

# 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 ~~or~~ or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
NOV. 10 2003

MISCELLANEOUS  
& STATE RECORDS

~~County~~  
~~City~~ of SCRIBA  
Town  
~~Village~~

Local Law No. 2 of the year 20 03

A local law amending Local Law No. 1 of the Year 1977, a Dog Control Law  
(insert Title)  
of the Town of Scriba.

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

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

SECTION 1: TITLE

This Local Law shall be referred to as "A local law amending Local Law No. 1 of the year 1977, a Dog Control Law of the Town of Scriba, New York."

SECTION 2: PURPOSE

This Local Law No. 2 of 2003, is enacted for the purposes of amending Local Law No. 1 of 1977.

SECTION 3: SECTION 4: DEFINITION OF TERMS

Section 4(a) shall be amended to read as follows:

- a. Agriculture and Markets Law. Article 7 of the Agriculture and Markets Law of the State of New York in effect as of the effective date of this Local Law, and amended thereafter.

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

b. Section 4(d) shall be amended to replace "Dog Warden" with "Dog Control Officer".

#### SECTION 4: SECTION 5 RESTRICTIONS

Section 5: Restrictions, shall be amended as follows:

Section 5(b) shall be amended to replace the word "whinning" with the word "whining".

Section 5(d) shall be amended to replace the word "harrass" with "harass".

Section 5(f) shall be amended to replace the word "deficating" with the word "defecating".

#### SECTION 5: SECTION 5(A) LICENSING OF ALL DOGS

Section 5(A), Licensing of all Dogs, shall be added to read as follows:

The annual fee for each dog license issued pursuant to Article 7 of the Agriculture and Markets Law shall be:

1. \$2.50 for each spayed or neutered dog;
2. \$10.50 for each unspayed or unneutered dog;
3. The annual fee for each pure bred license issued pursuant to Article 7 of the Agriculture and Markets Law shall be:
  - a. \$25.00, if no more than 10 registered pure bred dogs or pure bred dogs eligible for registration over the age of 6 months are harbored on the owner's premises at the time of the application;
  - b. \$50.00, if no more than 25 registered pure bred dogs or pure bred dogs eligible for registration over the age of 6 months are harbored on the premises at the time of the application; or
  - c. \$100.00, if more than 25 registered pure bred dogs or pure bred dogs eligible for registration over the age of 6 months are harbored on the premises at the time of the application;
4. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog or police work dog. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog" "Hearing Dog", "Service Dog", "War Dog", "Working Search Dog" or "Police Work Dog", as may be appropriate, by the clerk or authorized Dog Control Officer.

5. The annual local fee for each dog license shall be \$10 for each dog and \$25 for each pure bred license.

6. There shall be an additional licensing fee of \$5.00 if a dog is identified as unlicensed during an enumeration conducted pursuant to Subdivision 7 of Section 114 of Article 7 of the Agriculture and Markets Law.

#### SECTION 6: SECTION 6: SEIZURE OF DOGS

Section 6, Seizure of Dogs, shall be amended to read as follows:

Section 6(a), the words “§114, and 114-A” shall be replaced with the word “Article 7” in two places of this section.

Section 6(b) the words “his family” shall be replaced with the words “the owner’s family”, and the word “or” shall be added between the word “personally by”.

Section 6(c), the words “the sum of two dollars (\$2.00) as the cost of seizure” shall be replaced with “the accrued impoundment and seizure fees, as established in Section 8 of this Local Law,” and the word “§109” shall be replaced with the words “Article 7”.

Section 6(d), the words “twelve (12) days” shall be replaced with “seven (7) days”, and the words “the sum of two dollars (\$2.00) as the cost of seizure” shall be replaced with the words “the accrued impoundment and seizure fees, as established in Section 8 of this Local Law”.

Section 6(e), the words “sold or destroyed by the dog warden” shall be replaced with the words “made available for adoption or euthanized/cremated by, or on behalf of, the Town, and any fees accrued for such forfeiture shall be paid to the Town Clerk as established in Section 8 of this Local Law.”

Section 6(f), the words “dog warden” shall be replaced with “dog control officer”.

#### SECTION 7: SECTION 7: COMPLAINT

Section 7, Complaint, shall be amended to read as follows:

Section 7(c), the words “dog warden” shall be replaced with the words “dog control officer”, and the word “answer” shall be amended to read “answer/plea”.

Section 7(c) shall be amended to replace “fifteen dollars (\$15.00)” with “twenty-five dollars (\$25.00)”.

Section 7(f) shall be deleted.

SECTION 8:

Section 8 shall be amended to read as follows:

SECTION 8: SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION

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 paying the impoundment fees as herein set forth:

- a. \$20.00 for the first impoundment of any dog owned by that person and \$15.00 for each additional 24 hours or part thereof.
- b. \$40.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person.
- c. \$60.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.
- d. Any medical fees accrued for mandatory medical treatment required by the Agriculture and Markets Law.
- e. Forfeiture fees referred to in Section 6(e) are hereby established to be:
  1. Adoption (up to) \$131.00
  2. Euthanasia \$24.00
  3. Cremation \$32.00
  4. Boarding for each 24 hours of impoundment \$15.00
  5. Any medical fees accrued for mandatory medical treatment required by NYS Agriculture and Markets Law.

SECTION 9: SECTION 9: PENALTIES:

Section 9, Penalties shall be added to read as follows:

Upon conviction, a violation for failure to license a dog shall be deemed an offense and shall be punishable for a first offense by a fine not to exceed \$50.00; or a

second offense within a period of 2 years from the first offense by a fine not to exceed \$75.00; and by a third offense and any subsequent offenses within a period of three years from the first offense by a fine not to exceed \$150.00, and by seizure of the dog.

Upon conviction, a violation of any other provision of this local law shall be deemed an offense, and shall be punishable for a first offense by a fine not to exceed \$50.00; or a second offense within a period of two years from the first offense by a fine not to exceed \$100.00; and by a third offense and any subsequent offenses within a period of three years from the first offense by a fine not to exceed \$200.00 and by seizure of the dog.

Nothing herein contained shall be deemed to lessen any sanction otherwise available under the Agriculture and Markets Law.

SECTION 10: SECTION 10: SEPARABILITY

Section 10, Separability, shall be added to read as follows:

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 11: SECTION 11: EFFECTIVE DATE:

Section 11, Effective Date, shall be added to read as follows:

This local law shall take effect immediately upon filing with the New York State Secretary of State's Office.

(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 20 03 of the ~~(County)(City)(Town)(Village)~~ of SCRIBA was duly passed by the TOWN BOARD on 11/5 2003, in accordance with the applicable provisions of law.

~~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.~~

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 \_\_\_\_\_. 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.

\* 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.)~~

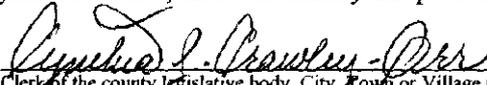
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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.

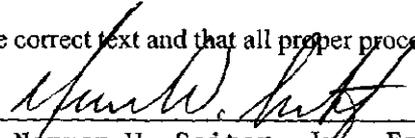
  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
CYNTHIA CRAWLEY-ORR, Town Clerk  
Date: 11/6/03

(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 Oswego

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 Norman W. Seiter, Jr., Esq.  
Town Attorney  
Title \_\_\_\_\_

~~CITY~~  
~~CITY~~ of \_\_\_\_\_ Scriba  
Town  
~~VILLAGE~~

Date: 11/6/03