

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 _____

Local Law No. 2 of the year 20¹⁰

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

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

County City Town Village
(Select one:)

of Cohocton as follows:

Section 1. PURPOSE AND INTEREST.

The purpose of this Local Law shall be to promote the health, safety, morals and general welfare of the Town of Cohocton, including the protection and preservation of the property of the Town and its inhabitants and of the peace and good order by adopting and enforcing certain regulations regarding licensing of dogs and restrictions on the privileges of the owners of dogs and the rights and privileges of the residents of the Town of Cohocton.

Section 2. DEFINITIONS.

DOGS - The term "dog" or "dogs" shall mean both male and female dogs except where the context requires otherwise.

OWNER - The term "owner" shall include any person who owns, keeps or harbors, or has the care, custody, or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.

AT LARGE - The term "at large" shall mean a dog off the premises of the owner.

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

Section 3. LICENSING OF DOGS.

(a) All dogs within the Town of Cohocton 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 Cohocton Town Clerk, a dog license application together with the license application fee, any applicable license surcharges by the Town of Cohocton. 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 transferable.

(b) The owner or caregiver of any dog harbored within the Town of Cohocton shall obtain a valid license from the Cohocton Town Clerk within thirty days (30) thereof, provided, however, that upon sufficient proof of a valid license and rabies vaccination issued by another jurisdiction within or outside the State of New York, such dog shall be exempt from the Town of Cohocton licensing requirements until the expiration of the existing license and rabies vaccination.

(c) The Town of Cohocton authorizes the Town of Wayland Dog Shelter acting by its manager to provide, accept and grant an application for a dog license made by a resident of the Town of Cohocton at the time of the adoption of a dog from the Town of Wayland Dog Shelter provided that such application is made in accordance with Section 3(a) of this law and the license fee, any additional fee and surcharge shall be remitted to the Town Clerk of the Town of Cohocton on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

(d) Except as provided in subdivision (d)(2) of this section below:

- 1) The Town of Cohocton hereby establishes the fee for a dog license issued pursuant to Section 3(a) at Ten Dollars (\$10.00) to which amount shall be added Five Dollars (\$5.00) if the dog for which the license application is made is unsprayed or unneutered.
- 2) The annual fee for each purebred license issued pursuant to subdivision two of section one hundred nine of this article shall be:
 - a) Fifty Dollars (\$50.00), if no more than ten registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the owner's premises at the time of application and a Three Dollar (\$3.00) surcharge for each dog;
 - b) Seventy-five Dollars (\$75.00), if no more than twenty-five registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premise at the time of application and a Three Dollar (\$3.00) surcharge for each dog;
 - c) One Hundred Twenty-five Dollars (\$125.00), if more than twenty-five registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premises at the time of application and a Three Dollar (\$3.00) surcharge for each dog.

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

(f) In addition to the license fee established by Section 3(d) of this law, each applicant for a dog license shall pay a surcharge of One Dollar (\$1.00), if the dog to be licensed is altered or a fee of Three Dollars (\$3.00) if the dog sought to be licensed is unaltered.

(g) In addition to the license fee imposed by Section 3(d) 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 Two Dollars (\$2.00) which shall be retained by the Town of Cohocton and used to defray the cost of an enumeration of dogs living within the Town of Cohocton and the cost of providing replacement identification tags.

Section 4. 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 5. REGULATIONS AND RESTRICTIONS.

a) The owner of any dog shall be required to keep on each licensed dog a suitable collar with the license securely attached. A dog at large without a collar and license is presumed to be unlicensed.

b) No dog shall be in any restaurant, grocery, or commercial establishment which sells food for human consumption except that a guide dog for the blind may enter any such premises if leading or accompanying a blind person therein.

c) No person shall keep or suffer to be kept a dog which has attacked any person peaceably conducting himself in any place where such a person may lawfully be, or which has attacked, chased or worried or killed any domestic animal, as defined in the Agricultural and Markets Law of the State of New York, while such animal is in any place where it may lawfully be.

d) An owner of any dog shall not permit or suffer such dog to damage or destroy property of any kind or to deposit waste on the private property of other persons.

e) No person shall keep, suffer or permit to be kept on the premises occupied by such person, any dog which by its continual barking, howling or whining or other frequent or long continued noises shall unreasonably disturb the comfort or repose of other persons.

f) No owner of a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.

g) No person shall permit a female dog owned by him to be off such owner's premises while such female dog is in heat.

