

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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~~ of CLAY

~~Town~~

~~Village~~

Local Law No. 4 of the year 2010

FILED
STATE RECORDS

NOV 29 2010

DEPARTMENT OF STATE

A local law Repealing the present CHAPTER 69, entitled 'ANIMALS' and
adding new CHAPTER 69 entitled 'ANIMAL POPULATION CONTROL
AND DOG LICENSING LAW' to the Code of the Town of Clay.

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

~~County~~

~~City~~ of

~~Town~~

~~Village~~

CLAY

as follows:

(SEE ATTACHED LOCAL LAW)

(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. 4 of 20 10 of
the ~~(County)~~(City)(Town)(Village) of CLAY was duly passed by the
TOWN BOARD on NOVEMBER 15 20 10, in accordance with the applicable
(Name of Legislative body)
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

(Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved)
(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

(Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved)
(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

(Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local
(Elective Chief Executive Officer*)
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.)

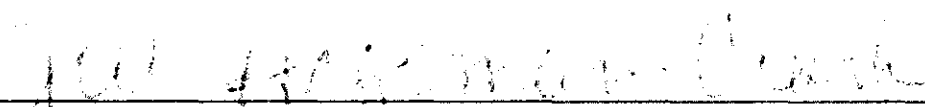
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

JILL HAGEMAN-CLARK

Date: **NOVEMBER 17, 2010**

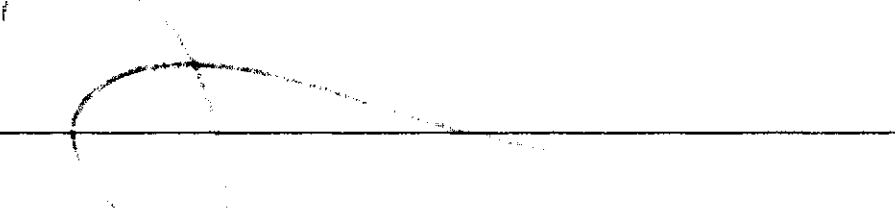
(Seal)

(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 ONONDAGA

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


ROBERT M. GERMAIN, TOWN ATTORNEY

Title

~~XXXX~~

~~XX~~ of Town of Clay

Town

~~XXXXXX~~

Date: **NOVEMBER 17, 2010**

**LOCAL LAW NO. 4 OF THE YEAR 2010 OF
THE TOWN OF CLAY, ONONDAGA COUNTY, NEW YORK**

LOCAL LAW NO. 4 OF THE YEAR 2010 repealing the present **CHAPTER 69**, entitled '**ANIMALS**' and adding new **CHAPTER 69** entitled '**ANIMAL POPULATION CONTROL AND DOG LICENSING LAW**' to the Code of the Town of Clay.

The purpose of this local law is to provide for the licensing, identification and control of dogs and to preserve the public peace and good order in the Town of Clay and to contribute to the public welfare, safety and good order of its people by enforcing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of the owners of dogs and the rights and privileges of other citizens of the Town of Clay.

IT IS ENACTED by the Town Board of the Town of Clay, County of Onondaga as follows:

SECTION 1. That this local law repeals the present **CHAPTER 69** entitled “**ANIMALS**” and adds a new **CHAPTER 69** entitled “**ANIMAL POPULATION CONTROL AND DOG LICENSING LAW**” to the Code of the Town of Clay.

October 18th, 2010 called public hearing for local law for November 15th, 2010 at 7:35 P.M.

Notice of public hearing published in the Post Standard on November 4th, 2010.

Public hearing held and completed on November 15th, 2010.

Local Law No. 4 of the Year 2010 was approved by the Clay Town Board on November 15th, 2010.

Said Local Law No. 4 of the Year 2010 was sent to Dept. of State November 22nd, 2010.

Received letter from Dept. of State, that local law was filed on _____.

"LOCAL LAW NO. 4 OF THE YEAR 2010 REPEALING THE PRESENT CHAPTER 69 ENTITLED "ANIMALS" AND ADDING A NEW CHAPTER 69 TO BE ENTITLED 'ANIMAL POPULATION CONTROL AND 'DOG LICENSING LAW' TO THE CODE OF THE TOWN OF CLAY".

