

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 Wilna

Local Law No. 1 of the year 20¹⁶

A local law law to standardize dog control measures and provisions between the Town and the
(Insert Title)
Villages of Carthage and Deferiet to aid for sufficient enforcement.

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

County City Town Village
(Select one:)

of Wilna as follows:

Article 1. - Statement of Authority. The Town Board of the Town of Wilna, pursuant to the authority granted it under Article 4 of the Town Law, Article 7 of the Agricultural and Markets Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Wilna previously enacted a Dog Control Local Law known as Local Law # 4 of 2010. The Town Board finds that substantial revisions are necessary to this law to provide conformity with the Villages of Carthage, Herrings and Deferiet to provide for ease in enforcement on dog control issues. It is the purpose of this local law to standardize dog control measures and provisions between the Town and the Villages within the Town of Wilna to aid for sufficient enforcement.

Article 3. - Enactment. The Town Board of the Town of Wilna hereby enacts as follows:

Section 1: Title: the title of this Law shall be Dog Control Law of the Town of Wilna.

Section 2: Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:

(a) "Dog" means male and female, licensed and unlicensed, members of the species canis familiaris.

- (b) “Owner” means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term 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 dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (c) “Town” means the Town of Wilna.
- (d) “Dangerous Dog”, as also defined in Article 7 of the NYS Agriculture and Markets Law, means any dog which without justification
 1. Attacks a person, companion, and causes physical injury, or death, or
 2. Behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals, or domestic animals, or
 3. Without justification attacks a service dog, guide dog, or hearing dog and causes physical injury or death.
- (e) “Villages” shall mean the Village of Carthage, Deferiet and Herrings

Section 3: Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- (b) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.
- (c) Chase, jump upon or at or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (d) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.
- (e) Create a nuisance by defecating, urinating or digging on public property, or on private

property without the consent or approval of the owner of such property.

- (f) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

Section 4: Licensing of Dogs:

- (a) All dogs in the Town of Wilna, including the Villages, unless otherwise exempted, must be licensed with the Town Clerk by the age of 4 months and are required to present a Certificate of Rabies with a minimum of thirty (30) days remaining before it expires (Public Health Law Section 4, Article 7, Section 109) at the time of licensing or the renewal of an existing license provided, however, that dogs of any age which are held at a shelter, pursuant to a contract or agreement with any County, City, Town or Village, or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association do not have to be licensed
- (b) Any dog harbored within the Town of Wilna 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) All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.
- (d) Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$10.00, (which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an un-spayed or un-neutered dog will be \$20.00, (which included the assessment of a \$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/
- (e) Enumeration Fee: The Town Board will conduct enumerations every two years. A fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.
- (f) Service Dogs: The Town of Wilna will require a license for any guide dog, service dog, hearing dog, detection dog, wolves, search dog, working dog or therapy dog, but will not require a fee be paid.
- (g) The Town of Wilna does not allow the licensing of dogs at a shelter. The shelter may send the adoptive dog owners or persons redeeming dogs to the Town Clerk of the Town in which the dog will be harbored for licensing or to the Town Clerk of the Town. In such instances, the Shelter shall issue a ten (10) day permit with a copy to be sent to the Town during which time the owner shall secure a valid license.
- (h) All fees will be used in funding the administration of the Dog Control Law of the Town of Wilna.
- (i) The Town of Wilna shall contract with a licensed dog shelter, humane society or society for the prevention of animal cruelty to animals to provide shelter services when required

under this law.

Section 5: Procedure for Seizure of Dogs:

- (a) The Dog Control Officer or any peace officer shall seize:
 - 1) Any unlicensed dog whether on or off the owner's premises;
 - 2) Any dog not wearing a tag, and after June 15, 1985, not identified, and which is not on the owner's premises, and
 - 3) Any dog found in violation of paragraphs (a)-(e) of Section 4 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Wilna in such case is carried out.
- (b) The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint with the Dog Control Officer, or the Town Justice of the Town of Wilna specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

Section 6: Penalties:

- (a) For a first violation a fine of no less than \$25.00 nor more than \$100.00.
- (b) For a second offense within a one-year period, a fine of no less than \$50.00 nor more than \$150.00.
- (d) For a third or subsequent offense within a one-year period, a fine of no less than \$75.00 nor more than \$200.00.
- (e) Any costs incurred by the Town pursuant to any section of this article may be recovered from the owner. Dogs seized shall be returned only after payment of all boarding and other fees as may be established from time to time. In the event that a court rules that an animal has to be destroyed or the owner does not want to accept the return of a captured dog and the animal must be destroyed, or where the owner fails to adhere to the provisions of this law and the steps the Town must take to destroy the animal, the owner shall be responsible to reimburse the Town all costs and expenses incurred in the destruction of the animal.

Article 4 – Repealer. This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Wilna, and they shall be upon the effectiveness of this Local Law, null and void.

Article 5 – Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining

section or provision of this Chapter.

Article 6. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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 2016 of the ~~(County)(City)(Town)(Village)~~ of Wilna was duly passed by the Town Board on January 11, 2016, 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 _____ 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, 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.

Michel R. Casadeo
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 1/11/16

(Seal)