

**A LAW FOR THE LICENSING, IDENTIFICATION, VACCINATION AND PROHIBITION  
OF DANGEROUS DOGS IN THE TOWN OF BLENHEIM**

**PURPOSE:**

The purpose of this article 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 while promoting the public safety and welfare of the residents of the Town of Blenheim.

**DEFINITIONS:**

A. All terms not specifically defined herein shall have the meanings assigned to such terms within §108 of the Agriculture and Markets Law of the State of New York; specifically, the following terms shall have the meaning given to them within that statutory section: "adoption;" "clerk;" "Commissioner;" "dangerous dog;" "detection dog;" "dog;" "dog control officer;" "domestic animal;" "euthanize;" "guide dog;" "harbor;" "hearing dog;" "identification tag;" "identified dog;" "municipality;" "official identification number;" "owner;" "owner of record;" "person;" "person with a disability;" "physical injury;" "police work dog;" "recognized registry association;" "serious physical injury;" "service dog;" "therapy dog;" "war dog;" and "working search dog."

B. As used in this article, the following terms shall have the meanings indicated:

ALTERED: shall refer to a dog that has been spayed or neutered.

RUN AT LARGE: shall mean an unleashed dog not under control of the owner and off the premises of the owner.

NEW YORK STATE AGRICULTURE AND MARKETS LAW: means the Agriculture and Markets Law of the State of New York in effect as of the effective date of January 1, 2011, and as amended thereafter.

TOWN: The Town of Blenheim.

**LICENSE REQUIRED:**

A. Pursuant to Article 7 of the Agriculture and Markets Law, no person shall own or harbor a dog within the Town of Blenheim unless such dog is licensed. The issuance of dog licenses shall be under the control and supervision of the Town Clerk. Such license shall be renewed annually at fees determined by the Town Board of the Town of Blenheim. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog or police work dog, and copies of any license for such dogs shall be conspicuously labeled as such by the person issuing the license.

B. In accordance with Article 7 of the Agriculture and Markets law, the following are exempted from the licensing requirement:

(1) Dogs under the age of four months, which are not at large, shall not require a license.

(2) Dogs residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association.

C. Grace period: Any dog harbored within the Town of Blenheim which is owned by a resident of New York State and licensed by another New York municipality, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall be exempt from the licensing and identification provisions of this article for a period of 30 days.

D. The application made via the Town Clerk 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 residence of the owner.

E. The application shall be accompanied by the license fee and a certificate of rabies vaccination, or a statement certified by a licensed veterinarian stating that, because of old age or other reason, the dog's life would be endangered by the vaccine. 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 that 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 the dog has been examined 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 spayed or neutered dogs.

F. Dogs shall be licensed for a one-year license period. The expiration date will be the last day of the month of issuance, one year from the date of issuance.

G. No license shall be issued by a pound, shelter, or any other entity on behalf of the Town of Blenheim.

H. The Town of Blenheim will not issue purebred licenses. All dogs will be licensed individually in accordance with this article.

I. Dog licenses issued by another agency, municipality or shelter will not be recognized by the Town of Blenheim beyond the 30-day grace period described in Paragraph "C," above. The Town of Blenheim does not credit unexpired terms of licenses issued by another municipality, nor does it refund licensing fees for any reason, including, but not limited to: dogs and dog owners that relocate to a municipality other than the Town of Blenheim, dogs that are no longer alive, dogs that are relinquished or transferred to another owner and dogs that are missing, gone or lost.

J. Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund therefore shall be made.

K. The Clerk shall provide a copy of the license to the owner and retain a copy in the Town Clerk's office.

L. No license shall be transferrable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

**CHANGE OF OWNERSHIP; CHANGE OF ADDRESS; LOST OR STOLEN DOG; DECEASED DOG:**

A. In the event of a change of ownership of any dog which has been licensed pursuant to this article, or in the change of address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Town Clerk of such change.

B. If any dog which has been licensed pursuant to this article is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Town Clerk of such loss or theft. The owner of record of any such dog shall not be liable for any violation of this article committed after such notification.

C. In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to the renewal of licensure or upon the time of such renewal.

**FEES:**

A. Dog licensing fees shall be determined by the Town Board of the Town of Blenheim through the adoption of a fee schedule and may be amended at any time by said Town Board. All revenue derived from such fees is the sole property of the Town of Blenheim and shall be used for the purposes permitted by Article 7 of the Agriculture and Markets Law.

