

**Danby Town Board  
Minutes of Regular Meeting  
January 10, 2011**

**Present:**

Supervisor: Ric Dietrich  
Councilpersons: Leslie Connors, Kathy Halton, Dan Klein, Dylan Race

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Code Enforcement Sue Beeners  
Public Ronda Roaring, Joel Gagnon, Ted Crane, Robert Roe, Liz Roe

**The meeting was called to order at 7:07pm with the Pledge of Allegiance and a moment of silence for those who had been shot in Tuscon, Arizona.**

**RESOLUTION NO. 18 OF 2011 - APPROVAL OF MINUTES**

**Resolved**, that the Town Board of the Town of Danby approves the minutes of December 6, 2010.

**Moved by Klein, Second by Connors. The motion passed.**  
**In Favor: Connors, Halton, Klein, Race, Dietrich**

**RESOLUTION NO. 19 OF 2011 - APPROVAL OF MINUTES**

**Resolved**, that the Town Board of the Town of Danby approves the minutes of December 13, 2010.

**Moved by Klein, Second by Halton. The motion passed.**  
**In Favor: Connors, Halton, Klein, Race, Dietrich**

Halton pointed out that there was a typo/redundancy on one line of the December 30 minutes. Goddard agreed to remove the second "by the time" in a sentence in the Code Enforcement paragraph.

**RESOLUTION NO. 20 OF 2011 - APPROVAL OF MINUTES**

**Resolved**, that the Town Board of the Town of Danby approves the amended minutes of December 30, 2010.

**Moved by Klein, Second by Connors. The motion passed.**  
**In Favor: Connors, Halton, Klein, Race, Dietrich**

**Privilege of Floor**

Robert Roe reported that the Planning Board passed a resolution of appreciation for the 14 years of service provided by Olivia Vent and suggested that the Town Board pass a similar resolution.

**RESOLUTION NO. 21 OF 2011 - APPRECIATION FOR OLIVIA VENT**

**Resolved**, That the Town Board of the Town of Danby thanks Olivia Vent for her extended service to the Planning Board.

**Moved by Klein, Second by Connors. The motion passed.**  
**In Favor: Connors, Halton, Klein, Race, Dietrich**

Dietrich informed the Board that he has asked Bob "The Letterman" Chase to make a calligraphy certificate of thanks for Vent. He also asked the Town Clerk to send a letter of appreciation to her.

Joel Gagnon pointed out that the floodlights at the front of the Town Hall were still out. The repair is waiting on finding an appropriate energy-efficient bulb for the fixture. Information about progress on a NYSERDA grant for energy efficient indoor lights in the Town Hall was shared at the same

time. Some progress is being made, although it is slowed due to the requirement that fixtures be American made.

### **Planning Board Interview:**

The Board expressed a willingness to dispense with interviews, based on extensive prior knowledge of the applicants, if this were agreeable to the applicants. Joel Gagnon declined to be interviewed. Ted Crane spoke in favor of Gagnon being appointed, based on Gagnon's "institutional memory" and the fact that Gagnon and Crane have similar views on Planning issues.

### **RESOLUTION NO. 22 OF 2011 - APPOINTMENT TO PLANNING BOARD**

**Resolved**, That the Town Board of the Town of Danby appoints Joel Gagnon to a seven year term on the Danby Planning Board, effective January 19, 2011 through December 31, 2017.

**Moved by Race, Second by Dietrich. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

There was a general discussion regarding the purpose and use of alternates to the Planning Board. Dietrich reported on conversations with individual members of the Planning Board, stating that there did not seem to be widespread opposition to appointing alternates and that alternates could be a more viable part of the Planning process. If alternates are not appointed or used in an effective way, then the wording of the relevant local law should be changed. Klein expressed a desire for a clear opinion from the Planning Board as to whether it wants alternates as part of its board.

Race suggested that the TB appoint alternates at this time, since there seemed to be agreement that the positions would not be eliminated, and ask for further clarification on alternate use from the members of the PB.

