

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.

~~XXXXXX~~
~~XXX~~ of Richland
Town
~~XXXXXX~~

SECRETARY OF STATE
FILED
NOV 20 2006

Local Law No. 4 of the year 20 06

MISSOURI
& SONS

A local law regulating dog control in the Town of Richland
(insert Title)

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

~~XXXXXX~~
~~XXX~~ of Richland as follows:
Town
~~XXXXXX~~

SECTION 1 - PURPOSE:

The purpose and intent of this law shall be to preserve the public peace and good order in the Town of Richland and to contribute to the public welfare and preservation and protection of the property and the person of the inhabitants of the Town of Richland by declaring and enforcing certain regulations and restrictions on activities of all dogs and owners of dogs within the Town of Richland.

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.

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

SECTION 3 - TITLE:

The title of this local law shall be "Dog Control Regulations for the Town of Richland".

SECTION 4 – DEFINITION OF TERMS:

As used in this local law, the following words shall have the following respective meanings:

- 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, either 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 and include any male or female, licensed or unlicensed members of the species *Canis familiaris*.
- d. Dog Control Officer: Any person authorized by the Town Board from time to time to enforce the provisions of this local law or the applicable provisions of the Agriculture and Markets Law.
- e. Harbor: To provide food and/or shelter to any dog.
- f. Owner: The party purchasing the license unless 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 Richland. 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 legal Guardian or 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.
- g. Private Property: Any real property owned or leased by an owner of a dog upon which the dog is harbored.

- h. Recreational Areas: Recreational areas shall mean any real property owned by the Town of Richland which is used for recreational purposes by the public including, but not limited to, parks or playgrounds which are located within the Town of Richland.
- i. Restraint: A dog is under restraint if it is controlled by a leash or in the presence of a competent person not less than fourteen years of age and obedient to that person's commands on or within a vehicle being driven or parked on the street or within the property limit of its owner or keeper, or upon the premises of another with the consent of such other person.
- j. 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.
- k. School Premises: Any real property situate within the Town of Richland which is used for educational purposes or purposes incidental thereto.
- l. Town of Richland: Shall include and be designated as the geographical boundaries or area known as the Town of Richland.

SECTION 5 – RESTRICTIONS:

It shall be unlawful for any owner of any dog in the Town of Richland 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 the 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.
- 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.
- i. Roam with one or more other dogs in a pack.
- j. Act in any way contrary to the provisions set forth in Articles 7 and 26 of the Agriculture and Markets Law.

SECTION 5A – PRESUMPTIONS:

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 has failed to properly confine, leash or control his dog.

SECTION 6 – ENFORCEMENT:

This local law shall be enforced by any dog control officer or peace officer when acting pursuant to his special duties.

SECTION 7 – 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 set forth in Section 118 of said Article.
- 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 or 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 Market Law.
- f. No action shall be maintained against the Town of Richland, any dog control officer or peace officer when acting pursuant to his special duties, or any other agent, official or officer of the town or person under contract to said Town to recover the possession or value of any dog, or for damages of any kind for injury or compensation for the destruction of any dog seized or destroyed, or otherwise pursuant to the provisions of this local law or the Agriculture and Markets Law.

SECTION 7A – APPEARANCE TICKET:

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

SECTION 8 – COMPLAINT:

- a. 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 Richland 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 shall summon the alleged owner to appear in person before him 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 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 9 – PENALTIES:

Upon conviction, a violation of any provision of this local law shall be deemed an offense and shall be punishable for the first offense by a fine not to exceed \$500; and \$1000 for each offense thereafter.

SECTION 10 – 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 11 – REPEALER:

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Richland and any prior such laws shall be, upon the effectiveness of this local law, null and void.

SECTION 12 – EFFECTIVE DATE:

This local law shall take effect immediately upon filing in the office of the Secretary of State in accordance with applicable law.

(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. 4 of 20 06 of the ~~(County)(City)(Town)(Village)~~ of Richland was duly passed by the Town Board on 11-14- 20 06, 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.)~~

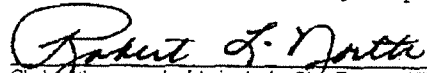
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
ROBERT L. NORTH, Town Clerk

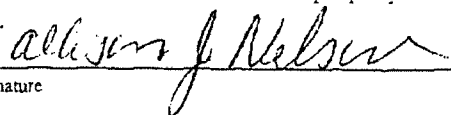
Date: November 20, 2006

(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.


Signature

Town Attorney
Title

XXXX
County
XXX
City of Richland
Town
XXXXXX
Village

Date: 11/27/06