

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED OCT 11 1977

Frank Milione
Secretary of State

(Please Use this Form for Filing your 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~~ of Earlville
~~Town~~
Village

Local Law No. Two (2) of the year 1977

A local law Local Dog Law
(Insert title)

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

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

Section 1 - Purpose - The purpose and intent of this Local Law shall be to preserve the public peace and good order of the Village of Earlville Madison and Chenango County, New York, to contribute to the public welfare, and to the preservation and protection of the property and the person of the inhabitants of said Village by declaring and enforcing certain regulations and restrictions on activities of dogs and owners of dogs within the Village.

Section 2 - Definitions -

(a.) Dog - Any dog, both male or female, whether such female dog is spayed or not.

(b.) Owner - any person who owns, keep, 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.

(c.) At large - Any dog shall be deemed at large when it is off the property of its owner, and not under restraint.

(d.) Restraint - A dog is under restraint when it is controlled by a leash, said leash not to be in excess of six (6) feet, or in the presence of a competent person and obedient to that person's commands: or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper, or upon the premises of another with the consent of such other person.

Section 3 - The position of Dog Warden may be created by the Village Board of Trustees of the Village of Earlville and such Dog Warden shall have all of the powers of a peace officer in the execution of this Local Law and in the execution of Article 7 of the Agriculture and Market Law, including the service of summons, and the service and execution of any other or process. Every dog seized by the Dog Warden shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agriculture and Market's Law. There will be a (\$5.00) five Dollar fee payable by the owner for every occasion when Dog Warden seizes a Dog.

Section 4 - Restrictions -

(a.) No owner shall permit or allow a dog to run at large within the Village of Earlville, unless such dog shall be restrained as provided in Section (d.) herein.

If additional space is needed, please attach sheets of the same size as this and number each

Local Dog Law Cont.

(b.) No dog shall be permitted to cause damage or destruction to property or commit a nuisance, or to defecate upon the premises of a person other than to or upon the premises of the owner or person harboring such dog.

(c.) No owner shall keep or harbor a dog which howls or barks habitually or continuously so as to disturb the peace and quiet of other persons.

(d.) No dog shall be permitted to chase or otherwise harrass any person in such manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

(e.) No dog shall be permitted to habitually chase or bark at moving motor vehicles, bicycles, animals or snowmobiles.

(f.) No unspayed female dog in season shall be permitted to be outside a building or a fenced enclosure, except that the owner may exercise such dog while on a securely fastened lease not more than six (6) feet long.

(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 5 - Unlicensed dogs. - Pursuant to Section 126-A of the Agriculture and Market Law, owning or harboring a dog within the Village of Earlville unless such dog is licensed ~~as~~ required by provisions of the Agriculture and Market Law shall be an offense punishable by a fine not exceeding Ten Dollars (\$10.00) for each offense or violation. The fact that a dog is without a license tag attached to a collar, shall be presumptive evidence that the dog is unlicensed.

Section 6 - Violations of Restrictions -

(a.) Any person who observes a dog violation, or which is being permitted to violate any of the restrictions set forth in Section 5 herein, may file a complaint signed under oath, with the Municipal Judge, Village of Earlville, specifying the violation, the date thereof, damage, if any, caused, a description of the dog, and name and residence if known, of the owner or person harboring such a dog.

(b.) Upon receipt by the Municipal Judge of any complaint against the conduct of any particular dog, or the owner thereof, the Municipal Judge shall, upon a three day notice, summon the alleged owner or other person harboring said dog to appear in person before him to answer to said complaint. If the summons is disregarded, the Judge may permit the filing of an information and issue a warrant for the arrest of such person.

Section 7 - Exclusions. - This Local Law shall not apply to dogs owned by such persons or confined to such societies, hospitals or institutions as defined by Article 7, Section 127 of the Agriculture and Markets Law.

Section 8 - Penalties - A violation of this Local Law shall be deemed an offense and a violation thereof shall be punishable by a fine of not more than twenty-five (\$25.00) dollars for each violation.

Section 9 - Additional Civil Penalties -

(a.) Any violation of this Local Law acted upon by the Dog Warden, shall subject the owner of such dog to civil penalties which shall be in addition to and or instead of other penalty or fine as may be provided for in this Local Law or pursuant to Article 7 of the Agriculture and Markets Law.

(b.) For the first violation of Section 5, the Dog Warden shall, upon determination and identification of the dog, may serve, mail or deliver a notice of first violation specifying the time, place, date and nature of violation upon the owner of the dog, and which notice shall instruct the owner to report at the Village Clerk's Office of the Village of Earlville, New York in regard to said violation. Each owner shall within seven (7) days of the time which such notice was served, mailed or delivered, pay to the Village, as an additional Civil Penalty for such violation, the sum of (\$15.00 fifteen dollars, and or proceed under Section 6 of this Local Law.

Local Dog Law Cont.

(c.) For a second or subsequent violation of Section 5 within a one year period, the dog warden may, upon determination and identification of the dog, seize the same, and hold the same for redemption or otherwise as provided in Section 114-A of the Agriculture and Market Law; in addition to such seizure and in any event, whether or not such seizure is made, the Dog Warden shall serve, mail or deliver to the owner of the dog a Notice of Second Violation, and which notice shall instruct the owner to report to the Village Clerk's Office in regard to such violation. Each owner shall, within twelve (12) days of the time when such notice was served, mailed or delivered, pay to the Village an additional Civil Penalty for such violation, the sum of not to exceed fifty dollars (\$50.00).

(d.) The failure of such owner to make payment to the Village Clerk, shall render the owner subject to a civil action in the name of the Village, to recover from the owner the applicable penalty established in this section.

Section 10 - Separability - 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 hereof.

Section 11 - Effective Date - This Local Law shall take effect ten (10) days after its publication and posting as provided by Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. Two of 1977 of the ~~XXX~~ ~~XXX~~ ~~XXX~~ of Earlville was duly passed by the Village Board Village (Name of Legislative Body) on September 7 1977 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1977 of the ~~XXXX~~ ~~XXX~~ ~~XXX~~ of Earlville was duly passed by the Village Board Village (Name of Legislative Body) on September 7 1977 and was ~~not disapproved~~ repassed after disapproval by the H. Edwin Dowdy Elective Chief Executive Officer * and was deemed duly adopted on September 7 1977, 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 19____ County _____ City _____ of the _____ Town _____ Village _____ (Name of Legislative Body) was duly passed by the _____ on _____ 19____ and was ~~not disapproved~~ repassed after disapproval by the _____ Elective Chief Executive Officer * on _____ 19____. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting general thereon at the special election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ County _____ City _____ of the _____ Town _____ Village _____ (Name of Legislative Body) was duly passed by the _____ on _____ 19____ and was ~~not disapproved~~ repassed after disapproval by the _____ Elective Chief Executive Officer * on _____ 19____. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on _____ 19____, 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with 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 19..... of the City of having been submitted to referendum pursuant to the provisions of § 36 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 election held on 19..... 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 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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 of 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.

Amy M. Van Wagoner
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: September 7 1977

RECEIVED
STATE OF NEW YORK
DEPARTMENT OF JUDICATURE
OFFICE OF THE CLERK
SEP 11 1977
Albany, New York
Department of State

(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 Madison and Chenango

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.

Date: September 7 1977

Jama F. Ryan
Signature
Village Attorney
Title

County
City of Earlville
Town
Village