B. In addition to the fees set by the Town Board of the Town of Blenheim, an additional \$1 shall be assessed to a license for an altered dog, and an additional \$3 shall be assessed to a license for an unaltered dog. This additional charge is assessed for the purposes of carrying out animal population control efforts. As the Town of Blenheim does not have its own animal control program, these surcharge dollars will be remitted by the Town Clerk to the state animal population control fund, as required by Agriculture and Markets Law § 117-a(7).

C. When the Town Board of the Town of Blenheim determines the need for a dog enumeration or dog census, a fee of \$50 will be assessed to any person keeping unexempted dog(s) found unlicensed or renewed at the time the enumeration is conducted. Such fees shall be the sole property of the Town of Blenheim and shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the municipality for enforcing this article and for animal population control programs.

In addition to the license fee required by this law, each applicant for a dog license shall pay a surcharge of \$3, which shall be retained by the Town of Blenheim and used to defray the cost of providing a replacement identification tag.

Pursuant to Agriculture and Markets Law § 107(4), the licensing process and fees set forth in this article do not apply to any dog confined to the premises of any person, firm or corporation engaged in the business of breeding or raising dogs for profit and licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act.<sup>[1]</sup>

[1] *Note: See 7 U.S.C. § 2131 et seq.*

**IDENTIFICATION/COLLAR TAG:**

A. All dogs required to be licensed must wear an identification tag, bearing the municipal identification number attached to a collar at all times. No dog shall be permitted to be without a collar and an identification tag. All dogs without an identification tag shall be subject to seizure and confinement by the Dog Control Officer, except hunting dogs which are in the field with a hunter during hunting season or for the purpose of being trained for hunting. The collars of all dogs four months and over shall also have a tag evidencing rabies vaccination of the dog for which the license was issued.

B. 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.

C. A dog participating in a dog show shall be exempt from the identification requirements of both Agriculture and Markets Law § 111 and this article during such participation.

**DOGS IN ESTRUS (a/k/a “HEAT”):**

Any female dog in heat shall be confined within a protected enclosure on the premises of the owner or person harboring the dog.

**ADEQUATE FOOD/WATER/SHELTER REQUIRED:**

All premises occupied or used by dogs shall be kept in a clean and sanitary condition. Failure to provide adequate food, water or shelter shall be a violation of this article and shall constitute grounds for seizure of the animal hereunder. These principles shall apply both to individual owners and to any other persons harboring dogs for training, retail sale, boarding, or any other purpose. The Dog Control Officer will also investigate instances of animal abuse or maltreatment as may be reported and / or observed.

**RESTRICTIONS:**

A. It shall be unlawful for any owner of or any person harboring any dog to permit or allow the animal to:

- (1) Run at large in the Town of Blenheim on any property other than that of the person owning or harboring such dog unless accompanied by its owner or a responsible person able to control the dog. For the purposes of this article, dogs which are participating in obedience training or competition, dog shows or field trials, hunting in the company of a hunter, or are within a municipal dog park shall be excluded from this restriction. Any dog running at large, whether or not licensed or wearing a license tag, shall be seized and confined by the Dog Control Officer(s).
- (2) Engage in a recurring practice of howling, barking, crying, or whining so as to unreasonably disturb the comfort or quiet enjoyment of any person other than the dog's owner. A minimum period of 1/2 hour (30 minutes) of excessive noise shall be deemed necessary to constitute a violation of this section. The person owning or possessing a dog committing an act prohibited herein, with or without the knowledge, consent, or fault of such person, shall be guilty of a violation of this section.
- (3) Uproot, dig, or otherwise damage any lawns, gardens, vegetables, flowers, or garden beds on property not belonging to the owner of the dog.
- (4) Chase, bite, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- (5) Engage in a recurring practice of chasing, running alongside of, or barking at vehicles or bicyclists while on a public street or highway or upon public or private property other than property of the owner or other person in control of said dog.
- (6) Cause damage or destruction to private or public property or to create a nuisance by defecating, urinating, or digging on public or private property, other than property of the owner or other person in control of the dog.
- (7) Chase, kill or injure any domestic or farm animal.

