

3596

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. ZEBROWSKI -- read once and referred to the
Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to volun-
tary contributions in support of municipal animal pounds or shelters

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 109 of the agriculture and markets law, as amended
2 by section 4 of part T of chapter 59 of the laws of 2010, subdivision 3
3 as amended by chapter 446 of the laws of 2012, is amended to read as
4 follows:
5 S 109. Licensing of dogs required; rabies vaccination required. 1. (a)
6 The owner of any dog reaching the age of four months shall immediately
7 make application for a dog license. No license shall be required for any
8 dog which is under the age of four months and which is not at large, or
9 that is residing in a pound or shelter maintained by or under contract
10 or agreement with the state or any county, city, town or village, duly
11 incorporated society for the prevention of cruelty to animals, duly
12 incorporated humane society or duly incorporated dog protective associ-
13 ation. Except as otherwise provided in this subdivision, a license shall
14 be issued or renewed for a period of at least one year, provided, that
15 no license shall be issued for a period expiring after the last day of
16 the eleventh month following the expiration date of the current rabies
17 certificate for the dog being licensed. All licenses shall expire on the
18 last day of the last month of the period for which they are issued. In
19 the event an applicant for a license presents, in lieu of a rabies
20 certificate, a statement certified by a licensed veterinarian, as
21 provided in subdivision two of this section, a license shall be issued
22 or renewed for a period of one year from the date of said statement. Any
23 municipality may establish a common renewal date for all such licenses.
24 A license issued by a municipality that has established a common renewal

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 date shall expire no later than the common renewal date prior to the
2 expiration date of the rabies certificate for the dog being licensed.

3 (b) Application for a dog license shall be made to the clerk of the
4 town, city, or county or, in the counties of Nassau and Westchester,
5 incorporated village in which the dog is harbored or to the village
6 clerk of those villages in the county of Rockland with a population of
7 fifteen thousand or more which have elected to accept applications
8 pursuant to the provisions of this paragraph or to the village clerk of
9 the village of Newark in the county of Wayne upon the election of the
10 village of Newark pursuant to the provisions of this paragraph.
11 Provided, however, that in the counties of Nassau and Westchester, the
12 board of trustees of any incorporated village may by resolution provide
13 that applications for licenses shall no longer be made to the village
14 clerk, but to the clerk of the town in which the village is situated.
15 Provided further, however, that in the county of Rockland, the board of
16 trustees of any incorporated village with a population of fifteen thou-
17 sand or more may by resolution provide that application for licenses
18 shall be made to the village clerk. Provided further, however, that in
19 the county of Wayne, the board of trustees of the village of Newark may
20 by resolution provide that application for licenses shall be made to the
21 village clerk. The governing body of any town or city or, in the coun-
22 ties of Nassau and Westchester, incorporated village or in the county of
23 Rockland, those villages with a population of fifteen thousand or more
24 which have so elected to accept applications or in the county of Wayne,
25 the village of Newark if such village has so elected to accept applica-
26 tions may, on resolution of such body, authorize that such application
27 be made to one or more named dog control officers of any such town, city
28 or village. The issuance of any license by any such officer shall be
29 under the control and supervision of the clerk. In the case of a seized
30 dog being redeemed or a dog being otherwise obtained from a county
31 animal shelter or pound, such application may be made to the county dog
32 control officer in charge of such facility. In the case of a dog being
33 redeemed or a dog being adopted from a shelter or pound established,
34 maintained or contracted for, pursuant to section one hundred fourteen
35 of this article, such application may be made to the manager of such
36 facility, provided such manager has been authorized by the municipality
37 in which the prospective owner resides to accept such application. Such
38 authorization shall be requested by the governing body of the pound or
39 shelter and the granting or denial of such authorization shall be in the
40 discretion of the municipality in which the prospective owner resides.

41 (c) The application shall state the sex, actual or approximate age,
42 breed, color, and municipal identification number of the dog, and other
43 identification marks, if any, and the name, address, telephone number,
44 county and town, city or village of residence of the owner. THE APPLICA-
45 TION SHALL INCLUDE SPACE WHERE AN OWNER MAY ELECT TO MAKE A CONTRIBUTION
46 IN SUPPORT OF THE POUND OR SHELTER OF THE MUNICIPALITY WHERE THE OWNER
47 RESIDES OR ANY ORGANIZATION WHICH IS CONTRACTED BY SUCH MUNICIPALITY TO
48 PROVIDE ANIMAL SHELTER SERVICES. THE APPLICATION SHALL LIST THE ORGAN-
49 IZATION IN WHICH THE CONTRIBUTION WILL BE SENT AND MAY LIST SUGGESTED
50 REASONABLE CONTRIBUTION AMOUNTS WITH AN OPTION FOR ANY AMOUNT. Muni-
51 cipalities may also require additional information on such application as
52 deemed appropriate.