### **RESOLUTION NO. 23 OF 2011 - APPOINTMENT PLANNING BOARD ALTERNATE**

**Resolved**, That the Town Board of the Town of Danby appoints Ted Crane as an alternate to the Planning Board.

**Moved by Race, Second by Dietrich. The Motion was tabled.**

Klein objected to appointing any alternates to the Planning Board prior to hearing from that board whether it wanted alternates and how those alternates would be used. Joel Gagnon shared his informal poll of the PB as to whether they wanted alternates. He reported that Klingensmith, Melchen, and Selin were all in favor of appointing alternates. Dietrich agreed with Gagnon's assessment and reported that Strichartz is not in favor of appointing alternates since they seemed to have no function. Roe reported that, in the past seven years there have only been two instances when there was not a quorum of the PB.

Connors posed the question of only having one alternate. Halton suggested that the PB clarifies the potential use of alternates. Questions to be directed to the PB include whether there should be 0, 1, or 2 alternates? Would alternates fill in a quorum or substitute for a missing member? What would be the situations when an alternate would vote and expectations about attendance?

**Motion to table resolution #23 by Halton, Second by Connors.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

### **RESOLUTION NO. 24 OF 2011 - LETTER TO PLANNING BOARD**

**Resolved**, That the Town Board of the Town of Danby requests the Town Clerk to send a memo to the Planning Board with questions regarding Planning Board Alternates for consideration at the January 19 Planning Board meeting.

**Moved by Halton, Second by Connors. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

**Warrants: #1 of 2011**

Water District - #001 for a total \$691.62

**Moved by Halton, Second by Connors. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

Highway Fund - #001-003 for a total \$30,604.52

**Moved by Halton, Second by Connors. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

General Fund - #001-027 for a total \$86,042.60

**Moved by Halton, Second by Connors. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

**Warrants: #14 of 2010**

Water District - #69-70 for a total \$441.79

**Moved by Halton, Second by Connors. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

Highway Fund - #183-189 for a total \$5,844.32

**Moved by Halton, Second by Connors. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

General Fund - #566-573 for a total \$3,279.87

**Moved by Halton, Second by Connors. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

**Danby Dog Licensing Law:**

Clerk Goddard explained the need to readopt this law, due to a numbering technicality. There is no need for a second public hearing, since one was held within a reasonable time of this re-adoption and there is no substantive change to the law.

**RESOLUTION NO. 25 OF 2011 –CONSIDER ADOPTION - PROPOSED LOCAL LAW NO. 1 OF 2011 LICENSING, IDENTIFICATION, AND CONTROL OF DOGS IN THE TOWN OF DANBY**

**WHEREAS**, the Town Board of the Town of Danby is considering adoption of proposed Town of Danby Local Law Number 1 of 2011 related to Licensing, Identification, and Control of Dogs in the Town of Danby; and

**WHEREAS**, this is a SEQRA Type II action for which no further environmental review is required; and

**WHEREAS**, the Town Board on December 6, 2010 has held Public Hearing on this proposed local law, which Public Hearing was duly noticed in the Ithaca Journal;

NOW, THEREFORE, IT IS

**RESOLVED**, that the Town Board of the Town of Danby hereby adopts Town of Danby Local Law Number 1 of 2011 related to Licensing, Identification, and Control of Dogs in the Town of Danby; which Local Law is incorporated into this Resolution; and it is

**FURTHER RESOLVED**, that in accord with Section 21 of the Municipal Home Rule Law, the final adopted copy of these Local Laws shall be presented to the Town Supervisor for approval; and it is

**FURTHER RESOLVED**, that upon such approval by the Supervisor (or other approval occurring pursuant to said Section 21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, in the Office of the Town Clerk and with the New York State Secretary of State as required by Municipal Home Rule Law Section 27.

**Moved by Klein, Second by Halton. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

Local Law #1 of 2011 is included in Appendix A of these minutes.

### **Association of Towns Annual Meeting:**

Klein asked to be authorized as the official Danby voting representative to Association of Towns Annual meeting. There was a discussion about the proposed resolutions to be presented at the meeting in February.

#### **RESOLUTION NO. 26 OF 2011 - ASSOCIATION OF TOWNS REPRESENTATIVE**

**Resolved**, That the Town Board of the Town of Danby appoints Dan Klein as its representative to the 2011 Association of Towns Annual Meeting.