B. Establishment of the fact or facts that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by Subsection A of this section shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine, leash or control his dog.

C. Dogs are permitted in Town parks. This rule covers all existing and future Town parks. Dog owners assume any and all responsibility for the control of dogs in any Town Park. Any violation of this municipal law extends to Town parks. This is a land use regulation and violations are enforceable by the Town's Code Enforcement Officer who is authorized to issue appearance tickets.

D. When off the property of the owner, owners shall be responsible for immediate cleanup of any excrement deposited by their animals including Town parks.

#### **FILING OF COMPLAINTS:**

Any person who observes a violation of this Local Law or of the New York State Agriculture and Markets Law may file a signed complaint under oath, with the Town Justice specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and name and residence, if known, of the owner or other person harboring said dog. Additionally, the individual may report such violation to the Dog Control Officer and the Dog Control Officer shall investigate said complaint.

#### **ENFORCEMENT OFFICIAL:**

This chapter shall be enforced by the Town's Dog Control Officer, Codes Enforcement Officer or any employee or agency of the Town of Blenheim so designated by the Town Board. Those persons shall have the authority to enforce the provisions of this Local Law, may also investigate and report to the Town Justice any dangerous dog, to see that the order or orders of the Town Justice is carried out, to issue appearance tickets or other process set forth within Article 7 of the Agriculture and Markets Law.

Additionally, the Town Dog Control Officer, Codes Enforcement Officer or any employee or agency of the Town of Blenheim so designated by the Town Board may also investigate, cite and or report to

the Town Justice any dangerous dog to insure and order(s) of the Town Justice are being adhered to and in compliance with any such order(s).

**SEIZURE OF DOGS: REDEMPTION; DISPOSITION OF UNCLAIMED DOGS:**

A. Seizure; fines; redemption.

- (1) Any dog which is not carrying an identification tag and which is not on the owner's premises, any dog which is not licensed, whether on or off the owner's premises, and any dog in violation of any other provision of this article or which poses an immediate threat to the public safety shall be subject to seizure, redemption, impoundment fees and adoption procedures as set forth in Article 7, § 117, of the Agriculture and Markets Law.
  
- (2) Pursuant to § 117 of the Agriculture and Markets Law, fines and impoundment fees are set by Town Board resolution in their adoption of the Town's fee schedule. An owner may redeem his or her dog within the applicable redemption period specified below, upon payment of all fines and impoundment fees and by producing proof that the dog has been licensed.
  
- (3) Pursuant to § 117 of the Agriculture and Markets Law, redemption periods are set as follows:
  - (a) Where an owner has been personally notified: seven days from the date of such notice.
  
  - (b) Where an owner has been sent notice by certified mail, return receipt requested: nine days from the date of such mailing.
  
  - (c) Where the dog is unidentified: five days, excluding the day the dog is seized or impounded.

B. No person shall hinder, resist, or oppose the Dog Control Officer, Codes Enforcement Officer or any other person authorized to administer and enforce the provisions of this chapter in the performance of the person's duties pursuant to this chapter.



C. No action shall be maintained against the Town of Blenheim, any duly designated Dog Control Officer, Codes Enforcement Officer or any other agent or officer of the Town to recover the possession or value of any dog or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this article.

D. It shall be the duty of the Dog Control Officer, or the shelter with which the Town maintains a contract, to feed and to care for any seized animal at the expense of the Town, recoverable from the owner(s) of the animal by the Town, for a period no longer than the lesser of 1) the time until return of the animal to the owner from the shelter or 2) the time until expiration of the applicable period of redemption. The Town may arrange for animal impoundment, shelter, and disposal by establishment of its own facilities or joint facilities with another municipality, or alternatively by contract with contract entities, including an incorporated animal humane society, any similar dog protective association, or a private animal hospital. In the event that the Town incurs liability for payment for costs related to shelter, feeding, care (including veterinary care) or disposal of an animal, the owner(s) of the animal, whether or not the animal is redeemed, shall be responsible to reimburse the Town in full for such expenses, including any costs or attorney's fees incurred by the Town to enforce this obligation of the owner(s) or to exercise its remedies against the owner(s). If requested by the Town or by the contract entity, as a precondition of release of an animal before payment in full of all costs incurred for shelter, food, and care, an owner shall execute an affidavit of confession of judgment in favor of the Town of Blenheim for the full amount owed. Entry of judgment by the Town upon the confession shall not be the Town's sole and exclusive remedy. In the event of failure to reimburse the Town for any costs incurred, the following remedies shall be available against an owner(s):

