

**Local Law #1 for the Year 2011**  
**In the Town of Conquest**  
**Licensing, Identification and Control of Dogs**

**Section 1 – Purpose**

The purpose of the law shall be to preserve public peace and good order in the Town of Conquest, 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 Conquest.

**Section 2 – Definitions**

1. DOG – The term shall mean both male and female dogs.
2. OWNER – The term owner shall include any person who keeps, harbors or has custody, care, or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of parents or other head of the household where the minor resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this law.
3. ANIMAL CONTROL OFFICER - The term Animal Control Officer shall mean a person or persons appointed by the Town of Conquest for the purpose of enforcing this local law.

**Section 3 – Licensing of Dogs, Rabies Vaccination Requirement**

1. Licensing of dogs required: rabies vaccination
  - (a) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog which is under the age of four months and which is not at large, or that is residing in a pound or shelter maintained by or under contract or agreement with the Town of Conquest, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Except as otherwise provided in this subdivision, a license shall be issued or renewed for a period of at least one year, provided that no eleventh month following the expiration date of the current rabies certificate for the dog being licensed. All licenses shall expire on the last day of the last month of the period for which they are issued. In the event an applicant for a license presents, in lieu of a rabies certificate, a statement

certified by a licensed veterinarian, as provided in subdivision two of this section, a license shall be issued or renewed for a period of one year from the date of said statement.

(b) In the case of a seized dog being redeemed or a dog being otherwise obtained from a county animal shelter or pound, such application may be made to the county dog control officer in charge of such facility. In the case of a dog being redeemed or a dog being adopted from a shelter or pound established may be made to the manager of such facility, provided such manager has been authorized by the Town of Conquest. Such authorization shall be requested by the governing body of the pound or shelter and the granting or denial of such authorization shall be in the discretion of the Town of Conquest.

(c) The application shall state the sex, actual or approximate age, breed, color, and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of the residence of the owner.

(d) The application shall be accompanied by the license fee prescribed in this law and a certificate of rabies vaccination or statement in lieu thereof, as required by this section. In the case of a spayed or neutered dog, every application shall also 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 such certificate or affidavit shall not be required if the same is already on file with the clerk or authorized dog control officer. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he 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.

(e) The clerk, authorized dog control officer or authorized pound or shelter manager, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian stating that because of old age or another reason, the life of the dog or dogs would be endangered by the administration of vaccine. The clerk, Authorized Dog Control Officer or authorized pound or shelter manager shall make or cause to be made from such statement a record of such information and shall file such record with a copy of the license. Such records shall be made available to the commissioner upon request for rabies and other animal disease control efforts.

#### **Section 4 – License Fees**

1. The license fee for dog licenses shall be established by the Town Board at the organizational meeting each and every year.

## **Section 5 – Change of Ownership; Lost or Stolen Dog**

1. In the event of a change in ownership of any dog which has been licensed pursuant to this article or in the address of the owner of record of any such dog, the owner of record shall, within ten days of such change, file with the Town of Conquest a written report of such change. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.

2. If any dog which has been licensed pursuant to this article is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft file with the municipality in which the dog is licensed a written report of such loss or theft. 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 article committed after such report is filed.

3. In the case of a dog's death, the owner of record shall so notify the Town of Conquest either prior to renewal of license or upon the time of such renewal as set forth.

## **Section 6 – Seizure, Impoundment, Redemption and Adoption**

1. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth as follows:

(a) Twenty-five dollars for the first twenty-four hours or part thereof and ten dollars for each additional twenty-four hours or part thereof for the first impoundment, of any dog owned by that person.

(b) Fifty dollars for the first twenty-four hours or part thereof and ten dollars for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or

(c) Seventy-five dollars for the first twenty-four hours or part thereof and ten dollars for each additional twenty-four hours or part thereof for the third and subsequent impoundment, of any dog owned by that person.

## **Section 7 – Violations**

1. It shall be a violation, punishable as provided in Subdivision 2 of this section, for:

(a) Any owner to fail to license any dog;

(b) Any owner to fail to have any dog identified as required by this article;

(c) Any person to knowingly affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs or purebred license tags;

(d) Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this article;

(e) Any person to furnish any false or misleading information on any form required to be filed with any municipality pursuant to the provisions of this article or rules and regulations promulgated thereto;

(f) The owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog;

(g) Any owner of a dog to fail to notify the municipality in which his or her dog is licensed of any change of ownership or address.

(h) Any owner to allow his or her dog to run unrestricted in the Town at any time; except that dogs may run unrestricted if he or she is acting as a hunting dog or is in the act of hunting.

(i) Engage in habitual loud howling, barking or whining, or to conduct itself in such a manner as to habitually annoy any person other than owner or harbinger of the dog;

(j) Cause damage or destruction to public or private property, defecate, urinate or otherwise commit a nuisance upon the property other than that of the owner or harbinger of the dog;

(k) Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or put such a person in reasonable apprehension of bodily harm or injury;

(l) Chase, leap on or otherwise harass bicycles or motor vehicles;

(m) Kill or injure any dog, cat, domestic animal or livestock

(n) Abandon any domestic animal

(o) For any owner to have five or more dogs per household unless they are a person having a kennel license.

2. A violation of this Section shall be punishable as follows:

(a) when prosecuted pursuant to this law, by a fine of \$50.00 (fifty) dollars, except that where the person was found to have violated this Section within the preceding five years, the fine shall be \$100.00 (one hundred) dollars, and 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 \$200.00 (two hundred) dollars.