IT IS ENACTED by the Town Board of the Town of Clay as follows:

§ 69-1. Title.

The title of this local law shall be **"Animal Population Control and Dog Licensing Law"** of the Town of Clay, County of Onondaga.

§ 69-2. Authority.

This local law is enacted pursuant to the provisions of (Chapter 59; Part T of the Laws of 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

§ 69-3. Purpose.

The Town Board of the Town of Clay, County of Onondaga hereby finds and declares that the purpose of this local law is to provide for the licensing, identification and control of dogs and to preserve the public peace and good order in the Town of Clay and to contribute to the public welfare, safety and good order of its people by enforcing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of the owners of dogs and the rights and privileges of other citizens of the Town of Clay. This local law also repeals Chapter 69 entitled "Animals" and adds a new Chapter 69 entitled "Animal Population Control and Dog Licensing Law

§ 69-4. Definitions.

All terms not specifically defined herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New York.

As used in this chapter, the following terms shall have the meanings indicated:

ADOPTION - The delivery to any individual 18 years of age or older, for the purpose of harboring a pet, of any unredeemed dog impounded pursuant to the provisions of this article and Article 7 of the Agriculture and Markets Law of the State of New York.

AGRICULTURE AND MARKETS LAW: The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.

ANIMAL CONTROL OFFICER – Any individual appointed by the Town of Clay to assist in the enforcement of this article or any authorized officer, agent or employee of the Town of Clay an incorporated humane society or similar incorporated dog protective association under contract with the Town of Clay to assist in the enforcement of this article and Article 7 of the Agriculture and Markets Law of the State of New York.

§ 69-4 ANIMAL POPULATION CONTROL AND DOG LICENSING LAW § 69-5

ANIMAL POPULATION CONTROL FEE - A fee collected by the Town of Clay which is included in the license fee and payable to New York State to provide revenue for the NYS Animal Population Control Program (APCP).

AT LARGE – An unleashed dog off the premises of the owner or premises of another with the knowledge, consent and approval of the owner of such premises.

CLERK –The Clerk of the Town of Clay.

DOG – Any member of the species canis familiaris.

IDENTIFIED DOG – Any dog carrying an identification tag as provided in Article 7 of the Agriculture and Markets Law of the State of New York, § 112.

IDENTIFICATION TAG – a tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

LEASHED OR UNDER LEASH –The dog is equipped with a collar or harness to which is attached a leash not exceeding eight feet in length, both collar or harness and the leash to be of sufficient strength to restrain the dog, and which leash shall be held by a person having the ability to control and restrain the dog by means of the collar or harness and the leash.

OWNER – Any person who owns, keeps, harbors or has the care, custody or control of a dog or other animal. Dogs owned by minors less than 18 years of age shall be deemed to be in the custody and control of parents or other head of household where the minor resides. Any person harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this article shall be deemed to be the owner of the dog for the purposes of this article.

OWNER OF RECORD – means the person in whose name a dog was last licensed pursuant to this chapter.

PERSON – A person, partnership, corporation, association or other organized group of persons, business entity, municipality or other legal entity.

RESIDENT- An individual who maintains a residence within the Town of Clay, County of Onondaga, State of New York.

RUN AT LARGE means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands

TOWN – means the Town of Clay, County of Onondaga, State of New York

.§ 69-5. Licensing of Dogs.

No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and laws of the Town.

All dogs within the Town that are four (4) months of age or older, unless otherwise exempted, shall be licensed. No license shall be required for any dog which is under the age of four months and which is not at large.

The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of the Town a Rabies Certificate, together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town.

§ 69-6. Licenses issued by Animal Shelters and Pounds.

The Town does not allow the licensing of dogs by a pound or shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town of Clay.

§ 69-7. Proof of Vaccination against Rabies.

Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.

§ 69-8. Term of License and Renewals.

Each license issued pursuant to this local law, shall be valid for a period of One (1) year and shall expire on the last day of the month of the period for which it was issued.

§ 69-9. Rules and restrictions.

