

Dog Control and License Law of
The Town of Fremont
Local Law No. 2 of the Year 2010

A Local Law Relating to the Control, Confining, Leashing and Licensing of Dogs.

Section 1: Purpose: the Town Board of the Town of Fremont finds that running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town.

Section 2: Authority: This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59; Part T) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3: Title: The title of this Law shall be Dog Control and License Law of the Town of Fremont.

Section 4: Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:

- (a) **Dog** means male and female, licensed and unlicensed , members of the specis canis familiaris.
- (b) **Owner** means person entitled to claim lawful custody and possession of a dog 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 within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (c) **Run at Large** means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.
- (d) **Town** means the Town of Fremont.
- (e) **DCO/Dog Control Officer** means a person appointed by the Town of Fremont Town Board for the purpose of enforcing Article 7 and this Local Law after adoption.

Section 5: Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Run at large unrestrained by a leash, when off the Dog owners property. For the purpose of this Local Law, a dog or dogs hunting accompanied by the owner or responsible person and under the full control of such owner or person do not have to be restrained by a leash.
- (b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- (c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.
- (d) Chase, jump upon or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, Highway, or place, or upon private property without the consent or approval of the owner of such property.
- (f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.
- (g) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

Section 6: Licensing of Dogs

- (a) All dogs in the Town of Fremont must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- (b) 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.
- (c) Fees for Licensing Dogs: The fee for a spayed or neutered dog will be \$8.00 (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$16.00 (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (d) Enumeration Fee: when the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time enumeration is conducted.
- (e) Purebred License: The Town of Fremont will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- (f) Service Dogs: The Town of Fremont will not require a license for any guide dog, service dog, hearing dog or detection dog.
- (g) A Replacement Identification Tag will be issued for a fee of \$5.00.
- (h) The Town of Fremont does not allow the licensing of dogs by a shelter. The shelter must send the adoptive dog owner to the Town Clerk of the Town or City in which the dog will be harbored for licensing.
- (i) All dog licenses may be purchased by visiting the Town Clerk Office or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be no refund of fees.
- (j) All fees will be used in funding the administration of the Dog Control and Licensing Law of the Town of Fremont.
- (k) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the laws of New York State Department of Agriculture and Markets Law are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the Town for such service, Second Offense: \$60.00 plus the impoundment and euthanasia fees per animal.

Section 7: Procedure for Seizure of Dogs:

- (a) The Dog Control Officer or any peace officer shall seize:
any unlicensed dog whether on or off the owner's premises. Any dog found in violation of paragraphs (a) – (g) of Section 5 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Fremont in such case is carried out.
- (b) The Dog Control Officer or peace officer observing a violation of this Law in his or her presence shall issue and serve an appearance ticket for such violation. Said violation should be considered a Petty Offense and not a Misdemeanor.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Fremont specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

Section 8: Penalties: Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-Five dollars (\$25.00) for a first violation, of Fifty Dollars (\$50.00) for a second violation and Seventy-Five Dollars (\$75.00) for each subsequent violation.

Section 9: Separability: Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed to be or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10: Repealer: This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs and licensing within the Town of Fremont, and they shall be upon the effectiveness of this Local Law, null and void.

- (h) **Section 11: Amendment to Previous Laws:** Local Law # 2 of 2010 constitutes an amendment of Local Law number 1 of 1983, which establishes a Local Law "Dog Control and License Law" adding only the provision referred to in Section above **Section 12: Effective Date:** This Local Law shall be effective January 1, 2011, after filing with the Secretary of State.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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.

~~COUNTY~~
~~CITY~~ of Fremont
~~TOWN~~
~~VILLAGE~~

Local Law No. 2 of the year 2010.

A local law Dog Control and License Law
(Insert Title)
.....
.....
.....

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

~~COUNTY~~
~~CITY~~ of Fremont as follows:
~~TOWN~~
~~VILLAGE~~

See Copy of Local Law Annexed Hereto

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 1 of 2010 of the ~~(County)~~~~(City)~~(Town)~~(Village)~~ of Fremont was duly passed by the Town Board on November 9, 2010, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 19____, (Elective Chief Executive Officer*) 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was (Elective Chief Executive Officer*) 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was subject to (Elective Chief Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 chairman 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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph.....1....., above.

Norma J. Kilbury Town Clerk

Norma J. Kilbury
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 11/10/2010

(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 Steuben

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.

[Signature]
Signature

Attorney for the Town
Title

~~XXXXXX~~
~~CCCC~~ of Fremont
Town
~~XXXXXX~~

Date: 11/10/10



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

RUTH NOEMÍ COLÓN
ACTING SECRETARY OF STATE

December 2, 2010

Norma J Kilbury
Town Clerk
8223 Cream Hill Road
Arkport NY 14807

RE: Town of Fremont, Local Law 2 of 2010, filed on November 29, 2010

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755