

LOCAL LAW NO. 3 OF 2016

A LOCAL LAW SETTING FORTH DOG CONTROL REGULATIONS IN THE TOWN
OF HAMPTON

TOWN OF HAMPTON, COUNTY OF WASHINGTON
STATE OF NEW YORK

Be it enacted by the Town Board of the Town of Hampton (the "Town"), as follows:

SECTION 1. Purpose

The Town of Hampton finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and 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 and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

SECTION 2. Authority

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and Municipal Home Rule Law. This Law shall replace Local Law No. 1 of 2010 and Local Law No. 1 of 2009 both entitled "A Local Law Setting Forth Dog Control Regulations in the Town of Hampton".

SECTION 3. Title

The title of this local law shall be "Dog Control Local Law of the Town of Hampton."

SECTION 4. Definitions

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

(A) At Large. Means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be "at large" if it is: (a) accompanied by and under the immediate supervision and control of the owner or other responsible person; (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

(B) Dangerous Dog. Means any dog that conducts itself so as to cause bodily harm and injury or to put any person in reasonable apprehension of such bodily harm and injury, or any dog which attacks, chases or worries any domestic, farm or companion animal, as defined in Section 108 of the Agriculture and Markets Law.

(C) Dog Control Officer. Any person authorized by the Town Board of the Town of Hampton from time to time to enforce the provisions of this local law or the provisions of the Agriculture and Markets Law.

(D) Harbor. Means to provide food or shelter to any dog on a periodic or continuous basis.

(E) Leashed or Restrained by a Leash. Means a dog that is equipped with a collar of sufficient strength attached to a leash not more than fifteen (15) feet long, which leash shall be held by a person having sufficient ability to control and restrain the dog by means of a collar and leash.

(F) Owner. Means any person who harbors or keeps any dog or has the care, custody or control of any dog or any person who licensed the dog. In the event any dog found in violation of this local law shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides). The term "owner" shall also include any corporation, association or entity that harbors or keeps or has the care, custody or control of any dog in the Town.

(G) Police Work Dog. Means a dog under the care and control of any law enforcement agency and used primarily for law enforcement investigations and related work. The provisions of this local law shall not apply to any police work dog.

(H) Responsible person. Means any individual, male or female, over the age of sixteen (16) years, other than the Owner, who at any time has possession, custody or control of the dog.

(I) Service Dog. Means any dog that is trained to aid a person with a disability and is actually used for this purpose, otherwise known as a "guide dog".

SECTION 4.1. Licensing Requirements

- A. Requirement. All dogs in the Town of Hampton that are four (4) months of age or older shall be licensed with the Town Clerk of the Town of Hampton. Any person applying for a dog license shall present a current certificate of rabies vaccination or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required, at the time of making an 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 (1) year and shall expire at the end of month one (1) year from the date of issuance.
- C. Fees.
 - i. The licensing fee for a spayed or neutered dog shall be \$8.00, which fee includes the assessment of a surcharge of \$ 1.00 for the purpose of carrying out a program of animal population control.

ii. The licensing fee for an unspayed or unneutered dog shall be \$16.00, which fee includes the assessment of a surcharge of \$3.00 for the purpose of carrying out a program of animal population control.

iii. The charge for replacement tags shall be \$3.00.

iv. When the Town Board determines the need for a dog enumeration, a fee of Twenty-Five Dollars (\$25.00) will be assessed to the owner of any dog found unlicensed or for which the license has not yet been renewed at the time the enumeration is conducted. The above fees shall be reviewed by the Town Board periodically and may be changed by resolution of the Town Board, as necessary.

D. Service Dogs. The Town of Hampton excepts guide, hearing, service, war, working search, detection, police and therapy dogs, as defined in Article 7 of the Agriculture and Markets Law of the State of New York, from payment of the licensing fees. This shall not relieve the owner of the responsibility of licensing said dog.

E. Purebred License. The Town of Hampton shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated herein.

F. Shelters. The Town of Hampton does not allow the licensing of dogs by a shelter. The shelter shall be required to send adoptive dog owners to the clerk of the municipality in which the dog will be harbored for licensing or to the Town Clerk of the Town of Hampton for the purchase of the license for adoption purposes.

G. 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 fees must accompany the application. There shall be no refund of fees.