A. Leashing. No owner of any dog shall permit such dog to be at large in the Town of Clay, County of Onondaga, State of New York, unless under leash as defined herein or unless accompanied by its owner or a responsible person able to control the dog; dogs hunting in company with hunters are considered as accompanied by their owners.

B. Prohibited in certain places.

No owner shall permit his dog, whether leashed or unleashed to be in any restaurant, grocery store or commercial establishment which sells food for human consumption or in any cemetery or public building except a seeing eye or therapy dog accompanying its owner.

C. Damage by dog:

1. No owner of a dog shall permit such dog to damage or destroy property of any kind.

2. **Added 11-6-1996 by L.L. No. 2-1996]** The owner of a dog shall not permit his dog, even though leashed, to do any of the following acts:

(a) Damage or destroy property not belonging to the owner of the dog;

(b) Deposit waste on the property of another individual or entity unless with prior approval; and

§ 69-9C ANIMAL POPULATION CONTROL AND DOG LICENSING LAW § 69-10

- (c) Deposit waste on property of the Town or individual unless such waste is immediately removed for suitable and proper disposal.
- D. Habitually barking dog. No person shall keep, suffer or permit to be kept on the premises occupied by such person any dog which by its continual barking, howling or whining or other frequent or long continued noises shall unreasonably disturb the comfort or repose of any person.
- E. Unsanitary premises. No owner of a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.

§ 69-10. Animal Control Officers, or other authorized person.

- A. Animal Control Officers or any other person appointed by law to control dog activities shall enforce the provisions of this article and may also investigate and report to a Town Justice any dangerous dog as described in § 121 of the Agriculture and Markets Law and shall enforce and carry out other duties as set forth in Article 7 of the Agriculture and Markets Law of the State of New York, except as same may be modified by this article.
- B. The Animal Control Officers or any other person appointed by law to control dog activities shall also have the authority to issue an appearance ticket pursuant to the Criminal Procedure Law for any violation of this article or Article 7 of the Agriculture and Markets Law of the State of New York.
 - (1) An answer to such appearance ticket may be made by registered or certified mail return requested, within five days of the violation as provided in Subsection B(2) and (3) of this section in lieu of personal appearance at Justice Court on the return date at the time specified in said appearance ticket.
 - (2) If a person charged with the violation admits to the violation as charged in the appearance ticket, he may complete the form attached to the appearance ticket and forward such form and appearance ticket . The Town Justice to whom the ticket has been referred shall inform the violator as to the amount of the penalty for the violation charged. A cashier's check, cash, money order or credit card must then be submitted.
 - (3) If the person charged with the violation denies part or all of the violation as charged in the appearance ticket, he may complete the form likewise prescribed for that purpose and forward such form and appearance ticket, together with security in the amount as provided in Chapter 105, Fees, to the office specified on such appearance ticket. Upon receipt, such answer shall be entered and a new return date established by said office. Such person shall be notified by return mail of the date, time, and place of such return date and the security shall be returned upon appearance thereat. If a person shall fail to appear at a return date, when such is provided for pursuant to this section, the security posted to secure such appearance shall be forfeited and a summons or a warrant of arrest may be issued pursuant to the Criminal Procedure Law of the State of New York¹.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 69-11. Seizure of dogs.

- A. Care of seized dog. Every dog seized shall be properly fed and cared for at the expense of the town until disposition thereof be made as herein provided.
- B. Dogs not identified. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of Article 7 of the Agriculture and Markets Law and further provided that the owner pays the fees hereinafter set forth.
- C. Identified dogs. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven days after day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the fees as hereinafter set forth and by producing proof that the dog has been licensed
- D. Forfeiture. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized subject to the provisions of Subdivision 2-a of § 374 of the Agriculture and Markets Law of the State of New York.
- E. Adoption. No dog shall be delivered for adoption unless it has been licensed pursuant to the provision of the Agriculture and Markets Law and this article prior to its release from custody from a pound or shelter. Fees in accordance with this article may be charged for accrued boarding expenses and distemper shots.
- F. Redemption fees. Redemption fees shall be as provided in Chapter 105 Fees. [Amended 4-5-1982 by L.L. No. 2-1982; 1-6-1986 by L.L. No. 1- 1986; 12-5-1988 by L.L. 1-1988²]

§ 69-12. Individual Dog License Fee.