(b) The foregoing Section notwithstanding; in the event that a person violates Section 1(a) of this Section the fine shall be \$150.00 (one hundred fifty) dollars.

(c) The foregoing Sections notwithstanding; in the event that a person violates Section 1(n) of this Section, the fine shall be \$1,000.00 (one thousand) dollars.

### **Section 8 – Female Dogs**

All female dogs shall be confined to 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 Animal Control Officer and removed to a safe place of confinement. Boarding fees and other costs incurred will be at the expense of the owner.

### **Section 9 – 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, shelter, or space shall subject dog(s) to seizure and confinement. “Adequate shall mean sufficient for age, size and number of dogs on premises.” Upon conviction of the owner of harbored, the dog(s) shall become the property of the Town of Conquest, to be released to an authorized humane society, veterinarian, or kennel for adoption or euthanizing.

### **Section 10 – Seizure Procedure**

Upon taking custody of any animal, the Animal Control Officer shall make a record of the matter. The record shall include date of pick up, breed, general description, sex, identification numbers, and time of pick up, location or release and name and address of owner, if any.

### **Section 11 – Dangerous Dogs**

The term dangerous dog is any dog that has been classified that by a judge, justice, or judicial system.

Regulations for dangerous dogs

- a. Full photo of dog must be on file with the Town of Conquest Court Clerk and Town of Conquest Animal Control Officer. This will be the owner's responsibility.
- b. Must be confined to a steel pen with concrete floor, roof and locking door with child protector lock on it when outside of owner's dwelling.
- c. Maintenance of a liability insurance policy in an amount no less than \$50,000.00 (fifty thousand dollars) for personal injury or death resulting from an attack by such dangerous dog.
- d. Restraint of the dog on a leash by an adult of at least twenty one years of age whenever the dog is on public premises.
- e. Muzzling the dog whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

## **Section 12 – Unwanted Dogs**

The owner of unwanted dogs will be responsible for the disposal of said animal. If however, the Dog Control Officer is asked to dispose of the dog, the owner will be liable for all costs and charges incurred including boarding, SPCA fees and all other costs necessary to the disposal of said animal.

## **Section 13 – Redemption**

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.

The owner of the dog shall be responsible for a pick up fee (see Section 6), an impound fee of \$10.00 per day, plus any other expenses incurred by the Town of Conquest to humanely care for the dog.

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.

## **Section 14 – Filing Complaints**

Any person who observes a dog in violation of any section of this law may file a signed complaint, under oath, with a justice of the Town of Conquest or with the authorized dog control officer or peace officer, specifying the violation, the date of the violation, the damage

caused, and including the place(s) the violation occurred, and the name and address of dog owner, if known.

### **Section 15 – Recouping Unpaid Fines**

In the event an individual fails to pay a fine levied as a result of a violation of this local law within a reasonable period of time, then in such event, the violator shall be subjected to either community service or incarceration or both.

### **Section 16 – Separability**

In any Section, subsection, sentence, clause, phase or provision of this local law is for any reason held invalid or unconstitutional by the Court of Competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## **LOCAL LAW NO. 3 FOR THE YEAR 2018 A LOCAL LAW AMENDING LOCAL LAW NO. 1 FOR THE YEAR 2011 LICENSING, IDENTIFICATION AND CONTROL OF DOGS**

WHEREAS the Conquest Town Board has reviewed Local law No. 1 for the Year 2011, and is desirous of making some amendments to that law, and

WHEREAS the Conquest Town Board having had a public hearing in order to allow the public to be heard, and

WHEREAS the Conquest Town Board has had sufficient time and due deliberation thereon, it is

HEREBY RESOLVED that Local Law No. 1 for the Year 2011 in the Town of Conquest (Licensing, Identification and Control of Dogs) is amended as follows:

Section 4 – License Fees

1. The license fee for dog licenses shall be established by the Town Board at the organizational meeting each and every year, provided that the total fee for an un-spayed or un-neutered shall be at least \$5 more than the total fee for a spayed or neutered dog. All revenue derived from such fees shall be the sole property of the municipality setting the same and shall be used only for controlling dogs and enforcing this article.

#### Section 6 – Seizure, Impoundment, Redemption and Adoption

1. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this article and further provided that the owner pays the following impoundment fees:

(a) Not less than \$25 for the first 24 hours or part thereof and \$25 for each additional 24 hour or part thereof period for the first violation; or

(b) Not less than \$50 for the first 24 hours or part thereof and \$25 for each additional 24 hours or part thereof for the second impoundment, within one year of the first impoundment of any dog owned by that person; or

(c) Not less than \$75 for the first 24 hours or part thereof and \$25 for each additional 24 hours or part thereof for the third impoundment, within one year of the first impoundment of any dog owned by that person; or

(d) Not less than \$10 for the first 24 hours or part thereof and \$25 for each additional 24 hours or part thereof for the fourth and subsequent impoundments, within one year of first impoundment of any dog owned by that person.

(e) It shall be the sole responsibility of the owner of the dog to pay the fees set forth in this section. The owner shall be responsible for the aforesaid fees whether or not the dog is redeemed, reclaimed or ultimately euthanized. It shall be a violation of the statute for any owner to pay the aforementioned fees.