

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 Town Village
(Select one:)

of HORNELLSVILLE

Local Law No. 1 of the year 2010

A local law for the Licensing and Control of Dogs.
(Insert Title)

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

County City Town Village
(Select one:)

of HORNELLSVILLE as follows:

Section 1. PURPOSE.

The Town of Hornellsville, New York, finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. 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 to protect the health, safety and well-being of persons, property and animals by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

Section 2. AUTHORITY.

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law.

Section 3. TITLE.

The title of this local law shall be "Dog Control Local Law of the Town of Hornellsville."

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

Section 4. DEFINITIONS.

(a) "OWNER" means any person who harbors or keeps any dog. In the event any dog found in violation of this local law shall be owned by a person less than eighteen (18) years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

(b) "HARBOR" means to provide food or shelter to any dog.

(c) "AT LARGE" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if its is: (1) accompanied by and under the immediate supervision and control of the owner or other responsible person; (2) a police work dog in use for police work; or (3) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

Section 5. LICENSING OF DOGS.

(a) All dogs within the Town of Hornellsville four (4) months of age or older, unless otherwise exempted shall be licensed annually. The owner of each dog required to be licensed shall obtain, complete and return to the Hornellsville Town Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Hornellsville. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license issued shall be valid for a period of one year and shall not be transferrable.

(b) Any dog harbored within the Town of Hornellsville which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

(c) 1) Fees for licensing of dogs will be as follows: (1) the fee for a spayed or neutered dog will be eight dollars (\$8.00) (which includes the assessment of a one dollar (\$1.00) surcharge for the purpose of carrying out animal population control) and (2) the fee for an unsprayed or unneutered dog will be fifteen dollars (\$15.00) (which includes the assessment of a three dollar (\$3.00) surcharge for the purpose of carrying out animal population control with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

2) The Town of Hornellsville will not be issuing purebred or kennel licenses. All dogs will be licensed individually as per the rate above.

(d) Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, and service, war, working search, detection, police and therapy dogs.

(e) In addition to the license fee imposed by Section 5(c) of this law, each applicant for a dog license whose dog is found to be unlicensed at the time of enumeration shall pay an additional surcharge of Five Dollars (\$5.00) which shall be retained by the Town of Hornellsville and used to defray the cost of enumeration of dogs living within the Town of Hornellsville and the cost of providing replacement identification tags.

Section 6. IDENTIFICATION OF DOGS.

A dog participating in a dog show shall be exempt from the identification requirement of Section 111 of the Agriculture and Markets Law during such participation.

Section 7. RESTRICTIONS.

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

- (a) be at large;
- (b) engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to be unreasonably and habitually annoy any person;
- (c) cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such dog.
- (d) chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or
- (e) habitually chase, run alongside of or bark at motor vehicles or bicycles.

Section 8. ENFORCEMENT.

This local law shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Hornellsville.

Section 9. CHANGES IN FEES, SURCHARGES AND FINES.

All fees, surcharges and fines imposed under this local law may be reviewed by the Hornellsville Town Board from time to time and may be changed by a resolution of the Town Board, if deemed necessary and if not otherwise inconsistent with the New York State Agriculture and Markets Law.

Section 10. SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION.

- (a) Any dog found in violation of the provisions of Section 7 of this local law may be seized pursuant to the provisions of Section 117 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 117 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 following impoundment fees:

1) For the first impoundment of any dog owned by that person, a Thirty-five Dollar (\$35.00) impoundment fee and a Humane Society Contract Boarding fee per contract each year.

Section 11. COMPLAINT.

Any person who observes a dog in violation of this local law may file a complaint under oath with a justice of the Town of Hornellsville specifying the nature of the violation, the date thereof, a description of the dog 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.

Section 12. APPEARANCE TICKET.

Any dog control officer or peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Hornellsville, having reasonable cause to believe that a person has violated this local law, shall issue and serve upon such person an appearance ticket for such violation.

Section 13. PENALTIES.

Any person convicted of a violation of this local law shall be deemed to have committed a petty offense and shall be subject to a fine of Fifty Dollars (\$50.00) for the first violation, Seventy-five Dollars (\$75.00) for the second offense and One Hundred Dollars (\$100.00) for each subsequent violation.

Section 14. 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 15. REPEALER.

This local law, together with Article 7 of the Agriculture and Markets Law of the State of New York shall supersede all prior local laws, ordinances, rules and regulations, including Local Law Number 1 of 1979 of the Town of Hornellsville, relative to the control of dogs within the Town of Hornellsville, and they shall be, upon the effective date of this ordinance, null and void.

Section 16. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Secretary of State of the State of New York.

(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 2010 of the ~~(County)(City)~~(Town)(Village) of Hornellsville was duly passed by the Hornellsville Town Board on Nov 9, 2010, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on 2011, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (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) (Name of Legislative Body) (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.

* 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 1 above.

(Seal)

Sheel Kaman
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: Nov 9, 2010

(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 STEUBEN

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.

Patrick F. Mallon
Signature
Hornellsville Town Attorney
Title

County _____
City of Hornellsville
Town _____
Village _____

Date: November 15, 2010