H. All fees will be used in funding the administration of the Dog Control Law of the Town of Hampton.

SECTION 5. Restrictions

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Hampton, to:

(A) be at large;

(B) cause damage or destruction to property, or commit a nuisance by defecating or urinating or scavenging through refuse upon the premises of a person, other than the owner of such dog, unless the owner of said premises has given permission therefore;

(C) chase, jump on or at, or otherwise harass any person in such a manner as would reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or

(D) habitually chase, run alongside of motor vehicles or bicycles; or

(E) attack, chase or worry any domestic, farm and or companion animal, as defined section 108 of the Agriculture and Markets Law; or

(F) habitually chase 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; or

(G) be off the premises of the owner unless restrained by a leash to be held by a person of sufficient strength and ability to adequately restrain the dog. Such dog may be unleashed while off the owner's or harborer's premises only on such occasions as when such dog is on the private premises of another with the knowledge, consent and approval of such person.

(H) 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.

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

SECTION 6. Enforcement.

(A) For each case commenced in a local Justice Court, by the dog control officer or other law enforcement officer, or peace officer shall immediately file the information with the Town Justice. Said information shall be filed with the appearance ticket, if an appearance ticket is issued. If no appearance ticket is issued, the information shall be filed with the court and the action otherwise commenced and jurisdiction over the defendant made in accordance with the Criminal Procedure Law. The dog control officer or other law enforcement officer may also investigate and report to the Town of Hampton Court (the "Court") any dangerous dog, as defined herein or as set forth in section 123 of Agriculture and Markets Law, and see that the order of the Court in such case is carried out.

(B) Upon receipt by the Town Justice of any complaint filed in accordance with the provisions of this law, the Town Justice shall summon the alleged owner to appear in person before him. If the summons is disregarded, the Justice may permit the filing of the information and issue a warrant for the arrest of such person.

SECTION 7. Complaint.

(A) Any person who observes a violation of this local law (including, without limitation, the dog control officer) may file a complaint under oath with the Court specifying the

objectionable conduct; the date(s) thereof; the damage caused; a description of the dog; and the name and residence, if known, of the owner of such dog.

(B) The Court shall have jurisdiction to hear all complaints filed as herein provided and all actions and proceedings hereunder and of all prosecutions for any violation of this local law.

(C) Upon receipt by the Court of any complaint against the conduct of a particular dog, the Court may summon the alleged owner or other person harboring such dog to appear in person before the Court 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 Court decides that a violation of the local law has been committed, the Court may impose a penalty upon the violator as provided in Section 9 of this local law.

(D) A violation of any order issued by the Court under the provisions of this Section 7 shall be an offense punishable, upon conviction thereof, as provided in Section 9 of this local law.

SECTION 8. Procedures Relating to Dangerous Dogs.

Procedures relating to dangerous dogs shall be in accordance with the relevant provisions of the Agriculture and Markets Law.

(A) In the event of a complaint of an attack upon a person or of an attack, chase or worrying of a domestic, farm or companion animal, the Court shall immediately determine if there is probable cause to believe that the dog is a dangerous dog, and upon so finding, shall order the dog control officer or law enforcement officer to immediately seize the dog pending a judicial hearing conducted in accordance with New York State Agriculture and Markets Law.

(B) If satisfied that said dog is a dangerous dog, the Court may order the dog control officer or law enforcement officer to take any action consistent with the provisions of the New York State Agriculture and Markets Law including the destruction of the dog, or take any other action prescribed herein. In the event that any person is bitten or scratched by said dog, the Court shall order the dog tested for rabies or quarantined for a period often (10) days. The rabies testing and/or quarantined shall be at the owner's expense.

(C) In the event that the Court does not order the dog destroyed and determines that said dog is a dangerous dog within the meaning of the Agriculture and Markets Law, the owner of the dog shall be required to:

- (1) Maintain liability insurance which insurance must specifically cover damage or injury to persons or property which may be caused by a dangerous dog;
- (2) Muzzle the dog when in all public places; and
- (3) Post the property where the dog is located with a notice of "Dangerous Dog."

(4) Follow any additional Court Orders as Ordered by the Court.

(D) Upon default of any of the conditions of a Court order, said dangerous dog shall be dealt with in accordance with the law and without the need for further process of the Court.

SECTION 9. Penalties.

(A) Any person convicted of a violation of this local law shall be liable to a civil penalty no less than \$25.00 and no more than \$75.00 for a first violation, not less than \$75.00 and no more than \$150.00 for a second violation and no less than \$150.00 and no more than \$500.00 for a third and each subsequent violation.

