

Town of Barrington
Local Law No. 2 of the year 2011

Be it enacted by the Town of Barrington Town Board as follows:

Section 1. Purposes:

The purpose of this local law 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.

Section 2. Authority

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

Section 3. Provisions

I.

Article 1
DOG LICENSING LAW

Section 1. Title:

This law shall be know and may be cited as the Dog Licensing Law of the Town of Barrington.

Section 2. Licensing of Dogs:

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

Section 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 Barrington;

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.

Section 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.

Section 5. License Term:

Each license issued pursuant to this local law, shall be valid for a period of up to three (3) years and shall expire on the last day of the last month of the period for which it was 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.

Section 6. Licenses Non-Transferable:

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.

Section 7. Purebred Licenses:

The Town of Barrington will not issue purebred licenses.

Section 8. Guide Dog, Service Dog, Hearing Dog or Detection Dog Tag:

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

Section 9. Fees and Surcharges:

The fees and surcharges for issued 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 unneutered 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 Barrington 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 Agricultural and Markets Law);
4. In addition to the license fee authorized by this law and established by the Town Board of the Town of Barrington, 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 Agricultural and Markets Law);
5. In addition to the license fee authorized by this law and established by the Town Board of the Town of Barrington, a surcharge to recover and defray the cost of an enumeration of dogs living within the Town of Barrington;
6. In addition to the license fee authorized by this law and established by the Town Board of the Town of Barrington, a surcharge offsetting costs associated with the provision and replacement of identification tags.

Section 10. Exemptions:

A. Excepted from payment of the license fee are applications submitted for a dog license for any of the following dogs provided written documentation is provided with such application that certifies such dog as being any of the following:

1. guide dog;
2. hearing dog;
3. service dog;
4. war dog;
5. working search dog;
6. detection dog;
7. police work dog; and
8. therapy dog.

B. At the time the Town Board of the Town of Barrington fixes the license fees authorized pursuant to this Law, the Town Board may permit a partial or full exemption to senior citizens for the dog license fees fixed by the Town Board.

C. A dog participating in a dog show within the Town of Barrington shall be exempt, from wearing its identification tag.

D. A dog owned by a non-resident of the Town of Barrington and licensed by another jurisdiction outside the Town of Barrington shall be exempt for a period of five months (5) from the licensing and identification provisions of the Local Law.

Section 11. 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 be 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.

II. Local Law #2 of the year 1990 Section 6(b) is amended to delete the following text:

“Sect. 118”

and amend to delete “seven (7)” and replace with “five (5)”

Section 4.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances, and the Town of Barrington Town Board hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5.

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.