

# 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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
MAR 20 2006

MISCELLANEOUS  
& STATE RECORDS

- County
- City of Volney
- Town
- Village

Local Law No. 1 of the year 20 06

A local law for the Control, Confining and Leashing of Dogs within the Town of Volney  
*(insert Title)*

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

- County
- City of Volney
- Town
- Village

as follows:

## SECTION 1. TITLE

This Local Law shall be referred to as "A Local Law for the Control, Confining and Leashing of Dogs within the Town of Volney".

## SECTION 2. PURPOSE

The purpose and intent of this Local Law shall be to preserved the public peace and good order of the Town of Volney, Oswego County, New York and to contribute to the public welfare and the preservation and protection of the property and person of the inhabitants of the Town of Volney by declaring and enforcing certain regulations and restrictions on activities of dogs and owners of dogs within the township of Volney.

## SECTION 3. PRIOR EXISTING DOG CONTROL LAW

This Law shall replace and supersede the prior existing Town of Volney Dog Local Law that became effective as of September 12, 2002.

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

#### SECTION 4. EXCLUSIONS

This Local Law shall not apply to any dog confined to the premises of any incorporated society devoted to the care of lost, strayed or homeless animals or confined to the premises of any public or private hospital devoted to the treatment of sick animals.

#### SECTION 5. DEFINITIONS

- (A) The term "Dog" shall mean any member of the species canis familiaris, whether male or female.
- (B) The term "OWNER" shall mean any person who owns, harbors, keeps or has 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. Landlords and mobile home park operators shall be deemed to have control of a dog owned by a tenant, by virtue of the fact that landlords and mobile home park operators have the ability to control dogs on their property through appropriate provisions that can be contained in their leases and mobile home park rules.
- (C) The term "AT LARGE" shall mean 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. A dog shall be deemed at large if it is elsewhere other on the premises of the owner and not accompanied by the owner or his agent having said dog shall be under owner's agent's control at all times so as not to harm, injure or destroy the person or property of another. Where a dog does not readily obey commands by the owner or his agent, said dog shall be leashed when off the owner's premises. No dog shall be deemed at large if it is: 1) a guide dog actually leading a blind person; 2) a police work dog in use for police work; or 3) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on land not posted or posted land with the permission of the owner.
- (D) The term "RESTRAINED" shall mean controlled by a leash, in the presence of a competent person and obedient to that person's commands, on or within a vehicle being driven or parked legally, within the property limits of its owner or keeper, or upon the premises of another with the consent of such other person.
- (E) Dog deemed as "DANGEROUS" or "VICIOUS" shall not be permitted off the premises of the owner or caretaker. If any such dog is found off the premises and can not be safely taken and impounded, any peace officer may kill the dog.

## **SECTION 6. RESTRICTIONS**

- (A) No owner shall permit or allow a dog to run at large within the Town of Volney, unless such dog shall be restrained as provided in Section 3 (d) herein.
- (B) No dog shall be permitted to cause damage or destruction to property, commit a nuisance, or to defecate upon the premises of a person, other than the owner or persons harboring such dog.
- (C) No owner or harborer shall permit such dog to habitually and in a prolonged manner bark, whine or howl or so as to disturb the peace and quiet of the neighborhood.
- (D) No dog shall be permitted to chase or to otherwise harass any person in such manner as to reasonable cause intimidation or put such person in reasonable apprehension of bodily harm or injury except in defense of property of the owner or inhabitants.
- (E) No dog shall be permitted to chase or bark at moving motor vehicles, bicycles, animals, snowmobiles or ATV's.
- (F) No unsprayed female dog in heat (season) shall be permitted to be outside of a building or a fenced enclosure, except that the owner may exercise such dog while on a securely fastened leash not more than six feet in length.
- (G) No owner shall fail to provide dogs with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

## **SECTION 7. SEIZURE, IMPOUNDING & REDEMPTION OF DOGS**

- (A) Pursuant to Section 109 of the Agriculture and Markets Law, all persons owning a dog six months of age or older, must immediately make an application for a dog license, and the said license must be purchased when the appropriate rabies vaccination can be proven. The license shall be renewed annually as in accordance with the Agriculture and Markets Department's regulations. All dogs must have attached to its collar an official identification tag as provided in Section 112 of the Agriculture and Markets Law.
- (B) Pursuant to Section 110 (4) of the Agriculture and Markets Law, the Town of Volney hereby sets an annual license fee in addition to the fees charged

by the State of New York pursuant to Section 110 (1) of the Agriculture and Markets Law, in the amount of two dollars and fifty cents (\$2.50) for each dog licensed. The additional fee shall be the property of the Town of Volney, and shall be used only for controlling dogs and enforcing the Town of Volney Dog Control Law and Article 7 of the Agriculture and Markets Law.

