

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~ of

Williamstown

Town

~~Village~~

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUL 29 2005

MISCELLANEOUS
& STATE RECORDS

Local Law No. 1 of the year 20 05

A local law to be known as the "Dog Control Law of the Town of Williamstown".
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~ of

Williamstown

Town

~~Village~~

as follows:

SECTION 1. PURPOSE

The Town Board of the Town of Williamstown finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and created nuisances within the Town of Williamstown. The purpose of this Local Law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town of Williamstown.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law of the State of New York.

SECTION 3. TITLE

The title of this law shall be, "Dog Control Law of the Town of Williamstown."

SECTION 4. DEFINITION OF TERMS

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

(If additional space is needed, attach pages the same size as this sheet, and number each.)

a. Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Local Law, as amended by this Local Law, and as amended thereafter.

b. Confined. That such animal is securely confined or restrained and kept on the owner's premises, whether within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person or any adjacent premises or on any public street, way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

c. Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

d. Dog Control Officer. Any person authorized by the Oswego County Legislature or the Town Board of the Town of Williamstown from time to time to enforce the provisions of this Local Law or the provisions of the Agriculture and Markets Law.

e. Owner. The party purchasing the license, unless the dog is or has been lost, and such loss reported to the dog warden and reasonable search has been made. If an animal 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 of Williamstown. Any person owning or harboring a dog for a period of one (1) 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 the local law. In the event any dog found to be in violation of this chapter shall be owned by a minor, 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 the said dog and violation of this Local Law.

f. Recreational Areas. Recreational areas shall mean any real property owned by the Town of Williamstown which is used for recreational purposes by the public including, but not limited to, parks or playgrounds.

g. Run at large. Run at large shall mean to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

h. School Premises. Any real property situate within the Town of Williamstown which is used for educational purposes or purposes incidental thereto.

i. Town of Williamstown. Shall designate the area within the corporate limits of the Town.

j. Harbor. To provide food or shelter to any dog.

SECTION 5. LICENSING

The annual fee for each dog license issued pursuant to Article 7 of the Agriculture and Markets Law shall be:

a. \$2.50 for each spayed or neutered dog;

b. \$7.50 for each unspayed or unneutered dog

c. The annual fee for each pure bred license issued pursuant to Article 7 of the Agriculture and Markets Law shall be:

1. \$50.00, if no more than 10 registered pure bred dogs or pure bred dogs eligible for registration over the age of 6 months are harbored on the owner's premises at the time of the application;

2. \$75.00, if no more than 25 registered pure bred dogs or pure bred dogs eligible for registration over the age of 6 months are harbored on the premises at the time of the application; or

3. \$125.00, if more than 25 registered pure bred dogs or pure bred dogs eligible for registration over the age of 6 months are harbored on the premises at the time of the application;

d. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog or police work dog. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "War Dog", "Working Search Dog" or "Police Work Dog", as may be appropriate, by the clerk or authorized Dog Control Officer.

e. The annual local fee for each dog license shall be \$2.00 for each dog.

SECTION 6. RESTRICTIONS

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

a. Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person able to control it by a command. For the purpose of this Local Law, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.

b. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

c. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property not belonging to the owner of such dog.

d. 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.

e. Habitually chase, run alongside of or bark at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harbinger of said dog.

f. Create a nuisance by defecating, urinating or digging on public property or private property of said owner.

g. If a female dog, be off the owner's premises when in heat.

h. Be at large on any school premises or recreational areas, or the sidewalks adjacent thereto, unless said dog is on a leash.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by section 5 of this Local Law shall be presumptive evidence against the owner or harbinger of such dog that he/she has failed to properly confine, leash or control his/her dog.

SECTION 7. ENFORCEMENT

This Local Law shall be enforced by any dog control officer or peace officer when acting pursuant to his/her special duties.

SECTION 8. SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION

a. Any dog found in violation of the provisions of section 5 of this Local Law may be seized pursuant to the provisions of section 118 of the Agriculture and Markets Law.

b. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in section 118 of the Agriculture and Markets Law.

c. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of article 7 of the Agriculture and Markets Law and by paying the impoundment fees as herein set forth:

1. \$20.00 for the first impoundment of any dog owned by that person;

2. \$40.00 for the first 24 hours or part thereof and \$5.00 for each additional 24 hours or part thereof for the second impoundment, within one year of the 1st impoundment, of any dog owned by that person; or

3. \$60.00 for the first 24 hours or part thereof and \$5.00 for each additional 24 hours or part thereof for the third and subsequent impoundments, within one year of the 1st impoundment, of any dog owned by that person.

d. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this section whether or not such owner chooses to redeem his/her dog.

e. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of section 118 of the Agriculture and Markets Law.

f. No action shall be maintained against the Town of Williamstown, any dog control officer or peace officer when acting pursuant to his/her special duties, or any other agent or officer of the Town of Williamstown or person under contract to said Town of Williamstown 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 the Agriculture and Markets Law.

SECTION 9. APPEARANCE TICKET

Any dog control officer, peace officer when acting pursuant to his/her special duties, or police officer in the employ of or under contract the Town of Williamstown observing a violation of this local law in his/her presence shall issue and serve an appearance ticket for such violation.

SECTION 10. COMPLAINT

a. Any person who observes a dog in violation of this Local Law may file a complaint under oath with a Town Justice specifying the nature of this violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog.

b. Upon receipt by the Town Justice of any such complaint, he/she shall summon the alleged owner to appear in person before him/her for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice decides that further action is warranted, he/she may order:

1. The dog to be declared a vicious or dangerous dog to be restrained by collar and leash at all times whether on or off the owner's property.
2. The dog to be confined to the premises of the owner.
3. Such other remedy as may be warranted by the circumstances in such case.

c. A violation of any order issued by a Town Justice under the provisions of this Section 8 shall be an offense punishable, upon conviction thereof, as provided in section 9 of this Local Law.

SECTION 11. PENALTIES

Upon conviction, a violation for failure to license a dog shall be deemed an offense and shall be punishable for a first offense by a fine not to exceed \$50.00; or a second offense within a period of 2 years from the first offense by a fine not to exceed \$75.00; and by a third offense and any subsequent offenses within a period of three years from the first offense by a fine not to exceed \$150.00, and by destruction of the dog.

Upon conviction, a violation of any other provision of this local law shall be deemed an offense, and shall be punishable by a maximum term of imprisonment of fifteen days and/or for a first offense by a minimum fine of \$25.00 and a maximum fine of \$500.00; and any subsequent offenses within a period of three years from the first offense by a minimum fine of \$100.00 and a maximum fine of \$1,000.00; and by destruction of the dog.

Nothing herein contained shall be deemed to lessen any sanction otherwise available under the Agriculture and Markets Law.

SECTION 12. 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 13. REPEALER

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

SECTION 14. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Secretary of State's Office.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 05 of the ~~(County)(City)(Town)(Village)~~ of Williamstown was duly passed by the Town Board on July 13, 20 05, in accordance with the applicable provisions of law.
(Name of Legislative body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
~~(Name of Legislative Body)~~
~~(Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~
~~(Name of Legislative Body)~~
~~(Elective Chief Executive Officer*)~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Sharon J. Kellogg

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
SHARON KELLOGG, Town Clerk

Date: 7/21/05

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Oswego

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Allison J. Nelson

Signature Allison J. Nelson, Esq.

Town Attorney

Title

~~County~~

~~City~~ of

Williamstown

Town

~~Village~~

Date: July 21, 2005