

# 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 Lake Pleasant

Local Law No. 1 of the year 20 10

A local law "Dog Control Law for the Town of Lake Pleasant"  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Lake Pleasant

as follows:

Section 1: Purpose: the Town Board of the Town of Lake Pleasant 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 have created nuisances within the Town. The purpose of this Local Law is to protect the 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.

Section 2: Authority: This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59; Part T) of the Agriculture and Markets Law and the Municipal Home rule Law of the State of New York.

Section 3: Title: the title of the Law shall be Dog Control Law of the Town of Lake Pleasant.

Section 4: Definition of Terms: As used in the Local Law the following words shall have the following respective meanings:

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

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

**(b) AT LARGE-** Off the premises of the owner.

**© DOG WARDEN/ANIMAL CONTROL OFFICER-** A person or persons appointed by the Town of the purpose of enforcing this Article.

**(d) LEASHED-** Restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

**(e) OWNER-** The person entitled to claim lawful custody and possession of a dog and 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 Warden/Animal Control Officer, or any peace 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 in, brought into or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this article shall be held and deemed to be the "owner" of such dog for the purpose of this article. In the event that the "owner" of any dog found to be in violation of this article shall be under 18 years of age, any 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 in violation of this article.

#### **Section 5: Prohibited acts.**

It shall be unlawful for any owner of a dog in the Town of Lake Pleasant 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 and under the full control of such owner or person. For the purpose of this Article, 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 or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harborer of the dog.**
- C. Chase, leap on or otherwise harass bicycles or motor vehicles.**
- D. Be unlicensed when four months of age or older.**
- E. Not have a current and valid Town of Lake Pleasant identification tag on its collar while at large, whether or not restrained by an adequate lease.**

**Section 6: Conditions for keeping dogs.**

**All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harborer, the dogs become the property of the Town of Lake Pleasant to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.**

**Section 6: Licensing of dogs; fees.**

- A. License required. All dogs in the Town of Lake Pleasant shall be licensed with the Town Clerk by the age of four months, and any person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license.**
- B. Expiration of license. All dog licenses shall be valid for a period of One year and shall expire at the end of the month one year from the date of issuance.**
- C. License fees. The fee for a spayed or neutered dog shall be \$3.50, which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out a program of animal population control. The fee for an unsprayed or unneutered dog shall be \$11.50 which fee includes the assessment of a surcharge of \$3 for the purpose of carrying out a program of animal population control. Replacement**

tag fees shall be \$2.00. Such fees shall be reviewed by the Town Board periodically and may be changed by resolution of the Town Board, as necessary.

- D. Purebred license. The Town of Lake Pleasant shall issue purebred or kennel licenses.
- E. Service dogs. The Town of Lake Pleasant shall require a license for any guide dog, service dog, hearing dog or detection dog, the license fee will be waived as those terms are defined by Article 7 of the Agriculture and Markets Law.
- F. All dog licenses shall be purchased in person at the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.
- G. All fees shall be used in funding the administration of the dog Control Law of the Town of Lake Pleasant.

#### Section 7. Seizure of Dogs

- A. The Dog Warden/Animal Control Officer, or any peace officer shall give one warning to the owner of an unlicensed dog if the said dog is not licensed within one week of the warning the Dog Warden can seize the dog until the owner registers the dog which will be at the owners expense.
- B. The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of Article 111 of this chapter are as follows:
  - (1) For the first impoundment: \$20.00 plus the prevailing charge to the Town of Lake Pleasant which is \$10.00 for each day of impoundment.
  - (2) For the Second impoundment: \$30.00 plus the prevailing charge to the Town of Lake Pleasant which is \$10.00 for each day of impoundment.

**(3) For the Third impoundment: \$40.00 plus the prevailing charge to the Town of Lake Pleasant which is \$10.00 for each day of impoundment.**

#### **Section 8, Record of seizure**

**Upon taking custody of any animal, the Dog Warden/Animal Control Officer, or any peace officer, shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.**

#### **Section 9, Complaints**

**Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Town of Lake Pleasant or with the authorized Dog Ward/Animal Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including place(s) violation occurred and the name and address of the dog owner, if known.**

#### **Section 10, Impeding Dog Warden/Animal; Control Officer unlawful**

**No person shall hinder, resist or oppose the Dog Warden/Animal Control Officer or peace officer authorized to administer or enforce the provisions of this article in the performance of the officer's duties un this article.**

#### **Section 11, When Effective**

**This local law shall take effect January 1, 2011 after filing with the Secretary of State of the State of New York.**

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.

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

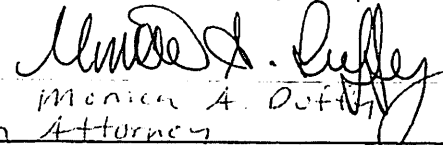
Date: 12/2/10

(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 Warren

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 Monica A. Duffy  
Title Town Attorney

County \_\_\_\_\_  
City \_\_\_\_\_ of Lake Pleasant  
 Town  
 Village

Date: December 9, 2010

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

**X (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 10 of the ~~(County)(City)(Town)(Village)~~ of LAKE PLEASANT on Dec 6 20 10, in accordance with the applicable provisions of law.  
(Name of Legislative Body) TOWN OF LAKE PLEASANT

**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 (Name of Legislative Body) \_\_\_\_\_ (Elective Chief Executive Officer\*) on 20   , 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) (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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_ (Elective Chief Executive Officer\*) 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.