

City of Oneida, NY
Tuesday, April 16, 2024

Chapter 17. Animals

Article II. Licensing and Identification of Dogs

§ 17-16. Purpose and applicability.

The purpose of this article is to provide for the identification and licensing of dogs, so as to aid in the control and protection of the dog population and the protection of persons, property and domestic animals within the City of Oneida. This article shall apply to all areas of the City of Oneida and, except to the extent otherwise specifically provided herein, to all dogs kept and/or harbored within the City of Oneida, and to all dog licenses issued by the City of Oneida on and after January 1, 2011.

§ 17-17. Definitions.

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

ADOPTION

The delivery to any natural person 18 years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered.

CLERK

The City Clerk of the City of Oneida.

DETECTION DOG

Any dog that is trained and is actually used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband, or any dog undergoing training for such purposes.

DOG

Any member of the species *canis familiaris*.

DOG CONTROL OFFICER

Any individual appointed by the Mayor of the City of Oneida to assist in the enforcement of this article and/or Article 7 of the New York State Agriculture and Markets Law, or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the City of Oneida to assist in the enforcement of this article.

GUIDE DOG

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 during the period such dog is being trained or bred for such purpose.

HARBOR

To provide food and/or shelter to any dog.

HEARING DOG

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 during the period such dog is being trained or bred for such purpose.

IDENTIFICATION TAG

A tag issued by the City of Oneida which sets forth an official identification number, together with the words "City of Oneida" and "State of New York," the telephone number for the City Clerk of the City of Oneida, and any other information as may be required by the provisions of this article.

IDENTIFIED DOG

Any dog carrying an identification tag as provided in this article.

OFFICIAL IDENTIFICATION NUMBER

A series or combination of letters, numbers and/or symbols approved and furnished by the City of Oneida.

OWNER

Any person who keeps or harbors any dog.

OWNER OF RECORD

The person in whose name any dog was last licensed pursuant to this article and/or Article 7 of the New York State Agriculture and Markets Law, except that if any license is issued upon application of a person under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.

PERSON

Any individual, corporation, partnership, association or other organized group of persons, or other legal entity.

PERSON WITH A DISABILITY

Any person with a disability as that term is defined in Subdivision 21 of Section 292 of the New York State Executive Law.

POLICE WORK DOG

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.

RECOGNIZED REGISTRY ASSOCIATION

Any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of Agriculture and Markets.

SERVICE DOG

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.

THERAPY DOG

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.

WAR DOG

Any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG

Any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the Department of Agriculture and Markets; provided, however, that such services provided by said dog shall be performed without charge or fee.

§ 17-18. Licensing of dogs; rabies vaccination requirement.

A. Licensing of dogs.

- (1) Except as otherwise specifically provided in this article or in Article 7 of the New York State Agriculture and Markets Law, all dogs at large, and all dogs four months of age or older, shall be licensed in accordance with the provisions of this article.
- (2) All applications for a dog license, both original applications and renewal applications, shall be made to the Oneida City Clerk.
- (3) The application shall state the sex, actual or approximate age, breed, color, and official identification number of the dog, and other identification marks, if any, and the name, address and telephone number of the owner.
- (4) The application shall be accompanied by the license application fee, any applicable license surcharges, and any such additional fees as may be established from time to time by resolution of the Oneida Common Council. Each license application shall be accompanied by a current certificate of rabies vaccination or a statement from a licensed veterinarian in lieu thereof that such vaccination would endanger the dog's life. In the case of a spayed or neutered dog, every application shall also 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, provided such certificate or affidavit shall not be required if the same is already on file with the clerk. 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 this article.
- (5) Upon validation by the City Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made of the fees paid therefor, or any portion thereof.
- (6) The City Clerk shall provide an identification tag and a copy of the license to the owner, and retain the license and all documentation supporting the issuance of the license in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration. If the application for a dog license (or renewal) is made by mail and the owner requests a validated copy, the owner shall provide a stamped, self-addressed envelope for that purpose.
- (7) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
- (8) Each initial license issued by the City of Oneida pursuant to this article shall expire on the last day of the month one year from the date of the original issuance of the license. Each renewal license shall expire on the last day of the same month in each succeeding calendar year. (For example, a license originally issued in January will always expire on January 31 of each succeeding calendar year, regardless of the actual date the license is renewed with the City Clerk; renewing early or late does not change the date of expiration of the license.)
- (9) Owners of more than one dog may request a common renewal date for their dog licenses, which may be granted by the City Clerk as long as no license is extended beyond the period of validity that would otherwise apply under the provisions of Subsection **A(8)** (i.e., the license may be issued for less than a year, but not for more than a year.) No license fees or