- (1) The Town may seek recovery of its expenses and costs by action venued in a court of appropriate jurisdiction, and the owner(s) shall be responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action.
- (2) Alternatively, and at the sole discretion of the Town, a default in reimbursement of costs incurred by the Town for any animal owner who owns real property in the Town shall be remedied by charging such sums, together with related costs, including attorney's fees, against any such real property by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and

collected at the same time and in the same manner as Town-assessed taxes. Prior to charging such assessments, the owner(s) of the real property shall be provided written notice to his/her (their) last known address of record by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

E. All monies collected as fines or penalties as a result of any prosecution for violations of the provisions of this article, and all bail forfeitures by persons charged with such violations, shall be the sole property of the Town of Blenheim.

F. Fines, licensing fees and impoundment fees charged by the Town, and established from time to time within the Town's fee schedule, shall be paid to the Town as a precondition of the Town's authorization of a contract entity to release the animal. At the sole and exclusive discretion of the Town Board, this obligation of the owner may be paid in installments upon the execution of a promissory note to the Town by the owner.

G. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized, provided that no dog shall be delivered for adoption unless it has been licensed pursuant to the provisions of this article prior to its release from custody.

H. No liability in damages or otherwise shall be incurred on account of the seizure, euthanization, or adoption of any dog pursuant to the provisions of this article.

### **VIOLATIONS:**

A. It shall be a violation for:

- (1) Any owner to fail to license any dog;
- (2) Any owner to fail to have any dog identified as required by this article;
- (3) 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 tag;

- (4) Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this article;
- (5) Any person to furnish any false or misleading information on any form required to be filed with the Town of Blenheim pursuant to the provisions of this article or rules and regulations promulgated pursuant thereto;
- (6) 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; and
- (7) Any owner of a dog to fail to notify the Town of Blenheim of any change of ownership or address as required by this article.

B. The Town of Blenheim may elect either to prosecute such actions described in this section as violations under the penal law or to commence an action to recover a civil penalty.

### **DANGEROUS DOGS:**

Agriculture and Markets Law § 123 sets forth the applicable procedural and substantive requirements applicable within the Town of Blenheim when a dog is alleged to be dangerous. However, the Dog Control Officer will have the discretion to seize an allegedly dangerous dog while awaiting a judicial probable cause decision on whether the dog is dangerous or not and, therefore, the dog may be held pending a judicial determination on the merits of the offense or violation under Agriculture and Markets Law § 123(2).

Dogs that have been deemed to be “dangerous” and that have chased, bitten or harmed any person(s), domestic animal or livestock for a second time are subject to seizure, evaluation for rehabilitation and / or euthanasia as deemed appropriate by the Town Court / Justice.

### **SEVERABILITY:**

Each provision of this article shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

### **DISTINCT VIOLATIONS; MULTIPLE OFFENSES:**

Notwithstanding any inconsistent provisions within “Penalties for Offenses” above, of this chapter, each separate offense in violation of the provisions of this article is a distinct violation. Upon conviction, the violation shall be punishable by a fine not to exceed \$150 or imprisonment not to exceed 15 days for a first offense. Maximum fines shall be \$500 for a second offense and \$1,500 for a third or a greater number of offenses. The maximum duration of imprisonment shall not exceed 15 days for a second, third, or a greater number of offenses. A dog owner shall be jointly and severally responsible for violations committed by another in possession of the dog at any Town Park. The Town may also pursue enforcement by means of action to enjoin the offending conduct. Under either means of enforcement, the Town shall be entitled to collect its actual and reasonable attorneys' fees, in an amount to be determined by the court, and collection of the attorneys' fees award may be exercised by imposition of a tax lien upon the violator's real property located within the Town of Blenheim. The violator shall be entitled to notice and an opportunity to be heard by the Town Board with respect to the potential tax lien. The notice shall be at least 14 days in duration from the date of mailing by the Town to the last known address of the violator.

**EFFECTIVE DATE:**

This law shall take effect March 1, 2024 after filing with the New York State Department of State.