**Moved by Connors, Second by Dietrich. The motion passed.**

**In Favor: Connors, Halton, Race, Dietrich**

**Abstained: Klein**

### **Board and Committee Appointments:**

#### **RESOLUTION NO. 27 OF 2011 - APPOINTMENT OF YOUTH SERVICES REPRESENTATIVE**

**Resolved**, That the Town Board of the Town of Danby reappoints Asher Hockett as Danby's representative to the County Youth Services Board.

**Moved by Dietrich, Second by Halton. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

#### **RESOLUTION NO. 28 OF 2011 - APPOINTMENT OF RECREATION PARTNERSHIP REPRESENTATIVE**

**Resolved**, That the Town Board of the Town of Danby reappoints Dylan Race as Danby's representative to the Recreation Partnership Board.

**Moved by Connors, Second by Halton. The motion passed.**

**In Favor: Connors, Halton, Klein, Race, Dietrich**

### **Delta Engineering Update:**

Halton and Shawley gave an update. There will be a road use meeting to set fee schedule associated with permits for heavy industrial use so that they are consistent throughout the county. Delta Engineering has completed its survey of Danby roads. Danby should receive four things from Delta in the month of February: the template law, a template road usage agreement, the template for the permits, a road usage agreement program manual and technical manual. This system is being tested in Sullivan County.

The following step will be a review of proposed laws, to assure that they are compatible with existing Danby laws. Once these are reviewed, the town will formally adopt the laws. Training in these road use systems will be offered by Delta once the laws are in place. The target date for law review and training is late April or early May. Four Tompkins County municipalities are participating in this process.

### **Gas Drilling Task Force:**

Goddard suggested that the Board pass a resolution ratifying the Danby Gas Drilling Task Force as official Town committee, as the previous resolution was passed during a time for which there are no official minutes. This will also tie up the loose end of whether the Critical Environmental Areas committee is an official body of the Town undertaking potentially legally binding recommendations.

#### **RESOLUTION NO. 29 OF 2011 - RATIFY THE DANBY GAS DRILLING TASK FORCE**

**Resolved**, that the Town Board of the Town of Danby ratifies the Danby Gas Drilling Task Force as an official committee of the Town of Danby to educate residents on issues related to industrial development and to provide recommendations on legislative and programmatic approaches, and

**Further Resolved**, that said committee may form subcommittees including but not limited to the Critical Environmental Areas (CEA) committee charged with researching and recommending potential CEA protection areas.

**Moved by Dietrich, Second by Connors. The motion passed.  
In Favor: Connors, Halton, Klein, Race, Dietrich**

### **Appointment Procedures:**

Goddard led a discussion about appropriate procedures for board and committee applicants. Connors suggested that the Board draft an official set of procedures at its February meeting. She volunteered to collate materials from other government operations and direct a draft to the Town Clerk.

### **Emergency Management Update:**

Dietrich informed the Board of progress on updating the town Emergency Management Manual. There will be a meeting with a representative of the Fire Department, to discuss how town and FD procedures will work together. There will be some training specific to potential evacuation procedures in the event of an industrial incident.

### **Legislative Report:**

Frank Proto reported on activities at the County level. He gave an update on the committees with which he serves. A County “budget retreat” is scheduled for the last Monday in January, with the intent of strategizing fiscal challenges related to state mandates. (88% of the tax levy goes to satisfy nine mandates from the state and one third of the County budget goes to pensions.)

Proto reported on a meeting of the Soil and Water Conservation District. Limited funds are available for mitigating potential flood problems. Proto asked the Board to advise him on any problems which may be current in Danby. Gagnon mentioned the problem in West Danby necessitating the re-routing and grading a creek. Dietrich mentioned possible beavers problems.

There was a lengthy discussion of County road use legislation. A proposed public hearing has been postponed. Proto expressed concern that there is a perception that the draft legislation might inadvertently negatively impact local agricultural and small business usage. Proto supports delaying a vote in order to have additional public information sessions prior to a public hearing to allow more local businesses to express their concerns.

