any dog owned or harbored by any State or Municipal Police Department.

**SERIOUS INJURY** -- Any injury to humans, domestic animals, or deer that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

**TOWN** -- Includes all who reside in the Town of Royalton

**VICIOUS DOG** -- A dog that, without provocation, bites, injures or kills a human being, other dog, cat or domestic animal.

**WITHOUT PROVOCATION** -- The dog was not teased, tormented or abused by a person or the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

**WORKING DOG** -- Any dog being used to shepherd or guard cows, sheep or any other domestic animals.

#### § 1-3. General regulations and restrictions.

It shall be unlawful for any owner of or any person harboring any dog in the Town of Royalton to permit or allow such dog to:

- A. Run at large unless accompanied by its owner or a responsible person able to control the animal. For the purposes of this law, a dog or dogs lawfully hunting or field training in the company with a hunter(s) or handler(s) shall be considered as accompanied by and under the control of its owner.
- B. Engage in habitual loud howling or barking or to conduct itself in such manner so as to habitually annoy any person other than the owner or person harboring such dog.
- C. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog
- D. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put any person present in reasonable apprehension of bodily harm or injury.
- E. Habitually chase or bark at motor vehicles.

#### § 1-4. Enforcement.

An animal control officer or other proper authority designated by the Town Board, as provided by §114 of the Agriculture and Markets Law and other applicable laws and provisions, may enforce the provisions of this law and may also investigate and report to a Town Justice any

dangerous dog as described in § 121 of the Agriculture and Markets Law and see that the order or orders of the Town Justice in such case are carried out.

The Town Board shall appoint a Dog Control Officer or Officers as needed pursuant to Article 7 of the Agriculture and Markets Law of the State of New York. It shall be the duty of such Dog Control Officer or Officers, as well as all peace officers within the Town of Royalton, to enforce appropriate provisions of this article, as well as the Agriculture and Markets Law, with respect to dogs in the Town of Royalton. The Town Board authorizes the Niagara County Sheriff's Office and the New York State Police to enforce any provisions of this article, as well as applicable provisions of the Agriculture and Markets Law of the State of New York. In addition, any Dog Control Officer or peace officer of the Town is hereby authorized to serve any process related to any proceeding, whether criminal or civil in nature, including any appearance ticket (pursuant to Section 150.20 of the Criminal Procedure Law), in accordance with the provisions of this article. If the Dog Control Officer serves said appearance ticket and it is disregarded, the Town Justice shall permit the filing of an information from said Officer and shall issue a warrant of arrest for such person.

- A. Authority of the Dog Control Officer. The Dog Control Officer or Officers of the Town of Royalton may seize a dog or any dogs, tagged or untagged, which are found to be in violation of any provision of this law, as well as any dog or dogs otherwise required to be seized under and by virtue of Article 7 of the New York State Agriculture and Markets Law.
- B. Appearance tickets; filing of complaints.
  - (1) Any dog control officer in the employ of or under contract with the Town of Royalton, observing a violation of this local law in his presence, shall issue and serve an appearance ticket for such violation.
  - (2) Any person who observes a dog causing damage or destruction to property other than its owner or committing a nuisance upon the premises of a person other than its owner may file a signed complaint, under oath, with the Town Clerk, and such complaint shall be referred by the Clerk to the Dog Control Officer, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog, if known, and the name of the owner or person harboring said dog, if known.
  - (3) Oral complaints made to the Town Clerk or Dog Control Officer must include the complainant's name and address and may be used only as a basis for investigation by the Dog Control Officer or peace officer.

§ 1-5. Procedure.

- A. The Dog Control Officer may issue an appearance ticket to any person believed to be in violation of this local law.
- B. Upon receiving an appearance ticket in proper form a Town of Royalton Justice shall proceed in accordance with all applicable criminal procedures. Upon a conviction the

Town of Royalton Justice may, in addition to imposing the penalty authorized by §1-7 of this law, order:

- (1) That the dog be restrained by a collar and leash at all times.
- (2) That the dog be kept on the owner's premises at all times.
- (3) That the dog be confined.
- (4) Such other remedy as may be warranted by the circumstances of the case.

C. A violation of any order issued by a Town of Royalton Justice pursuant to this section shall itself be an offense punishable as provided in § 1-7 of this law.

#### § 1-6. Seizure of dogs.

The seizure and redemption of dogs in violation of this law shall be as provided in § 118 of the Agriculture and Markets Law of the State of New York. The owner of any seized dog shall be required to pay the fees as set forth in §1-9 of this Local Law whether or not such owner chooses to redeem his or her dog.

#### § 1-7. Penalties for offenses.

A violation of this law shall be deemed an offense against such law, and any person convicted hereunder shall be fined an amount not less than fifty dollars (\$50) and not more than one hundred fifty dollars (\$150); provided, however, that if the person committing such offense shall have been convicted of an offense in violation of this law within the preceding two (2) years, the fine shall be not less than one hundred fifty dollars (\$150) and not more than five hundred fifty dollars (\$550.); and if such person shall have been convicted of two (2) or more offenses within the preceding two (2) years, the fine shall not be less than five hundred fifty dollars (\$550) and not more than one thousand dollars (\$1000); and if such person shall have been convicted of four (4) or more offenses within the preceding two (2) years, the penalty, in addition to applicable fines may also include the seizure of the dog pursuant to the requirements of section §1-6 of this Local Law. Any dog ordered seized shall be immediately adopted, sold or euthanized pursuant to the provisions of §118 of the Agriculture and Markets Law.