(B) In addition to the penalties imposed for violations of this local law, the person found to have violated this local law must pay for the cost of any seizure or kennel fees that may be required.

(C) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(D) Upon presentation of proof of payment of any and all fines and/or penalties, the dog control officer or other law enforcement officer shall release any dog impounded to its owner or harbinger, provided that the release of the dog is consistent with any court determination made with respect to the dog and proof the said dog is properly licensed.

SECTION 10. Seizure, Impoundment, Redemption and Adoption.

(A) The dog control officer or any law enforcement officer in the employ of or under contract with the Town shall seize:

- (1) Any dog which is not identifies and which is not on the owner's premises.
- (2) Any dog which is not licensed whether on or off the owner's premises.

(B) The dog control officer or any law enforcement officer in the employ of or under contract to the Town may seize any dog in violation of any local law or local law relating to the control of dogs adopted by the Town pursuant to Article 7 of the Agriculture and Markets Law.

(C) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 1 17 of the Agriculture and Markets Law.

(D) 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 as set forth herein:

- i. For the first impoundment: \$20.00, plus any costs incurred and the prevailing charge to the Town of Hampton for each day of impoundment.

- ii. For the second impoundment: \$40.00, plus a fee of \$3.00 for each additional twenty-four (24) hour period, plus any costs incurred and the prevailing charge to the Town of Hampton for each day of impoundment.
- iii. For the third and any subsequent impoundment: \$60.00, plus a fee of \$3.00 for each additional twenty-four (24) hour period, plus any costs incurred and the prevailing charge to the Town of Hampton for each day of impoundment.

(E) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (D) of this section whether or not such owner chooses to redeem his or her dog.

(F) 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 117 of the Agriculture and Markets Law.

(G) No action shall be maintained against the Town, any dog control officer or other law enforcement officer when acting pursuant to his special duties, or any other agent or officer of the or person under contract with said Town to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law or the Agriculture and Markets Law.

SECTION 11. Records of Dog Control Officer

It shall be the responsibility of the dog control officer to maintain accurate records and to complete and submit the following records to the Town Supervisor and Town Board of the Town of Hampton on a monthly basis:

- (A) A listing of all complaints, including the name, address and phone numbers of each complainant and the type of complaint and the resolution of each complaint.
- (B) A separate log of each official action taken in each case.
- (C) The number of dogs impounded.
- (D) The number of dogs redeemed by their owner.
- (E) A list of all expenditures incurred by the dog control officer.
- (F) The gross receipts collected by the dog control officer

Section 12. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this local law, or

in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 13. Repealer.

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Hampton and they shall be, upon the effective date of this local law, null and void.

SECTION 14. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.

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 HAMPTON

Local Law No. 3 of the year 20 16

A local law SETTING FORTH DOG CONTROL REGULATIONS IN THE TOWN OF HAMPTON
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of HAMPTON

as follows:

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

(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. 3 of 2016 of the (County)(City)(Town)(Village) of HAMPTON was duly passed by the TOWN BOARD on MARCH 16 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 _____ 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.

Rebecca S. Jones

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

Date: 3/19/16

(Seal)

Local Law Filing

Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
 2. Each local law to be filed with the Secretary of State shall be an original certified copy.
 3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
 4. File only the number, title and text of the local law.
 5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
 6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.
- It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.
7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.
 8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
ACTING SECRETARY OF STATE

March 24, 2016

Rebecca S Jones
Town Clerk
2629 State Route 22A
Hampton NY 12837

RE: Town of Hampton, Local Law 1, 2, 3 2016, filed on March 24, 2016

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State

TOWN OF HAMPTON

TOWN CLERK

Rebecca S. Jones, RMC

WASHINGTON COUNTY

2629 STATE ROUTE 22A

PO Box 125

Hampton, New York 12837

PHONE #: (518) 282-9830 FAX #: (518) 282-9042

DAVID K. O'BRIEN, SUPERVISOR

Tamme Taran, Deputy Supervisor

COUNCILMAN

Tamme Taran

Donald Sady

Andrea Sweeney

Roger Weeden

March 19, 2016

NYS Department of State
Division of Corporations, State Records &
Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, New York 12231

To Whom It May Concern:

Please find enclosed the following for filing.

- Local Law # 1 of 2016
- Local Law # 2 of 2016 and
- Local Law # 3 of 2016

Thank you.

Sincerely,

Rebecca S. Jones, RMC
Town Clerk
Town of Hampton

Enclosures