

**TOWN OF PENDLETON
LOCAL LAW NO. 02-2010**

Section 1.

STATUTORY AUTHORITY. In accordance with Article Seven of the Agriculture and Markets Law of the State of New York and Section 10 of the Municipal Home Rule Law of the State of New York, the Town Board has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Pendleton and for the protection and enhancement of its physical environment. In any such local law, the Town Board may provide for the appointment of any municipal officer, employee, or independent contractor to effectuate, administer and enforce such local law.

Section 2.

Article I of Chapter 119 of the Town Code of the Town of Pendleton is amended to read as follows:

ARTICLE I

Dog Licensing

§ 119-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

DOG — Any member of the species *Canis familiaris*, whether male or female

TOWN – The Town of Pendleton, New York.

OWNER – A person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term “owner” shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes from within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this local law, shall be held and deemed to be the owner of such dog for the purpose of this local law. In the event the owner of any dog found to be in violation of this chapter shall be under eighteen years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog.

§ 119-2. License Required

- (a) All dogs in the Town of Pendleton over four months in age are required to be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk a dog license application together with the

appropriate certificates, license application fee, any applicable license surcharges and such additional fees as may be established by the Town.

- (b) A current Certificate of Rabies Vaccination shall be required at the time of licensing or the renewal of an existing license, unless the Owner provides a statement from a licensed veterinarian indicating that such vaccination would endanger the dog's life, in which case vaccination shall not be required.
- (c) In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian, showing that the dog has been spayed or neutered, unless such certificate 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 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.
- (d) All dog licenses will be valid for a period of one year.
- (e) Dog licenses are not transferrable.
- (f) There will be no refund of fees for any license.
- (g) Service Dogs. The Town of Pendleton will require a license for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog, or therapy dog; however the licensing fee shall be waived.
- (h) Dog identification. The Town shall provide a dog identification tag for each individual dog license issued. Owners are required to ensure that licensed dogs wear their identification tag at all times, or that proof of licensure is readily accessible.
- (i) All dog licenses may be purchased by visiting the Town Clerk's office or by regular mail. If licensing or renewing a license by mail, the appropriate fees and copy of a current Certificate of Rabies and if applicable, a Certificate of Spay/Neuter must accompany the forms.
- (j) All licensing and enumeration fees will be used in funding the administration of the licensing and control of dogs in the Town of Pendleton.

§ 119-3. Penalties for offenses.

Any violation of this Article is punishable under § 118 the Agriculture and Markets Law of the State of New York.