surcharges shall be prorated upon the granting of a request for a common renewal date pursuant to the provisions of this Subsection **A(9)**.

B. Relocation/relicensing.

- (1) The owner of any dog currently licensed in another municipality who relocates his place of residence to the City of Oneida shall apply for and obtain a City of Oneida dog license for each dog owned. Owners of dogs licensed in another jurisdiction shall not be required to obtain a City of Oneida license during periods of temporary residence within the City.
- (2) Any dog adopted from an incorporated humane society or similar incorporated dog protective association must be licensed in the City of Oneida prior to being released from said shelter.

§ 17-19. License fees.

A. A fee schedule for all license fees and other fees to be charged and collected pursuant to this article shall be established by resolution of the Oneida Common Council. Such fee schedule may thereafter be amended from time to time by further resolution of the Common Council. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected prior to the issuance of the license for which the fees are due.

B. All fees established by the Common Council shall be in accordance with the following limitations:

- (1) The application fee for an unspayed or unneutered dog shall be at least \$5 more than the application fee for a spayed or neutered dog.
- (2) A surcharge fee in an amount not less than \$1 for spayed and neutered dogs, and not less than \$3 for unspayed or unneutered dogs, for the purpose of supporting animal population control efforts.
- (3) A surcharge fee in an amount not less than \$5 shall be imposed upon a dog license for a dog identified as unlicensed during an enumeration conducted pursuant to Article 7 of the New York State Agriculture and Markets Law.

C. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog. Each license for any such dog shall be conspicuously marked by the Clerk, "guide dog," "hearing dog," "service dog," "working search dog," "war dog," "detection dog," "police work dog," or "therapy dog," as applicable.

§ 17-20. Disposition of license fees and fines.

Except as otherwise provided in Article 7 of the New York State Agriculture and Markets Law, and/or under any other provision of this article, all fees, fines and/or penalties collected upon the application for a license and/or the prosecution of any violation of this article shall be the property of the City of Oneida.

§ 17-21. Identification of dogs.

A. Each dog licensed pursuant to this article shall be assigned, at the time the dog is first licensed, a permanent official identification number. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation.

- B. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official City of Oneida dog tag be lost, a new tag will be issued upon payment of the fee prescribed by resolution of the Common Council.
- C. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
- D. The size, shape and form of imprints on identification tags shall be prescribed by the City Clerk, and any tag bearing an imprint other than that prescribed shall not constitute valid identification for the purposes of this article.

§ 17-22. Change of ownership; lost, stolen or deceased dog.

- A. In the event of a change in the ownership of any dog which has been assigned an official City of Oneida identification number or change in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, file with the City Clerk a written report of such change. Such owner of record shall be liable for a violation of this article until such filing is made, or until the dog is licensed in the name of the new owner.
- B. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, file with the City Clerk a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this section, and/or of any violation of Article 7 of the New York State Agriculture and Markets Law committed after such report is filed.
- C. In the case of a dog's death, the owner of record shall so notify the City Clerk, in writing, either prior to renewal of licensure or upon the time of such renewal as set forth in this article. Failure to notify the City Clerk of the death of a dog as so required herein shall constitute a violation, and the owner of record shall be liable for such violation.

