

TOWN OF SMITHVILLE, Chenango County, New York  
DOG LICENSING AND CONTROL  
Local Law # 5, 2021

**SECTION 1. TITLE**

This local law shall be known and may be cited as the “Dog Licensing and Control Law of the Town of Smithville, Chenango County, New York.

**SECTION 2. PURPOSES**

The purposes of this Local Law are to provide for the licensing and identification of dogs, the control and protection of the dog population, the protection of persons, property, domestic animals and deer from dog attack and damage, and to preserve the Public peace and promote the health, safety and welfare of the citizens of the Town of Smithville [hereinafter referred to as “the Town”], consistent with the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, by imposition of regulations on dogs and the keeping of dogs within the Town.

**SECTION 3. AUTHORITY**

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York and the Municipal Home Rule Law of the State of New York, as amended by Part T of Chapter 59 of the Laws of 2010, and as may be subsequently amended and supplemented.

**SECTION 4. DEFINITIONS**

The definitions set forth in Section 108 of article 7 of the Agriculture and Markets Law of the State of New York are incorporated by reference. In addition, the following terms are defined as follows:

- (a) ADEQUATE SHELTER means a weatherproof, four-sided, roofed structure of sufficient size to allow the dog for which it is provided to lie down, stand up and turn around inside it, but sufficiently small to allow the dog to conserve body heat during cold weather. It shall be constructed so that any metal parts, except nail and/or screw heads and similar small parts, shall not come into contact with the dog while it is inside the structure. Each dog shall have its own individual shelter. A vehicle shall NOT be considered adequate shelter, except when the dog is actually being transported in such vehicle.
- (b) AT LARGE means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained. No dog shall be deemed to be “at large” if it is: (1) a guide dog; (2) a police work dog in use for police work; (3) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.
- (c) LEASHED means restrained by a rope, strap, chain or other restraining device, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.
- (d) OWNER/OWNER OF RECORD means any person owning, keeping or harboring a dog for a period of 1 week in the Town of Smithville shall be held and deemed the owner of such dog for the purposes of this Local Law. If any dog is found in violation of this Local Law and the owner or owner of record is found to be under 18 years of age, the owner or owner of record shall then be deemed to be the parent or guardian of that person or the head of the household in which the person resides.

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**SECTION 5. LICENSE APPLICATION**

- (1) All dogs with the Town four (4) months of age or older, unless otherwise exempted, shall 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 license application fee, and any application license surcharges and/or such additional fees as may be established by the Town. Licenses completed online and mailed to the Clerk's office may also require a copy of the owner's drivers license for proof of licensing the dog. Each license issued shall be valid for the period of year and shall not be transferable or refundable.
- (2) Each license shall also 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.
- (3) Each initial license for a spayed or neutered dog shall also be accompanied by a certificate or statement signed by a licensed veterinarian showing that the dog has been spayed or neutered. If the dog has been spayed or neutered after its initial license, then the owner shall provide the spay or neuter certificate or statement prior to renewing the license of such dog.
- (4) Any change in the address, ownership or disposition of a licensed dog shall be reported immediately to the Town Clerk.

**SECTION 6. LICENSE FEES**

Dog license fees for the various license types shall be established annually by Town Board Resolution: **(see Town of Smithville Fee Schedule)**

- (1) In addition to the license fee established by Town Board resolution, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay an additional surcharge as established by Town Board resolution. Such additional surcharge shall be used to pay expenses incurred by the Town in conducting an enumeration in any year. Any excess fees collected as an enumeration surcharge shall be used by the Town for any lawful purpose.
- (2) Upon submission of proper documentation, there shall be no fee charged for a license issued to any detection dog, guide dog, hearing dog, police work dog, or service dog.
- (3) The Town will issue Purebred licenses, the fees of which shall be established by Town Board resolution. To be eligible for such license, all dogs must be purebred and registered by a recognized association. The application for a purebred license must state the name, address and telephone number of the owner and the sex, breed, registry name and number of each purebred dog over the age of four months. The applicant must own and harbor the listed dogs on their property in the Town.
- (4) Late charges will be imposed on each and every delinquent dog license 30 days past its due date at a rate to be established by Town Board Resolution and posted on the annual Town of Smithville fee schedule.
- (5) Additional fees will be charged separately for a replacement dog tag and to mail a dog tag to the owner via USPS.
- (6) The Town will not allow the licensing of dogs by a shelter. The shelter must send the owner to the Town of Smithville Clerk to first license the dog.

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**SECTION 7. PROHIBITED ACTS AND SUBJECT TO SEIZURE**

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

- A. Run at large unless the dog is accompanied by its owner or a responsible person and is under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual and loud howling, barking, crying or shining or conduct as to unreasonably and habitually disturb any person other than the owner of that dog.
- C. Chase, jump upon or at, or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put that person in reasonable apprehension of bodily harm.
- D. 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 that property.
- E. Create a nuisance by defecating, urinating or digging on public property or on private property without the consent or approval of the owner of that property.
- F. Harm, kill, or injure any animal whether household pet, domesticated or livestock animal or fowl.
- G. Leave any dog unattended outdoors without adequate supervision, shelter, food and water, or allow any other person to do so.
- H. Be unlicensed; any dog not wearing a collar and an identification tag and not on the owner's premises.

**SECTION 8. SEIZURE AND/OR IMPOUNDMENT OF DOGS**

- A. The Dog Control Officer or any Peace Officer shall have the authority to seize:
  - 1. Any dog which is not licensed, whether on or off the owner's premises.
  - 2. Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous.
  - 3. Any dog which poses an immediate threat to the Public safety.
  - 4. Any dog not confined as required by a deer depredation order which is observed to be attacking, chasing or worrying a deer.
  - 5. Any dog in violation of paragraphs 7(A) through 7(H) of this Local Law.
- B. The Dog Control Officer or any Peace Officer shall also have the authority to write an appearance ticket for any of the above listed offenses in paragraph 7(A) through 7(F)

**SECTION 9. PENALTIES FOR VIOLATIONS AND REDEMPTIONS**

Penalties for violation of this local law shall be as prescribed in Section 117 of the Agriculture and Markets Laws of the State of New York, as the same may be amended from time to time hereafter. Any fines or penalties imposed and bail forfeitures shall be the property of the Town and used for the purposes allowed by Section 117 of the Agriculture and Markets Law, as the same may be amended from time to time hereafter.

Penalties for Redemption of the owner's dog from the SPCA or other specified shelter shall be fixed by the Town Board of Smithville and added to the Town Fee Schedule annually.

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**SECTION 10. SEPARABILITY**

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

**SECTION 11. NONLIABILITY**

No action shall be maintained against the Town of Smithville by any person lawfully performing duties pursuant to this Local Law to recover the possession or value of any dog, or for damages or injuries or compensation for the destruction of any dog seized or destroyed pursuant to the provision of the Local Law. The Town of Smithville shall not be held liable for any damage done by any dog.

**SECTION 12. REPEALER**

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the Town of Smithville.

**SECTION 13. EFFECTIVE DATE**

This Local Law shall take effect January 1, 2022 subject to filing it with the Secretary of State.