53 (d) The application shall be accompanied by the license fee prescribed
54 by section one hundred ten of this article, THE CONTRIBUTION, IF ELECTED
55 BY THE OWNER, and a certificate of rabies vaccination or statement in
56 lieu thereof, as required by subdivision two of this section. In the

1 case of a spayed or neutered dog, every application shall also be accom-
2 panied by a certificate signed by a licensed veterinarian or an affida-
3 vit signed by the owner, showing that the dog has been spayed or
4 neutered, provided such certificate or affidavit shall not be required
5 if the same is already on file with the clerk or authorized dog control
6 officer. In lieu of the spay or neuter certificate an owner may present
7 a statement certified by a licensed veterinarian stating that he has
8 examined the dog and found that because of old age or other reason, the
9 life of the dog would be endangered by spaying or neutering. In such
10 case, the license fee for the dog shall be the same as for a spayed or
11 neutered dog as set forth in subdivision one of section one hundred ten
12 of this article.

13 (e) Upon validation by the clerk, authorized dog control officer or
14 authorized pound or shelter manager, the application shall become a
15 license for the dog described therein.

16 (f) The clerk, authorized dog control officer or authorized pound or
17 shelter manager shall: (i) provide a copy of the license to the owner;
18 (ii) retain a record of the license that shall be made available upon
19 request to the commissioner for purposes of rabies and other animal
20 disease control efforts and actions. In addition, the authorized pound
21 or shelter manager shall send, within forty-eight hours of validation, a
22 copy of the license to the licensing municipality within which the dog
23 is to be harbored.

24 (g) No license shall be transferable. Upon the transfer of ownership
25 of any dog, the new owner shall immediately make application for a
26 license for such dog.

27 (h) Notwithstanding the provisions of any general, special or local
28 law, or any rule or regulation to the contrary, the clerk, authorized
29 dog control officer or authorized pound or shelter manager in municipi-
30 palities having a population of less than one hundred thousand shall
31 within five business days after the license has been validated, send a
32 copy of the validated license to the licensing municipality in which the
33 dog is to be harbored.

34 2. The clerk, authorized dog control officer or authorized pound or
35 shelter manager, at the time of issuing any license pursuant to this
36 article, shall require the applicant to present a statement certified by
37 a licensed veterinarian showing that the dog or dogs have been vaccinat-
38 ed to prevent rabies or, in lieu thereof, a statement certified by a
39 licensed veterinarian stating that because of old age or another reason,
40 the life of the dog or dogs would be endangered by the administration of
41 vaccine. The clerk, authorized dog control officer or authorized pound
42 or shelter manager shall make or cause to be made from such statement a
43 record of such information and shall file such record with a copy of the
44 license. Such records shall be made available to the commissioner upon
45 request for rabies and other animal disease control efforts.

46 3. Municipalities may provide for the establishment and issuance of
47 purebred licenses and, in the event they do so, shall provide for the
48 assessment of a surcharge of at least three dollars for the purposes of
49 carrying out animal population control efforts as provided in section
50 one hundred seventeen-a of this article. Municipalities which issue
51 purebred licenses shall remit such surcharge collected to the commis-
52 sioner.

53 4. MUNICIPALITIES SHALL DEPOSIT ALL MONIES COLLECTED FROM VOLUNTARY
54 CONTRIBUTIONS PURSUANT TO PARAGRAPH (C) OF SUBDIVISION ONE OF THIS
55 SECTION INTO A DEDICATED FUND. THE PROCEEDS OF SUCH FUND SHALL BE PROP-
56 ERLY ACCOUNTED FOR AND BE GIVEN TO THE ORGANIZATION LISTED ON THE APPLI-

1 CATION ANNUALLY. IN NO EVENT SHALL THE FUNDS DERIVED FROM VOLUNTARY
2 CONTRIBUTIONS REPLACE ANY EXISTING FUNDING COMMITMENTS TO SUCH ORGANIZA-
3 TIONS.
4 S 2. This act shall take effect on the thirtieth day after it shall
5 have become a law.