§ 17-23. Penalties for offenses.

- A. It shall be a violation, punishable as provided in § 17-23B of this article, for:
 - (1) Any owner to fail to license any dog;
 - (2) Any owner to fail to have any dog identified as required by this article;
 - (3) Any person to knowingly affix to any dog any false or improper identification tag;
 - (4) Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose required pursuant to this article and/or Article 7 of the New York State Agriculture and Markets Law;
 - (5) Any person to furnish any false or misleading information on any form required to be filed with the City of Oneida pursuant to this article and/or Article 7 of the New York State Agriculture and Markets Law;
 - (6) The owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog;
 - (7) The owner of a dog to fail to notify the City Clerk of any change of ownership or owner's address as required by this article.
- B. It shall be the duty of the Dog Control Officer of the City of Oneida, with the assistance of the City Attorney, to prosecute an action or proceeding against any person who has committed within the City of Oneida any violation of this article and/or Article 7 of the New York State Agriculture and Markets Law. The Dog Control Officer may elect either to prosecute such action as a violation

under the penal law or as a civil action to recover a civil penalty. A violation of this section shall be punishable, subject to such an election, by a fine or penalty of not less than \$25, and not more than \$250, except that

- (1) Where the person was found to have violated this section and/or Article 7 of the New York State Agriculture and Markets Law within the preceding five years, the fine or penalty may be not less than \$50; and
- (2) Where the person was found to have committed two or more such violations within the preceding five years, the subsequent violation shall be punishable by a fine or penalty of not less than \$100 or imprisonment for not more than 15 days, or both.

C. A defendant charged with a violation of any provision of this article may plead guilty to the charge in open court. He may also submit to the magistrate having jurisdiction, in person, by duly authorized agent, or by mail, a statement:

- (1) That he waives arraignment in open court and the aid of counsel;
- (2) That he pleads guilty to the offense charged;
- (3) That he elects and requests that the charge be disposed of and the fine or penalty fixed by the court;
- (4) Reciting any explanation that he desires to make concerning the offense charged; and
- (5) That he makes all statements under penalty of perjury. Thereupon the magistrate may proceed as though the defendant had been convicted upon a plea of guilty in open court; provided, however, that any imposition of fine or penalty hereunder shall be deemed tentative until such fine or penalty shall have been paid and discharged in full. If, upon receipt of the aforesaid statement, the magistrate shall deny the same, he shall thereupon notify the defendant of this fact, and that he is required to appear before the said magistrate at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

D. Each day that a person is in violation of any provision of this article shall constitute a separate offense; with each such offense being subject to the fines and penalties set forth herein.



CITY OF ONEIDA
City Clerk
 109 N. Main Street
 Oneida, NY 13421
 315-363-7378/315-363-9558 (Fax)

APPLICATION FOR DOG LICENCE

FEES

SPAYED/NEUTERED \$12.00
 Includes \$1.00 NYS Surcharge

NON- SPAY/NEUTER \$28.00
 Includes \$3.00 NYS Surcharge

Personal checks if from a local bank/Money
 Orders

OFFICE USE ONLY:

Date Processed/Mailed: _____

By Whom: _____

OWNER INFORMATION

NAME: _____

ADDRESS: _____ (Physical Address-not a P.O. Box)

PHONE NO.: _____

EMAIL: _____ (Optional)

DOG INFORMATION

BREED: _____

SPAYED/NEUTERED MALE FEMALE

PRIMARY COLOR: _____ SECONDARY COLOR: _____

OTHER MARKINGS: _____

NAME: _____ BIRTH YEAR: _____

RABIES INFORMATION

VETERINARIAN: _____

SERUM LOT NO.: _____

VACCINE MANUFATURER: _____

RABIES TAG NO.: _____

DATE OF RABIES VACCINATION: _____ 1-YEAR 3-YEAR

EXPIRATION DATE: _____