Dietrich expressed concern that the County road use law, as drafted, is not in Danby’s best interest. There is the potential of two conflicting sets of laws for the Town and County. Highway Department Assistant Shawley expressed the concern that aspects of the two sets of law are directly opposite to each other. There are questions regarding law and judicial enforcement of these laws. Further discussions will be held.

### **Written Reports:**

Written reports were distributed from the Town Justices, EMC, Highway Department, and Fire District. The Clerk also distributed a letter addressed to the Board from a local resident.

There was a short discussion about educating residents about procedures for various code complaints. Halton requested that more discussion about what information should be presented in the Danby Area News be included in the February 7 meeting agenda.

### **Adjournment**

A motion to adjourn the Meeting was made at 9:08pm.

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Pamela S Goddard, Town Clerk

**TOWN OF DANBY LOCAL LAW #1 OF 2011**  
**Licensing, Identification, and Control of Dogs in the Town of Danby**

**Section 1. Title.**

The title of this Local Law shall be, "Licensing, Identification, and Control of Dogs in the Town of Danby."

**Section 2. Authority.**

This Local Law is adopted pursuant to Article 7 of the Agriculture and Markets Law of the State of New York.

**Section 3. Purpose.**

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, and other animals from dog attack and damage.

**Section 4. Application.**

1. This Local Law shall apply to all areas of the Town of Danby.
2. In the event that any dog owned by a non-resident of the Town of Danby is harbored within the Town for a period of 30 days or less such dog shall be exempt from the identification and licensing provisions of this Local Law provided such dog is licensed pursuant to the provisions of law of the area of residence.
3. This Local Law shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined to an animal shelter devoted to the impounding and caring of animals.

**Section 5. Definitions.**

As used in this Local Law, the following words shall have the following respective meanings:

1. "Altered" shall refer to a dog that has been spayed or neutered.
2. "At large" means an unleashed dog not under control of the owner and off the premises of the owner
3. "Companion animal" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Companion animal" shall not include a "domestic animal" as defined in this Section.
4. "Dangerous dog" means any dog which
  - a. without justification attacks a person, companion animal, farm animal, or domestic animal as defined in this section and causes physical injury or death, or
  - b. behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or
  - c. without justification attacks a "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "Detection Dog", "Police Work Dog", "War Dog," or "Therapy Dog" and causes physical injury or death.
  - d. "Dangerous dog" does not include a "Police Work Dog", while being used to assist one or more law enforcement officers in the performance of their official duties.

5. "Detection dog" means any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.
6. "Dog" means any mammal of the family or genus *canine* or *canidea*, including the species *Canis Familiaris*.
7. "Dog Control Officer" means any individual appointed by the Town to assist in the enforcement of this Local Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town to assist in the enforcement of this Local Law.
8. "Domestic animal" means any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer which is raised under license from the New York State Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the New York State Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purposes of this Local law.
9. "Farm animal", as used in this Local Law, means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in New York State Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.
10. "Guide dog" means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred for such purpose.
11. "Harbor" means to provide food or shelter to any dog for more than four months.
12. "Hearing dog" means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.
13. "Identification tag" means a tag issued by the Town of Danby or other licensing municipality which sets forth an identification number, together with the name of the municipality, the State of New York, contact information, including telephone number for the municipality, and such other information as the licensing municipality deems appropriate.
14. "Identified dog" means any dog carrying an identification tag.
15. "Municipality" means any county, town, city or village.
16. "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.
17. "Owner" means any person who harbors or keeps any dog. If a dog is not licensed, the term of "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 animal which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this Local Law shall be held and deemed to be the owner of such dog for the purpose of this Local Law. In the event any dog found to be in violation of this Local Law shall be owned by a minor (under 18 years of age), the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of this Local Law.

18. "Owner of record" means the person purchasing the license or in whose name any dog was last licensed. An owner of record shall be 18 years of age or older.
19. "Person" means any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.
20. "Police work dog" means any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.
21. "Recognized registry association" means any registry association that operates on a nationwide basis, issues certificates and keeps such records as may be required by the Commissioner of Agriculture.
22. "Service dog" means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.
23. "Therapy dog" means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.
24. "Town" means the area within the corporate limits of the Town of Danby.
25. "Town Board" means the Town of Danby Board.
26. "Town Clerk" means the Danby Town Clerk.
27. "Unaltered" shall refer to any dog that is not spayed or neutered.
28. "Working search dog" means any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with New York State; provided, however, that such services provided by said dog shall be performed without charge or fee.
29. "War dog" means any dog which has been honorably discharged from the United States armed services, as defined in article 7 of the New York State Agriculture and Markets Law.