- (C) The Town Board of the Town of Volney shall appoint the Dog Control Officer and Deputy. They shall enforce all laws pertaining to dogs, issue appearance tickets and shall work in conjunction with the office of the Town Clerk. They shall be available on a schedule to be determined by the Town Board.
- (D) Any Dog Control Officer or Deputy, acting pursuant to their special duties in the employ of or under contract to a municipality may seize any dog in violation of this Local Law relating to the control of dogs. Each dog seized in accordance with the provisions of this Local Law shall be properly sheltered, fed and watered for the redemption period (five to ten days).
- (E) Any dog impounded whether licensed or unlicensed shall be held for a maximum of ten (10) days from the day of seizure. During this period the dog may be redeemed by its owner provided that the owner produces proof that the dog is currently licensed or purchases a license and the rabies are up to date at time of redemption.

#### SECTION 8. VIOLATIONS AND PENALTIES

- (A) It shall be the duty of the Dog Control Officer of the Town of Volney to enforce the provisions set forth in this Local Law, and issue appearance tickets to the violators and summon the violators before the Town Court, or to commence a civil action against the violators in the name of the Town of Volney.
- (B) A violation of this Local Law shall be deemed an offense and shall be punishable by a maximum term of imprisonment of fifteen (15) days and/or a minimum fine of twenty (\$20.00) and not more than fifty (\$50.00) for the first offense, a minimum of twenty-five (\$25.00) and not more than one hundred (\$100.00) for the second offense and a minimum of thirty (\$30.00) and not more than one hundred fifty (\$150.00) for the third or subsequent offenses.
- (C) An owner found liable in a civil action commenced in the name of the Town of Volney for violating this Local Law shall be required to pay to the Town a penalty of not more than a minimum fine of twenty (\$20.00) and not more than fifty (\$50.00) for the first offense, a minimum of twenty-five (\$25.00) and not more than one hundred (\$100.00) for the

second offense and a minimum of thirty (\$30.00) and not more than one hundred fifty (\$150.00) for the third or subsequent offenses. In any such action, the Town of Volney shall also be entitled to a judgment against the owner for the fees, costs and disbursements incurred by the Town in prosecuting the civil action.

- (D) Any owner redeeming a dog that has been impounded shall upon redemption pay an impoundment fee to the Town of Volney as follows:
1. Fifteen dollars (\$15.00) for the redemption fee and eight dollars (\$8.00) for each twenty-four hours or part thereof for the first impoundment of any dog owned by that person.
  2. Twenty dollars (\$20.00) for the redemption fee and eight dollars (\$8.00) for each twenty-four hours or part thereof for the second impoundment of any dog owned by that person.
  3. Thirty dollars (\$30.00) for the redemption fee and eight dollars (\$8.00) for each twenty-four hours or part thereof for the third impoundment of any dog owned by that person.

#### **SECTION 9. ADOPTION OF DOGS**

A person adopting a dog after the expiration of the appropriate redemption period (5-10 days) shall pay an adoption fee to the Town of Volney in the amount of twenty dollars (\$20.00) and an additional twelve dollars (\$12.00) for a rabies and distemper shot plus the cost of the license. (\$5.00 for spayed or neutered and \$13.00 for unsprayed and unneutered). The person adopting the dog must sign a statement promising to have the dog spayed/neutered within 30 days of adoption. A person adopting a dog shall not be subject to impoundment fees.

#### **SECTION 10. REPEALED**

Inconsistent provisions of any existing ordinance are hereby repealed.

#### **SECTION 11. VALIDITY**

If any section, subsection, sentence, clause, phrase, or provision of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions within the Local Law.

#### **SECTION 12. EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the Secretary of State.

(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 06 of the ~~(County)(City)(Town)(Village)~~ of Volney was duly passed by the Town Board on March 9 20 06, 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.

*Barbara A. MacEwen*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 3-10-06

(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.

*Allison J. Nelson*  
Signature  
Town Attorney  
Title

~~County~~  
City of Voiney  
Town  
~~Village~~

Date: 3-15-06