Section 6. CONTROL OFFICER.

The Town Board may from time to time appoint a dog control officer or officers, a peace officer or other agents of the Town of Cohocton, as needed pursuant to the appropriate statutes of the State of New York. It shall be the duty of any dog control officer, peace officer, or other agent to enforce the provisions of this Local Law as well as of the Agriculture and Markets Law of the State of New York, with respect to dogs in the Town of Cohocton.

Section 7. SEIZURE OF DOGS.

a) Dogs shall be permitted off an owner's property only when under the control of a responsible person able to control such dog by lease or otherwise. Dogs contained in motor vehicles on public or private property shall be considered in compliance with this section.

b) It shall be the responsibility of any owner of any dog to comply with any Steuben County night quarantine on dogs, as from time to time promulgated, by keeping said dogs confined between the hours of sun set and one hour after sun rise on each and every day.

c) A dog control officer, peace officer or other agent as appointed by the Town Board shall seize any dog which is found at large within the Town of Cohocton in violation of this Local Law, as well as any dog or dogs otherwise required to be seized under and by virtue of the Agriculture and Markets Law of the State of New York.

Section 8. REDEMPTION OF SEIZED DOGS.

a) Every dog seized pursuant to this Local Law or the provisions of the Agriculture and Markets Law of the State of New York shall be immediately impounded.

b) In the event that the dog so seized bears a license tag, the dog control officer, peace officer or other agent shall ascertain the owner of the dog and shall thereafter give immediate notice, in writing, to the owner of such dog or to an adult member of said owner's family stating that the dog has been seized and that the dog will be destroyed, sold or placed for adoption unless redeemed within the period hereinafter provided.

c) The owner of any dog impounded by the Town of Cohocton shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of Twenty-five Dollars (\$25.00) for the first impoundment; a fee of Fifty Dollars (\$50.00) for the second impoundment and a fee of Seventy-five Dollars (\$75.00) for a third and each subsequent impoundment. There shall also be added to any impoundment fee a boarding fee of Twenty Dollars (\$20.00) per day.

d) If any dog so seized is not redeemed within the time period hereinbefore set forth, the owner shall forfeit all title to said dog and the dog shall either be sold, destroyed or placed for adoption in accordance with the provisions of the Agriculture and Markets Law of the State of New York.

Section 9. TOWN JUSTICE TO HAVE JURISDICTION.

a) The Town Justice of the Town of Cohocton shall have jurisdiction to hear all signed complaints filed as hereinafter provided, and all actions and proceedings hereunder, and of all

prosecutions for the violation of this Local Law. Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice shall summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Town Justice may permit the filing of information and issue a warrant for the arrest of such owner or other person harboring said dog.

b) The dog control officer, peace officer or other agent of the Town of Cohocton who observes a dog causing damage or destruction to property of a person other than its owner or violating any section of this Local Law may file a signed complaint, under oath, with the Town justice of the Town of Cohocton, specifying the objectionable conduct of the dog, the date thereof, the damage caused, and a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

Section 10. 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 Twenty-five Dollars (\$25.00) for the first violation, Fifty Dollars (\$50.00) for the second offense and Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 11. CHANGE IN FEES, SURCHARGES AND FINES.

All fees, surcharges and fines imposed under this Local Law may be reviewed by the Cohocton 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 12. VALIDITY.

The invalidity of any such sentence, clause, paragraph or provision of this Local Law shall not invalidate any other sentence, clause, paragraph or provision or part thereof.

Section 13. REPEAL OF PRIOR LAWS.

Any and all existing ordinances or other local laws, including Local Law Number 1 of 1978 of the Town of Cohocton, pertaining to the control of dogs in the Town of Cohocton are hereby repealed in their entirety.

Section 14. WHEN EFFECTIVE.

The provisions of this Local Law shall take effect immediately.

(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. 2 of 2010 of the ~~(County)(City)~~(Town)(Village) of Cohocton was duly passed by the Cohocton Town Board on December 20, 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 2010, 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.

Sandra J. Riley

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

Date: 12-28-2010

(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 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. McAllister

Signature Patrick F. McAllister
Cohocton Town Attorney

Title

~~BOOK~~
~~BY~~ of Cohocton
Town _____
~~IMAGE~~

Date: 12-28-10