## **Section 6. Licensing.**

1. Application for Original License.
  - a. The owner of any dog reaching the age of four months shall immediately make application to the Town Clerk for a dog license on a form provided by the Town Clerk's Office. No license shall be required for any dog which is under the age of four months and which is not at large, or any dog that is residing in a pound or shelter maintained by or under contract or agreement with the State of New York 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.
  - b. In the case of a dog being redeemed or a dog being adopted from a shelter or pound the Town Clerk and the manager of the facility shall establish a licensing procedure that is agreeable and beneficial to both the Town of Danby and the shelter or pound.
2. Rabies Vaccination Required.

All applications for a dog license shall be accompanied by a valid rabies certificate signed by a licensed veterinarian or, in lieu thereof, a statement certified by a licensed veterinarian stating that the dog is too young to be vaccinated or because of old age or another reason, the life of the dog would be endangered by the administration of vaccine. A copy of the rabies certificate or certified statement shall be made and attached to the Clerk's copy of the application. In the case of a dog being redeemed or adopted from a shelter copies shall be forwarded to the Town Clerk. Such records shall be kept



on file by the Town Clerk and be made available upon request for rabies and other animal disease control efforts.

3. Spay/Neuter Certificates.

In the case of a spayed or neutered dog, every application shall 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. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he 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 as set forth in Part 6 of this Section.

4. License.

Upon receiving a complete application, the required documents and the fee, the Town Clerk shall issue a license and tag. The Town Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.

5. Expiration of License.

An original license shall be issued for a period of one year, and shall expire on the last day of the month of the period for which they are issued.

6. License Renewal.

a. License renewal forms shall be mailed by the Town Clerk.

b. A new rabies certificate shall be required if the one on record has expired or expires within 30 days of the date of renewal. An in-lieu-of statement as described in Part 2 of this Section may be substituted for a rabies certificate. New rabies certificates and statements shall be copied and attached to the Town Clerk's copy of the renewal.

c. A spay/neuter certificate shall not be required if one is already on file with the Town Clerk. In a case where the dog has been altered during the preceding year, the certificate shall be presented to the Town Clerk in order to receive the reduced fee for an altered dog. The Town Clerk shall make a copy of the certificate and attach it to the original license on file.

d. The renewal shall expire on the last day of the month in the same month that it was originally issued. (i.e, a license originally issued in January will always expire in January.)

e. Renewing early or late, does not change the renewal month. However, owners having more than one dog may request common renewal dates for their licenses, which may be granted at the discretion of the Town Clerk, provided that all other licensing and renewal requirements are met. No licensing fees will be prorated, refunded, or waved when accommodating such a request.

f. Upon renewal the Town Clerk shall provide a validated license to the owner. The Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.

7. License Fees.

Pursuant to this Local Law, the Town Board of the Town of Danby is authorized to establish by resolution, a schedule fees pertaining to the licensing, identification and enumeration of dogs. The Town Board may amend the fee schedule by resolution from time to time as it deems appropriate. The most current fee schedule will be kept on file in the office of the Danby Town Clerk for public inspection.

a. All applications for original licenses or renewals shall be accompanied by a fee established by resolution of the Danby Town Board. The total fee for an unaltered dog shall be at least 5 dollars more than the total fee for an altered dog.

