

(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 Rockville Centre

Town

Village

Local Law No. 14 of the year 2010

A local law to amend the Code of the Village of Rockville Centre, in relation to dog

(Insert Title)

licensing in conformance with the Agriculture and Markets Law.

Be it enacted by the Board of Trustees of the

(Name of Legislative Body)

County

City

of Rockville Centre **as follows:**

Town

Village

Section one. Chapter 19 of the Code of the Village of Rockville Centre, entitled "Dog Enumerators", is hereby amended, to read as follows:

"CHAPTER 19. DOG ENUMERATORS.

§ 19-1. Appointment of Dog Enumerators. The Village Board of Trustees may, from time to time, appoint one or more dog control officers to assist within the Village with the control of dogs and enforcement of the Village's dog licensing laws. The persons so appointed may ascertain by due inquiry the names of owners of dogs kept or harbored in such Village."

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

Section two. Section 87-7 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

“§ 87-7 Dog license required; fees.

A. Purpose. The purpose of this section is to provide for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, and domestic animals from dog attack and damage.

B. Definitions. Except as otherwise provided in this section, the definitions in Agricultural and Markets Law §108 shall apply to this section. The term "owner" means any person who harbors or keeps any dog.

C. Except as is provided in §§ 107 and 109 of the Agriculture and Markets Law, all dogs within the Village four months of age or older shall be licensed. The owner of each dog required to be licensed shall obtain, complete, and return to the Village Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as shall be established by the Village. Each license application shall be accompanied by 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. Each license issued shall be valid for a period of one year and shall not be transferable.

D. In the event that a dog owned by a resident of New York City or a non-resident of New York State is licensed pursuant to the law of the area of such residence, such dog shall be exempt from licensing pursuant to this section for a period of thirty days after being brought into the Village.

E. The owner shall obtain a license from the Village Clerk, or the designee of such Village Clerk, on forms provided by the Village, which will include the following information:

1. The owner's name, residence address and telephone number.
2. The breed, color, markings and month and year of birth, or approximate age, of the dog, and the municipal license number of the dog.
3. The type of license, including the sex of the dog, whether it is spayed or neutered and if the dog is a guide, war or police work dog.
4. The amount of the fee submitted to the Village Clerk.
5. Such other information as may be reasonably required by the Village Clerk and is reasonably related to the foregoing or required by the provisions of the Agriculture and Markets Law.

F. Each dog license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter, prior to the expiration date.

G. Purebred license. The owner of one or more purebred dogs registered by a recognized registry association may annually make an application to the Village Clerk or the designee of the Village Clerk for a purebred license, in addition to the individual licenses required by this section. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date. Such application shall be made to the Village Clerk or the designee of such Village Clerk. The application shall state the name, address and telephone number of the owner; the county and city, town or village where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed. The application shall be accompanied by the license fee prescribed by this section and a certificate of rabies vaccination or statement in lieu thereof, as required by this section. Upon receipt of the foregoing items, the Village Clerk shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefore shall be made. No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of this section, except when the new owner holds a valid purebred license.

H. Fees. All fees paid pursuant to this section are non-refundable.

1. The fee for the licensing of dogs, and the additional fee, if any, for a purebred license, shall be established from time to time by resolution of the Board of Trustees, provided that the fee for unspayed or unneutered dogs shall be at least five dollars more than the fee for spayed or neutered dogs.

2. In addition to such license fee, there shall be an additional fee surcharge pursuant to Agriculture and Markets Law §110(3), established from time to time by resolution of the Board of Trustees, in the amount of at least one dollar for altered dogs and at least three dollars for unaltered dogs, to be used for the purposes of animal population control efforts.

3. The Board of Trustees may impose an additional surcharge which shall be retained by the Village and used to defray the cost of an enumeration of dogs living within the Village

4. The Board of Trustees also may establish from time to time a fee for replacement identification tags.

5. Exemptions from fees. No fee shall be required for a license for a Guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog exempted pursuant to § 110 of the Agriculture and Markets Law shall not be subject to licensing fees. The license for each such dog shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog" or "Therapy Dog" as may be appropriate.

I. Display of license. Dogs shall display their license as required by Agriculture and Markets Law §111. However, a dog participating in a dog show shall be exempt from the identification requirement of such section during such participation.

J. Notification of Change of Ownership; Lost Dog; Death of Dog.

1. In the event of a change in the ownership of any dog licensed pursuant to this section or 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 Village Clerk a written report of such change. Such owner shall remain liable for any violation of this section 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 section is lost or stolen, the owner of record shall, within ten days after the discovery of such event, file with the Village Clerk a written report of such loss or theft. The owner shall not be responsible for any violation of this section with respect to such dog committed after such report is filed.

3. In the case of a dog's death, the owner of record shall notify the Village Clerk prior to renewal of the license."

Section three. The Code of the Village of Rockville Centre is hereby further amended, by adding thereto a new section, to be section 87-7.1, to read as follows:

"§87-7.1. Impoundment Fees. The owner of any dog impounded by the Village shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and pays a fee in an amount to be determined by resolution of the Board of Trustees. Such fees may be established in an amount not less than \$10.00 for the first such impoundment, not less than \$20 for the second such impoundment, and not less than \$30 for the third and each subsequent impoundment, and also shall provide for a fee of \$3.00 for each twenty four hour period for the second and each subsequent impoundment."

Section four. Any local law, ordinance, or resolution of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal, or the express repeal of any local law, ordinance or resolution herein, shall not affect or prevent the prosecution or punishment of any person for any

act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section five. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section six. This local law shall take effect on January 1, 2011.

(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.14 of 2010 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on October 26, 2010, in accordance with the applicable provisions of law.

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 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20__, 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 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__. Such local law was 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 _____ 20__, 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 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

*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 chairperson 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.

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 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.

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

(Seal)

Date: October 26, 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 NASSAU

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

Village Attorney
Title

County

City

of Rockville Centre

Town

Village

Date: October 26, 2010