Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JAN 21 1999
Alexander F. Treadwell
Secretary of State

(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 of Starkey
~~Village~~

Local Law No. 1 **of the year 19**99

A local law relating to the control, confining and leashing of dogs
(Insert Title)

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

~~County~~
~~City~~
Town of Starkey **as follows:**
~~Village~~

A local law for the purpose of amending the Town of Starkey Dog Control Law to restrict the number of dogs on private premises within the Town of Starkey as more particularly set forth in Schedule "A" which is attached hereto and made a part hereof.

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

Schedule A

TOWN OF STARKEY
LOCAL LAW NO. 1 of the Year 1999
A Local Law for the Purpose of Amending the Town of Starkey Dog Control Law to Restrict the Number of Dogs on Private Premises within the Town of Starkey

WHEREAS, Agriculture and Markets Law section 114 provides that the town board may, by local law, provide for the reasonable control of dogs within the town; and

WHEREAS, the Town of Starkey Dog Control Law was duly filed with the New York State Department of State as Local Law #2 of 1989, which local law provided for the control, confining and leashing of dogs within the Town of Starkey; and

WHEREAS, the Town Board of the Town of Starkey desires to amend said Law in order to restrict the number of dogs permitted on private premises, unless said dogs are kept in a Kennel, as defined in the Town of Starkey Zoning Regulations; and further desires to clarify said Law to assist town residents in complying with same; and

NOW, THEREFORE, be it enacted by the Town Board of the Town of Starkey as follows:

1. The Town of Starkey Dog Control Law shall be amended to add a new Section 6 to read as follows:

SECTION 6. NUMBER OF DOGS ON PREMISES

It shall be unlawful to keep more than three (3) dogs six (6) months or older, on any premises, regardless of the number of owners, unless the premises are permitted as a Kennel, as defined in Article 2, paragraph 58 of the Town of Starkey Zoning Regulations, as same may be amended from time to time, in accordance with said Regulations.

2. Section 6 through Section 9 of the Town of Starkey Dog Control Law are re-numbered Section 7 through Section 10.

(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 19.99. of the (County)(City)(Town)(Village) of ....Starkey.... was duly passed by the ....Town Board.... on Jan. 7 19 99 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 19..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19 ---, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the ..... and was deemed duly adopted on 19----,
(Elective Chief Executive Officer)*
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 19..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19----, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the ..... on ..... 19----. Such local law was submitted
(Elective Chief Executive Officer)*
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 ..... 19---, 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 19..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19----, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the ..... on ..... 19---. Such local law was subject to
(Elective Chief Executive Officer)*
permissive referendum and no valid petition requesting such referendum was filed as of ..... 19---, 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 19----- 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 ---------- 19----, 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 19----- of the County of ---------- State of New York, having been submitted to the electors at the General Election of November ---------- 19----, 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.

Robert A. Murphy

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

Robert S. Murphy

(Seal)

Date: Jan. 9, 1999

(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 Yates

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.

Alaine T. Espenscheid

Signature Alaine T. Espenscheid

Attorney

Title

~~County~~ x
~~City~~ x
Town
~~Village~~ of Starkey

Date: January 15, 1999

(7)

(Use this Form for Filing your 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 of STARKEY
~~Village~~

Local Law No. 2 of the year 19 89

A local law relating to the control, confining and leashing of dogs
(Insert title)

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

~~County~~
~~City~~
Town of Starkey as follows:
~~Village~~

A Local Law relating to the control, confining and leashing of dogs as more particularly set forth in Schedule "A" which is attached hereto and made a part hereof.

SCHEDULE "A"

SECTION. 1. TITLE

The title of this law shall be "Town of Starkey Dog Control Law".

SECTION 2. PURPOSE AND INTENT

The Town Board of the Town of Starkey finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have 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 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 3. AUTHORITY

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

SECTION. 4. 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 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 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 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 this local law. In the event the owner of any dogs found to be in violation of this chapter shall be under eighteen years of age, 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.

c) Run at large means to be on private lands without the knowledge, consent and approval of the owner of such lands.

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 the 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 without the consent or approval of the owner thereof.

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) Chase, run alongside of or bark at motor vehicles, motorcyles 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.

f) 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.

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

SECTION 6. FEES FOR SEIZURE OF DOGS

The fee for seizure and impoundment of dogs in violation of Article 7 of the Agriculture and Markets Law and of paragraph (a) of Section 5 of the local law are as follows:

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 or not identified and which is not on the owner's premises and (3) any dog found in violation of paragraph a) of Section 5 of this local law after the filing of a written complaint.

b) Every dog seized shall be properly fed and cared for until dispositon thereof as herein provided and in accordance with the provisions of the New York State Agriculture and Markets Law, Article 7, Sect. 118. If the dog seized bears a license tag, the DCO shall give immediate notice to the owner of the dog by personally serving such owner, or an adult member of his family with the notice in writing stating that the dog has been seized and will be destroyed unless redeemed as provided

Clerk and obtain a license for such dog. The DCO who destroys a dog shall immediately dispose of the carcass and make a written report of such destruction and disposition to the clerk, who shall keep a record thereof.

c) The DCO or peace officer may also investigate and report to the town justice of the town any dangerous dog as described in Article 7 of the Agriculture and Markets Law, and see that the order of the town justice in such case is carried out.

d) The DCO or peace office observing a violation of this local law in his presence shall issue and serve an appearance ticket for such violation.

e) Any person who observes a dog in violation of this local law may file a complaint under oath with the town justice, a local police officer, or the DCO 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 7. PENALTIES

Any person convicted of a violation of this local law shall be liable for a civil penalty not exceeding twenty-five dollars ($25.00) for a first violation and not exceeding fifty dollars ($50.00) for each subsequent violation. The penalties may be changed by town board action if deemed necessary.

SECTION 8. 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 9. EFFECTIVE DATE

This Local Law shall be operative immediately and effective upon being filed with the New York State Secretary of State pursuant to Section 27 of the Municipal Home Rule Law of the State of New York.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 2 of 19 89 of the ~~County~~ ~~City~~ Town ~~Village~~ of Starkey was duly passed by the Town Board (Name of Legislative Body) on October 5, 19 89 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 19..... of the ~~County~~ City Town Village of ..... was duly passed by the ..... (Name of Legislative Body) on ..... 19 ..... ~~not disapproved~~ and was approved repassed after disapproval by the ..... Elective Chief Executive Officer*

and was deemed duly adopted on ..... 19 ....., 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 19 ..... of the County City Town Village of ..... was duly passed by the ..... (Name of Legislative Body) on ..... 19 ..... not disapproved and was approved repassed after disapproval by the ..... Elective Chief Executive Officer*

on ..... 19 ..... 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 .....19 ....., in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 19 ..... of the County City Town Village of ..... was duly passed by the ..... (Name of Legislative Body) on ..... 19 ..... not disapproved and was approved repassed after disapproval by the ..... Elective Chief Executive Officer*

on ..... 19 ..... Such local law being subject to a permissive referendum and no

~~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 19 ..... of the City of ..... having been submitted to referendum pursuant to the provisions of §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 .... 19..... 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 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19....., 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 of 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.~~

Robert A. Murphy

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

Robert S. Murphy

Date: October 12, 1989

(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 ....YATES.....

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.

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