- b. All revenue derived from such fees shall be the sole property of the Town of Danby and shall be used only for controlling dogs and enforcing this Local Law and Article 7 of New York State Agriculture and Markets Law. Said revenue may also be used to subsidize the spaying or neutering of dogs, any facility as authorized under Article 7 of New York State Agriculture and Markets Law, and subsidizing public humane education programs in responsible dog ownership.
  - c. In no event shall any money derived from license fees be used to subsidize the spaying or neutering of cats or animals other than dogs.
  - d. No license fees are refundable or partially refundable in the event that a dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.
  - e. An additional fee may be established by resolution of the Danby Town Board should a dog be identified as unlicensed during an enumeration. Such additional fee shall be the property of the Town of Danby and shall be used to pay the expenses incurred while conducting the enumeration. In the event the additional fees collected exceed the expenses incurred, such excess fees may be used for enforcing this Local Law and for spaying or neutering dogs.
  - f. In addition to the fees set by the Town Board, an assessment of \$3.00 for each unaltered dog and \$1.00 for each altered dog shall be charged for the purpose of carrying out population control efforts as mandated by Article 7 of New York State Agriculture and Markets Law. Money derived from such additional assessment may be used to subsidize the spaying and neutering of cats as well as dogs pursuant to Article 7 of New York State Agriculture and Markets Law.
8. Exemptions to License Fees.  
Licenses for any guide dog, hearing dog, service dog, working search dog, detection dog, police work dog, war dog, or therapy dog shall be exempt from license fees. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "Detection Dog", "Police Work Dog", "War Dog" or "Therapy Dog", as may be appropriate, by the Town Clerk. Pursuant to Article 7 of New York State Agriculture and Markets Law, said dogs are not exempt from the mandated population control fee.
9. Identification of dogs.
- a. When a dog is originally licensed, a Town of Danby identification number will be assigned and an identification tag shall be issued, which shall be worn by the dog at all times.
  - b. Existing New York State Agriculture and Markets dog licenses being renewed or transferred in from another municipality shall be assigned a Town of Danby identification number and an identification tag shall be issued. The New York State Agriculture and Markets tag or other municipality's tag shall be discarded and the Town of Danby tag shall be worn by the dog at all times.
  - c. A dog participating in a dog show is exempted from wearing an identification tag only for the duration of the show.
  - d. No identification tag shall be affixed to the collar of any dog other than the one to which it was assigned.
  - e. Any guide dog, service dog, hearing dog or detection dog may wear a special tag for identifying such dog, provided that such tag shall be in addition to the identification tag required by the Town. Such tag shall be a different color, shape and imprint than the Town identification tag and may be provided by the Town at the expense of the owner.
  - f. Lost tags shall be replaced at the expense of the owner at a fee set by the Danby Town Board.

10. Change of Address.

When there is a change of address for the owner of record, the owner shall notify the Town Clerk's Office of such change. If the change is still within the Town of Danby, the Town Clerk will make the appropriate updates to the dog license record. If the change is located outside the Town of Danby, the Town Clerk shall make a note in the record and cancel the license. The Clerk shall forward a copy of the license to the Clerk of the municipality to which the owner has moved, informing said Clerk that the dog now resides in their municipality.

11. Change of Ownership.

In the event of a change in the ownership of any dog licensed in the Town of Danby, the new owner shall immediately make application for a license for such dog. Additionally, the original owner of record shall notify the Town Clerk's Office of the change of ownership. Such original owner of record shall be liable for any violation under this Local Law until such filing is made or until the dog is licensed in the name of the new owner.

12. Lost, Stolen or Deceased Dog.

If any dog which has been licensed in the Town of Danby is lost, stolen or deceased, the owner of record shall notify the Town Clerk's Office within ten days of the discovery of such loss, theft or death.

13. Lists of Licensed Dog Owners.

No dog licensing records, information, or lists shall be made available to any person for commercial purposes.

14. Purebred Licenses.

The Town of Danby will not issue purebred licenses.

## **Section 7. Prohibited Acts.**

It shall be unlawful for:

1. Any owner to allow any dog to run at large.
2. Any owner to fail to restrain any dog by an adequate collar and leash unless it is accompanied by its owner or a responsible person able to control it by voice command.
3. Any owner to allow any dog to engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually annoy and/or disturb any person other than the owner of such dog.
4. Any owner to allow any dog to cause damage or destruction to property or defecate, urinate, dig or otherwise commit a nuisance other than on the property of the owner of such dog.
5. Any owner to allow any dog to chase, 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.
6. Any owner to allow any dog to chase, run alongside of, bark at or otherwise harasses any motor vehicle, motorcycle, bicycle, carriage or any other vehicle or device used by persons for travel or any riders or occupants thereof while said vehicle or device is on a public highway or private property other than property of the owner of said dog. For purposes of this section, a horse or other animal shall be considered a vehicle or device.
7. Any owner to fail to license any dog at the age of four (4) months or older, or allow any dog to be unlicensed due to failure to renew a dog license.
8. Any owner to fail to have any dog identified by a valid and current Town of Danby dog license identification tag.
9. Any person to knowingly affix to any dog any false or improper identification tag or any identification tag belonging to another dog.

10. Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this Local Law or Article 7 of New York State Agriculture and Markets Law.
11. Any person to furnish any false or misleading information on any license or form, required by the Town, the Danby Dog Control Officer, or any shelter or pound servicing the Town of Danby.
12. Any owner to fail to notify the Town Clerk of any change of ownership, change of address, death or loss of any dog licensed in the Town of Danby.
13. Establishment of the fact or facts that a dog has committed any of the acts prohibited by this Local Law shall be presumptive evidence against the owner of such dog that he/she has failed to properly confine, leash or control his/her dog.

### **Section 8. Conditions for Keeping Dogs.**

All premises occupied by dogs shall be kept in a clean, sanitary condition. Adequate food, water, shelter and space must be provided for each dog owned. For the purpose of this Section, "adequate" shall mean sufficient for age, size and number of dogs on the premises.

### **Section 9. Female Dogs.**

All female dogs, while in season (heat), shall be confined to the premises of their owner and may not be left outside unattended. Any owner not adhering to this section shall be subject to having the dog seized by the Dog Control Officer and removed to a shelter or pound for confinement. The owner of any dog seized pursuant to this section shall be subject to an impoundment fee plus the shelter's usual daily boarding fees.

### **Section 10. Liability of Owner.**

1. If a domestic, farm or companion animal is injured or killed as a result of being attacked, chased or worried by any dog, the owner of said dog shall be liable for damage. The owner of such injured or killed animal may make a complaint to the Dog Control Officer or a police officer who shall proceed pursuant to the Dangerous Dog Section of Article 7 of New York State Agriculture and Markets Law.
2. In no event shall the Town of Danby or the County of Tompkins be held liable for any damage done by any dog.

### **Section 11. Dangerous Dogs.**

1. The determination of a Dangerous Dog shall be pursuant to Article 4 of New York State Agriculture and Markets Law.
2. In the event that a dog is determined by the Danby Town Court to be a dangerous dog, the Court shall give notice to the Town Clerk of such determination and note will be made in the dog's record. Additionally, the Town Clerk shall notify law enforcement and emergency services.

## **Section 12. Enforcement/Appeal Ticket.**

Any Dog Control Officer or other person or persons, who are or may be lawfully authorized by the Town, shall, and all peace officers may, administer and enforce the provisions of this Local Law, and for such purpose shall have the authority to issue appearance tickets.

## **Section 13. Seizure, Impoundment, Redemption and Adoption.**

1. Any dog belonging to a person found in violation of any of the provisions of this Local Law may be seized pursuant to the provisions of New York State Agriculture and Markets Law.
2. Any dog believed to be dangerous and which poses an immediate threat to the public safety may be seized.
3. Any dog may be seized, which has been judged to be a Dangerous Dog pursuant to New York State Agriculture and Markets Law and whose owner has failed to obey a court order pertaining to said Dangerous Dog.
4. Every dog impounded dog shall be properly cared for, sheltered, fed and watered.
5. Each dog which is not identified, whether or not licensed, shall be held for a period of 5 days from the day seized during which period the dog may be redeemed by its owner. Said owner shall provide proof that the dog has been licensed pursuant to this Local Law and pay an impoundment fee established by resolution of the Town Board.
6. In the case of an identified dog, the owner of record shall be promptly notified by the Dog Control Officer of the seizure and the procedure for redemption either personally or by certified, return receipt requested mail. If notification is personally given, the dog shall be held for a period of 7 days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, the dog shall be held for a period of 9 days from the date of mailing, during which period the dog may be redeemed by the owner. Said owner shall provide proof that the dog has been licensed pursuant to this Local Law and pay an impoundment fee established by resolution of the Town Board.
7. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provision of New York State Agriculture and Markets Law.
8. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees required by this Section.
9. The seizure of any dog shall not relieve any person from any violation of this Local Law or New York State Agriculture and Markets Law.

