

TOWN OF BALLSTON

MURIEL K. SWATLING, TOWN CLERK

P.O. BOX 67

BURNT HILLS, NEW YORK 12027-0067

"An Equal Opportunity Employer"

(518) 885-8502, Ext. #10

Dear Resident,

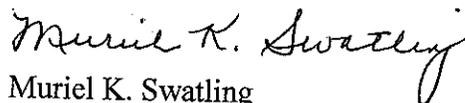
You will notice a change in your dog's license. In an effort to reduce the state budget, Governor Patterson moved the dog license function from the NYS Department of Agriculture and Markets to the towns and cities. The information on the dog license is the same, just in a different format. So too, the information required to obtain or renew a dog license is the same, current rabies vaccination certificate and spay/neuter certificate. Although the Town of Ballston dog license fee was the same for 31 years, it is necessary to increase the fee to cover the cost of this governmental change. The increased fee will pay for the new town dog tags, the new paper license forms and the increase cost in postage.

Here are the highlights of the new dog control law:

- (1) All dogs must be licensed by the age of 4 months. Bring or mail the dog license form, rabies certificate, the spay or neuter certificate and the non-refundable fee to the Town Clerk's Office.
- (2) Town Identification Tags will be issued in place of state tags, but the state tags remain valid until the dog license renewal date.
- (3) Dog License Renewal Forms will be sent from the Town Clerk's Office not the NYS Department of Agriculture and Markets.
- (4) Fees for the licensing of dogs will be: \$10.00 for spayed or neutered dogs, which includes a \$1.00 state fee for animal population control; the fee for unsprayed or unneutered dog will be \$17.00, which includes a \$3.00 state fee for animal population control.
- (5) The Town of Ballston will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per the fee system stated above.
- (6) An enumeration fee of \$5 will be charged to all unlicensed dogs or dogs with expired licenses during an enumeration.
- (7) Service dog, guide dog, hearing dog, work search dog, police dog, therapy dog or detection dog will need a license but no fee will be charged.
- (8) Fees for the seizure of dogs are determined by Saratoga County.

We have enclosed a copy of the new Dog Control Law of 2010; if you have any questions, please call the Town Clerk's Office.

Very truly yours,



Muriel K. Swatling
Town Clerk

**TOWN OF BALLSTON
LOCAL LAW 3 OF 2010**

CHAPTER 48

DOG CONTROL LAW

48-1. Purpose.

The purpose of this article shall be to preserve public peace and good order in the Town of Ballston and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Ballston.

48-2. Authority.

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

48-3. Title.

The title of this Local Law shall be "Dog Control Law" of the Town of Ballston.

48-4. Definitions.

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

ANIMAL CONTROL OFFICER/DOG CONTROL OFFICER — A person or persons appointed by the town for the purpose of enforcing this article.

AT LARGE — An unleashed dog off the premises of the owner.

DOG — Both male and female dogs.

LEASHED — Restrained by a leash, 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.

OWNER — Includes any person who keeps, harbors or has custody, care or control of a dog. Dogs owned by minors shall be deemed to be in custody and control of parents or other head of the household where the minor resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this article.

48-5. Regulations and restrictions.

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

- (1) Run at large.
- (2) Be off the owner's property unless leashed.
- (3) Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harbinger of the dog.
- (4) Cause damage or destruction to public or private property or defecate, urinate or otherwise commit a nuisance upon the property other than the property of the owner or harbinger of the dog.
- (5) Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- (6) Chase, leap on or otherwise harass bicycles or motor vehicles.
- (7) Kill or injure any dog, cat or other household pet.
- (8) Be unlicensed when four months of age or older.
- (9) Not have a current and valid New York State identification tag on its collar while at large, whether or not restrained by an adequate leash.

B. Dogs actually used for the sport of hunting shall be allowed to run at large while engaged in the sport of hunting, provided that said dogs are under the control of their owner or other responsible person, and further provided that said dogs are on property with the knowledge and consent of the owner of said property.

48-6. Female dogs.

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Animal Control Officer/Dog Control Officer and removed to a safe place of confinement.

48-7. Licensing of Dogs.

(a) All dogs in the Town of Ballston must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies vaccination at the time of licensing or the renewal of an existing license.

(b) All dog licenses will be for a period of 1 year and will expire at the end of the month one year from the date of issue.

(c) Fees for licensing of dogs: The fee for a spayed or neutered dog will be ten dollars (\$10.00), which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control. The fee for an unsprayed or unneutered dog will be seventeen dollars (\$17.00), which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control. The fees for the licensing of dogs will be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

(d) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or whose license has not been renewed at the time the enumeration is conducted.

(e) Purebred License: The Town of Ballston will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

(f) Service Dogs: The Town of Ballston will require a license for any guide dog, service dog, hearing dog, working search dog, police dog, therapy dog or detection dog, but no license fee shall be charged.

(g) The Town of Ballston shall contract with Saratoga County Animal Shelter to license dogs adopted by residents of the Town of Ballston.

(h) All dog licenses may be purchased and obtained by visiting the office of the Town Clerk or by regular mail. When licensing or renewing by mail the appropriate fee must accompany the forms. Fees are non-refundable.

(i) Fees for the Seizure of Dogs: The fee and fines are determined by Saratoga County.

48-8. Conditions for keeping dogs.

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harbinger, the dogs become the property of the Town of Ballston to be released to Saratoga County Animal Shelter, an authorized humane society, veterinarian or kennel for adoption or euthanasia.

48-9. Seizure procedure.

Upon taking custody of any animal, the Animal Control Officer/Dog Control Officer shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location of release and name and address of owner, if any.

48-10. Redemption.

If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of not less than three days. If a dog seized is wearing an identification number (license

tag), the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of not less than seven days; if notified by mail, not less than nine days. The owner of the dog shall be responsible for any impoundment fee established by the town, plus any other expenses incurred by the municipality to humanely care for the dog. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

48-11. Filing complaints.

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Town of Ballston or with the authorized Animal Control Officer/Dog Control Officer or any peace officer specifying the violation, the date of violation, the damage caused and including the places the violation occurred and name and address of the dog owner, if known.

48-12. Enforcement.

Any person or persons who are or may be lawfully authorized by the Town of Ballston shall, and all peace officers may, administer and enforce the provisions of this article, and for this purpose shall have the authority to issue summons or appearance tickets and to seize dogs either on or off the owner's premises, if witnessed to be in violation of this article.

48-13. Penalties for offenses.

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Fifty Dollars (\$50.00) for a first violation; One Hundred Dollars (\$100.00) for a second violation and Two Hundred Fifty (\$250.00) for each subsequent violation, a period of incarceration of up to 15 days, or both, or by a conditional discharge as set forth in Article 65 of the Penal Law.

48-14. Interference with enforcement prohibited.

No person shall hinder, resist or oppose the Animal Control Officer, Dog Control Officer, peace officer or other person(s) authorized to administer or enforce provisions of this article in the performance of the officer's duties under this article.

48-15. Nonliability of Town.

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by Animal Control Officer, Dog Control Officer, peace officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

48-16. Repealer.

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

48-17. Effective date.

This Local Law shall become effective upon filing with the Secretary of State.