

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.

**FILED
STATE RECORDS**

DEC 31 2010

DEPARTMENT OF STATE

- County
- City of Black Brook
- Town
- Village

Local Law No. 1 of the year 20 10

A local law Dog Licensing Law for the Town of Black Brook
(Insert Title)

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

- County
- City of Black Brook as follows:
- Town
- Village

The Town Board of the Town of Black Brook 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 has 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 licensing of dogs within the Town of Black Brook

- See Attached -

(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. 1 of 20 10 of the ~~(County)(City)~~(Town)(Village) of Black Brook was duly passed by the Town Board on Dec 27 20 10, 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 _____ 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) *(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.


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

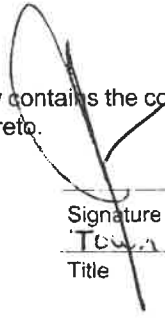
Date: 12/27/10

(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 Clinton

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

~~County~~
~~City~~ Black Brook
Town
~~Village~~

Date: 12/27/10

TOWN OF: **BLACK BROOK** (Clinton County)
State of New York

LOCAL LAW: No. 1 of 201

A LOCAL LAW: **DOG LICENSING LAW FOR THE TOWN
OF BLACK BROOK**

BE ENACTED BY THE: **TOWN BOARD** of the

TOWN OF **BLACK BROOK** as follows:

Section 1 **Purpose:** The Town Board of the Town of Black Brook 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 has 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 licensing of dogs within the Town of Black Brook.

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 this Local Law shall be the Dog Licensing Law of the Town of Black Brook.

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 or 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 control 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, 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 as and deemed to be the owner of said dog if any owner who is under 18 years of age and is found to be in violation of the within Law, said violation shall become the responsibility of the head of the household in which said minor 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 Local Law.

c. "Tag" means the prenumbered Town tag with license identification number. This tag is permanent. The dog will only receive one of these.

d. "License" means the annual or bi-annual or tri-annual renewal of the dog license. The license will be issued by the Town Clerk with the "tag" number" on it. Licenses can be purchased for a period of one, two or three years, depending on date of rabies vaccination expiration. As of January 1, 2011, multiple year licenses issued under NYS Dept. Agriculture & Markets will be honored if rabies vaccination has not expired.

e. "Town" means the Town of Black Brook, Clinton County, State of New York.

Section 5. **Licensing of Dogs:** It shall be unlawful for any owner of any dog in the Town to be unlicensed by failing to comply with the following:

a. All dogs in the Town of Black Brook must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies Vaccination at the time of licensing or the renewal of an existing license.

b. Licenses may be purchased for a period of one year, two years or three years, and will expire on the date of expiration of the rabies vaccination. Owners with multiple dogs will be issued a "multiple dog license".

c. **Fees for Licensing of Dogs:** The fee for a spayed or neutered dog will be \$5.00 per year (which includes the assessment of a \$1.00 for the purpose of carrying out animal population control) and the fee for unsprayed or unneutered dog will be \$12.50 (which includes assessment of a \$3.00 surcharge for the purpose of carrying animal population control) with such fees being reviewed by the Town Board periodically and which may be changed by a resolution of the Town Board, if deemed necessary

d. **Enumeration Fee:** When the Town Board determines the need for a dog enumeration, a fee of \$10.00 will be assessed for each dog found unlicensed or renewed at the time the enumeration is conducted.

e. **Purebred License:** The Town of Black Brook will **NOT** be issuing Purebred licenses. All dogs will be licensed individually as per fee system stated above

f. **Service Dogs:** The Town of Black Brook will **NOT** require a license for any guide dog, service dog, hearing dog or detection dog.

g. The Town of Black Brook **DOES NOT ALLOW** the licensing of dogs by a shelter. The shelter must send the adoptive dog to the Town Clerk of the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town of Black Brook if the dog is harbored in the Town of Black Brook.

h. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be **NO** refund of fees.

i. All fees will be used in funding the administration of this Dog Control and Licensing Law in the Town of Black Brook

j. **Fees for Seizure of Dogs.** The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York State Department of Agriculture and Markets Law are as follows: **First Offense:** The same impoundment and euthanasia fee per animal that are charged to the Town for such service. **Second Offense:** \$60.00 plus the impoundment and euthanasia fee per animal

Section 6 **Procedure for Seizure of Dogs**

- 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, and after June 15, 1985, not identified, and which is not on the owner's premises
 3. Any dog found in violation of Section 5 of this Local Law. Such seized dog shall be kept and/or disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law and see that the order of the Town Justice of the Town of Black Brook in such case is carried out
- b. The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.
- c. Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Black Brook specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if know, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.
- d. No action shall be maintained against the Town of Black Brook, any duly designated Dog Control Officer, or any other agent or officer of the 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.

Section 8 **Penalties.** Any person convicted of a violation of this Local Law shall be liable for a civil penalty of \$25.00 for the first violation; of \$50.00 for a second violation and \$75.00 for each subsequent violation

Section 9 **Separability:** Each separate provision of this Local Law shall be deemed independent of all other provisions hereof and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable

Section 10 **Repealer:** This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Black Brook, and they shall be upon the effectiveness of this Local Law, null and void

Section 11 **Effective Date.** This Local Law shall be effective January 1, 2011.

I hereby certify that the local law annexed hereto, designated as LOCAL LAW #1 OF 2010 of the Town of Black Brook (Clinton County), New York, was duly adopted by the Town Board on December 27, 2010 in accordance with the applicable provisions of law

12/27/10
Dated

Margaret Hrey
Town Clerk

STATE OF NEW YORK)
) SS:
COUNTY OF Clinton)

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

12/27/10
Dated

James E. Martineau, Jr., Esq.
Town Attorney, Town of Black Brook