## **Section 14. Complaint.**

1. Any Town-designated Dog Control Officer or Agency having reasonable cause to believe that a violation of this Local Law has been committed in his/her presence shall, and any peace officer may, issue and serve upon such person an appearance ticket for such violation.
2. Any person who observes a dog in violation of this Local Law may file a complaint, under oath, with a Town-designated Dog Control Officer or Agency specifying the nature of the violation, the date thereof, a description of the dog, the location of the violation and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.
3. Upon receipt by the Town-designated Dog Control Officer or Agency of any such complaint, that Officer or Agency shall issue an appearance ticket to the alleged owner of the dog to appear before the Danby Town Court at a date and time specified.

## **Section 15. Violations and Penalties.**

1. A plea or conviction of a violation of this Local Law shall be prosecuted pursuant to penal law, by a fine of not less than twenty-five dollars (\$25), except:
2. Where a person is found to have violated this Local Law or any prior Town of Danby Dog Law within the preceding five years, the fine may be not less than fifty dollars (\$50) and
3. Where the person is found to have violated this Local Law or any prior Town of Danby Dog Law two or more times within the preceding five years, it shall be punishable by a fine of not less than one hundred dollars (\$100) or imprisonment for not more than fifteen (15) days, or both.
4. For the purpose of conferring jurisdiction upon courts and judicial officers generally, offenses of this Local Law shall be deemed violations and for such purposes only all provisions of law relating to violations shall apply.

## **Section 16. Additional Penalties.**

1. Pursuant to Article 7 of New York State Agriculture and Markets Law, any person who intentionally refuses, withholds, or denies a person, because he or she is accompanied by an on-duty police work dog, working search, war, or detection dog, any accommodations, facilities, or privileges thereof shall be subject to a civil penalty of up to \$200.00 for the first violation and up to \$400.00 for each subsequent violation.
2. Pursuant to Article 7 of New York State Agriculture and Markets Law, any person who for the purpose of participating in the animal population control program shall falsify proof of adoption from a pound, shelter, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog or cat protective association or who shall furnish any licensed veterinarian of this state with inaccurate information concerning his or her residency or the ownership of an animal or such person's authority to submit an animal for a spaying or neutering procedure pursuant to this Local Law and/or Section 117 of New York State Agriculture and Markets Law, and any veterinarian who shall furnish false information concerning animal sterilization fees shall be guilty of a violation prosecuted pursuant to the New York State Penal Law punishable by a fine of not less than \$250.00.
3. Section 17. Disposition of Fines.

Notwithstanding any other provision of law, all moneys collected as fines or penalties by the Town of Danby as a result of any prosecution for violations of the provisions of this Local Law or Article 7 of New York State Agriculture and Markets Law and all bail forfeitures by persons charged with such violations shall be the property of the Town of Danby and shall be paid to the Town Supervisor. Such moneys shall be used only for controlling dogs and enforcing this Local Law. Said revenue may also be used to subsidize the spaying or neutering of dogs, any facility as authorized under Article 7 of New York State Agriculture and Markets Law, and subsidizing public humane education programs in responsible dog ownership.

**Section 18. Nonliability.**

No action shall be maintained against the Town of Danby, the Danby Dog Control Officer, or any person or persons lawfully authorized by the Town when performing duties pursuant to this Local Law or New York State Agriculture and Markets Law 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 Local Law or New York State Agriculture and Markets Law.

**Section 19. Separability**

If any section, paragraph, subdivision, clause, phrase or provision of this Local Law shall be judged invalid or held unconstitutional, it shall not affect the validity of the Local Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

**Section 20. Repealer.**

This Local Law shall supersede all prior Local Laws, ordinances, rules and regulations relative to the control, licensing and fee schedules of dogs within the Town and they shall be, upon the effectiveness of this Local Law, null and void.

**Section 21. Effective Date.**

This Local Law shall take effect the 1<sup>st</sup> day of January, 2011.