#### § 1-8. Dog License Fees.

In accordance with Article 7, Section 109 of the NYS Agriculture and Markets Law, all dogs reaching the age of four months shall be licensed and identified. Application for license shall be made in accordance with the provisions of the law.

- A. The following dogs, as defined in Article 7 of the agriculture & Markets Law, shall be exempt from licensing fees: Guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog and therapy dog. In addition, any dog harbored within the Town of Royalton which is owned by a non-resident of New York State and licensed by a jurisdiction outside of the State of New York shall, for a period of thirty (30) days, be exempt from the licensing and identification provisions.

B. The annual fee for each dog license issued shall be:

1. Spayed or neutered dog shall be eight dollars (\$8.) (includes NYS Animal Control surcharge of \$1.00)
2. Unspayed or unneutered dog shall be sixteen dollars (\$16) (includes NYS Animal Control surcharge of \$3.00)
3. Replacement tags shall be \$3.00.
4. If a dog remains unlicensed for 60 days, there will be a five dollar (\$5) late fee in addition to the licensing fee.
5. In addition to any other applicable fee, any person applying for a dog license for a dog identified as unlicensed during a dog enumeration shall pay a surcharge of five dollars.
6. Pursuant to Municipal Home Rule Law, by the adoption of this local law, the Town of Royalton hereby authorizes the Town Board of the Town of Royalton to establish, by resolution, a schedule of dog license fees, enumeration fees and tag replacement fees. The Town Board of the Town of Royalton may exercise this authority as needed throughout the year(s).

C. Each license issued pursuant to this local law shall be valid for a period of one year and shall expire on the last day of the last month of the period for which it is issued. No license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed.

D. Upon validation by the Town Clerk of the Town of Royalton a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

E. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

F. Change of Ownership, Lost or Stolen Dogs.

1. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
2. In the event of a change in ownership of any dog which has been assigned an official identification number or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.
3. In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.

- a. The Town Clerk shall assign a Town permanent official identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.
- b. The official permanent identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- c. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.

§ 1-9. Impoundment fees: additional costs.

- A. Any dog which has been seized pursuant to §118 of the Agriculture and Markets Law of the State of New York, or this law, shall pay the following impoundment fees:
  - (1.) Twenty-five Dollars for the first impoundment of any dog owned by that person;
  - (2.) Forty Dollars for the second impoundment of any dog owned by that person;
  - (3.) Sixty Dollars for the third impoundment of any dog owned by that person;
  - (4.) Seventy-Five Dollars for the fourth impoundment of any dog owned by that person;
  - (5.) One Hundred Dollars the fifth and any subsequent impoundment of any dog owned by that person.
- B. In addition to the aforesaid impoundment fee, the owner shall be responsible to pay the sum of Ten Dollars (\$10) for 24 hours or part thereof for sheltering, feeding and watering said dog.
- C. In the case where veterinary care is necessary to protect the health and welfare of a dog, in addition to the impoundment fee, the Town shall also charge Twenty-Five Dollars (\$25) for each trip to the veterinarian and for all cost of such veterinary care.
- D. The owner of any dog not redeemed within seven (7) days of the date of his sentencing shall forfeit all title to the dog(s), and the dog(s) shall be sold or destroyed pursuant to the provisions of §118 of the Agriculture and Markets Law.
- E. Impoundment Fees can only be set by Local Law.

§ 1-10. Liability of Town.

The owner, possessor or harbinger of any dog destroyed under the provisions of this chapter shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of the dog.

§ 1-11. Severability.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

§ 1-12. Filing and Effective Date.

This local law shall become effective January 1, 2011 and upon its filing with the Office of the New York Secretary of State.



Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2010 of the Town of Royalton was duly passed by the Town Board on November 8, 2010, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 200\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) and was deemed duly adopted on \_\_\_\_\_ 200\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 200\_\_ of the Town of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 200\_\_, and was approved/not disapproved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_, 200\_\_. Such Local Law was submitted to the people by reason of a mandatory/permissive referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general/special/annual election held on \_\_\_\_\_, 200\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 200\_\_ of the County/City/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 200\_\_, and was approved/not approved/repassed after disapproval by the (Elective Chief Executive Officer\*) on \_\_\_\_\_ 200\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 200\_\_, in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_ of 200\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special/general election held on \_\_\_\_\_ 200\_\_, became operative.

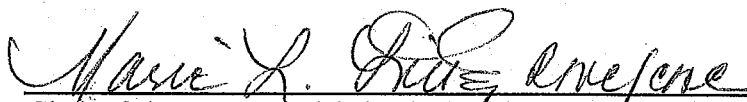
**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_ of 200\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_, 200\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

(Seal)



Clerk of the County legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

Marie Little, RMC/CMC

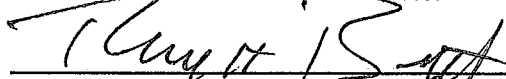
Town Clerk, Town of Royalton

Date: 11-08-, 2010

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Thomas H. Brandt, Town Attorney  
Town of Royalton

Date: 11-08-, 2010