- A. \$5.00 for a spayed or neutered dog, (which includes a \$1.00 fee for Animal Population Control Surcharge to New York State);
- B. \$15.00 for an unsplayed or unneutered dog (which includes a \$3.00 fee for Animal Population Control Surcharge to New York State).

§ 69-13. Dog Enumeration Surcharge.

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a \$5.00 dog enumeration surcharge payable at the time the application is filed to license said dog.

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 69-14 ANIMAL POPULATION CONTROL AND DOG LICENSING LAW § 69-16(C)

§ 69-14. Replacement Tag Fee.

A replacement tag fee of \$3.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

§ 69-15. Fee Exemptions.

There shall be no fee for any license issued for the following:

- Guide Dog, (as defined in Article 7 of the NYS Agriculture and Markets Law),
- Hearing Dog, (as defined in Article 7 of the NYS Agriculture and Markets Law),
- Service Dog, (as defined in Article 7 of the NYS Agriculture and Markets Law),
- War Dog, (as defined in Article 7 of the NYS Agriculture and Markets Law),
- Working Search dog, (as defined in Article 7 of the NYS Agriculture and Markets Law),
- Detection Dog, (as defined in article 7 of the State Agriculture and Markets Law),
- Police Work Dog, (as defined in article 7 of the State Agriculture and Markets Law),and
- Therapy Dog, (as defined in article 7 of the State Agriculture and Markets Law).

Each copy of any license for such dogs shall be marked "Exempt". as may be appropriate, by the Town Clerk, with the proper Certificates.

§ 69-16. Issuance of License; Identification Tag.

- (A) Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.
- (B) No tag or license shall be transferable outside the Town of Clay. Upon the transfer of ownership of any dog outside the Town of Clay, the new owner shall immediately apply for a new license for the dog where the dog resides. A tag and license cannot be transferred to another dog.
- (C) Change of Ownership, Lost or Stolen Dogs.

Upon the transfer of ownership of any dog by the owner, residing within the Town of Clay, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog within the Town of Clay.

In the event of a change in ownership of any dog which has been assigned an official identification number or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.

If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Town Clerk.

In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.

§ 69-16.**(D) Identification tag.**

- (i) The Town Clerk shall assign a Town permanent official identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.
- (ii) An identification tag is not required to be worn while the dog is participating in a dog show.
- (iii) The official permanent identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- (iv) No Tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.
- (v) At the time a dog is first licensed, one identification tag shall be furnished to the owner at no additional charge. Any replacement tag shall be obtained by the owner at the owner's expense. Any person wishing to replace a tag previously issued shall pay the sum of \$3.00 dollars to the Town Clerk for a replacement tag.

§ 69-17. Purebred Dog License and Fee

There will not be distinct purebred licenses as previously provided for by the State. Any and all existing purebred licenses will now be required to comply with this local law.

§ 69-18. Penalties.

Any person who violates this Local Law or knowingly permits the violation of this Local Law or any section, paragraph, sentence, or of its provisions shall be deemed to have committed an offense against this Local Law and any person convicted of any such violation of this Local Law, the civil penalty shall be Twenty-Five Dollars (\$25.00) for the first violation; shall be Fifty Dollars (\$50.00) for the second violation and not more than One Hundred Dollars (\$100.00) and/or imprisonment for not more than fifteen (15) day for the third violation and each subsequent violation.

§ 69-19. Repeal of Inconsistent Local Laws or Ordinances.

This Local Law shall supersede all prior inconsistent Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the Town. All prior inconsistent Local Laws, Ordinances, Rules and Regulations shall be, upon the effectiveness of this Local Law, null and void.

§ 69-20. Severability Clause.

The provisions of this Local Law are declared to be severable, and if any section, subsection, paragraph, sentence, word, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Local Law.

§ 69-21. Effective Date.

This Local Law shall become effective **January 1st, 2011** after filing with the Secretary of State.