

SCHEDULE A

TOWN OF MOOERS LOCAL LAW NO. 2 OF THE YEAR 2011

Section 1. Title. A Local Law entitled, "A Local Law Regulating the Licensing and Control of Dogs in the Town of Mooers".

Section 2. Purpose. The Town of Mooers finds that the running at large and other uncontrolled behavior of dogs have caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well-being of persons and property within the Town. The Town Board of the Town of Mooers hereby supplements the provisions of the New York State Agriculture and Markets Law so as to prohibit situations and incidents which are not proscribed by said law, and imposes restrictions and regulations upon the keeping and running at large of dogs and the seizure thereof. The specific intent of this Local Law is to make town-wide the regulation for the control of dogs within the Town of Mooers.

Section 3. Authority. This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law of the State of New York.

Section 4. Definition of Terms. As used in this Local Law, the meanings of the respective terms are as follows:

Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Local Law, as amended by this Local Law, and as amended from time to time thereafter;

Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*;

Owner. The party purchasing the license, unless the dog is or has been lost and such loss reported to the Dog Control Officer and reasonable search has been made. If an animal is not licensed, the term of "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 animal 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 and deemed to be the owner of such dog for the purpose of this Local Law. In the event any dog found to be in violation of this chapter shall be owned by a minor, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog and violation of this Local Law;

At Large. Off the premises of the owner;

Leash. The "dog" is equipped with a collar or harness to which is attached a "leash" constructed of materials of sufficient strength to restrain the "dog" and which "leash", when being held by a person shall have the ability to control and restrain the "dog". Such leash shall be less than five (5) feet in length;

Run at Large. Run at large shall mean to be in a public place, or on private lands without the knowledge, consent and approval of the owner of such lands; and

Harbor. To provide food and/or shelter to any dog.

Section 5. Prohibited Acts. It shall be unlawful for any owner of any dog in the Town of Mooers to permit or allow such dog to do any of the following acts:

- (a) damage, deface or destroy property of any kind;
- (b) chase, attack or otherwise harass any person in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury in any place where such person may lawfully be;
- (c) engage in habitual loud howling or barking or to conduct itself in such manner as to habitually annoy any person other than the owner;
- (d) habitually chase or bark at a motor vehicles, motorcycles, tricycles, bicycles or baby carriages (strollers), or persons jogging, running or walking;
- (e) upset garbage cans, deposit garbage or trash, urinate or defecate waste upon the premises of another person other than the owner;
- (f) attack, chase, injure or kill any domestic animal, dog or cat of another person when such animal is any place where it may lawfully be;
- (g) allow a female dog to run at large when in heat. Such dog shall be confined to the owner's premises during such period; and
- (h) no dog shall be at large, or allowed to run at large within the Town unless leashed and accompanied by the owner or a responsible person able to control the dog.

For the purposes hereof, when any dog is at large contrary to the provisions of this Local Law and commits any of said prohibited acts, the owner or person in control shall be deemed to have permitted or suffered the dog to have committed such acts.

Section 6. Enforcement. The enforcement of this Local Law shall be as follows:

(a) This Local Law shall be enforced by the Dog Control Officer, or peace officer acting pursuant to his/her special duties, or police officer in the employ or under contract to the Town of Mooers;

(b) The Dog Control Officer or any other authorized individual as hereinabove set forth, observing a violation of this Local Law in his/her presence shall issue and serve on the owner an appearance ticket for such violation, which appearance ticket shall be in the form prescribed by the Criminal Procedure Law of this State and returnable before a Town Justice of the Town; and

(c) Upon receipt by the Town Justice of any complaint alleging a violation of this Local Law, the Town Justice may summon the alleged owner to appear before him/her; if the summons is disregarded by the owner, the Town Justice may issue a warrant for the arrest of the alleged owner.

Section 7. Warnings. The Dog Control Officer or any other authorized individual empowered to enforce this Local Law shall have the authority in his or her sole discretion to issue only a warning at the time of a first offense rather than enforcement as provided in Section 6. of this Local Law. The warning shall be in writing and in a form similar to an appearance ticket and shall be issued to the owner of the dog.

Section 8. Seizure, Impoundment, Redemption and Adoption.

(a) Any dog found in violation of this Local Law may be seized pursuant to the provisions of Section 117 of Article 7 of the Agriculture and Markets Law, as amended from time to time, by the Dog Control Officer of the Town pursuant to his or her required duties, or peace officer acting pursuant to his/her special duties, or police officer in the employ or under contract to the Town of Mooers.

(b) Any dog so seized may be held subject to redemption by the owner, all pursuant to the provisions of the Agriculture and markets Law, as aforesaid, as amended from time to time.

(c) The owner or seized dog may redeem the dog upon payment to the Clerk of the Town the following applicable impoundment fees:

(i) Twenty (\$20.00) Dollars for the first impoundment of any dog owned by that person;

(ii) Forty (\$40.00) Dollars for the first twenty-four (24) hours or part thereof, and Three (\$3.00) Dollars for each additional twenty-four (24) hours or part thereof for the second impoundment within one (1) year of the first impoundment of any dog owned by that person; or

(iii) Sixty (\$60.00) Dollars for the first twenty-four (24) hours or part thereof, and Three (\$3.00) Dollars for each additional twenty-four (24) hours or part thereof for the third and subsequent impoundment within one (1) year of the first impoundment of any dog owned by that person.

(d) Any dog unredeemed at the expiration of five (5) days from the date the notice to the owner is personally delivered, or seven (7) days where notice to the owner is given by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption, shall be made available for adoption or euthanasia subject to the provisions of Section 117 of Article 7 of the Agriculture and Markets Law.

(e) The seizure of any dog or its redemption shall not relieve any person from any violation of this Local Law or penalty prescribed by Section 12 hereof.

(f) No action shall be maintained against the Town, any Dog Control Officer or Peace Officer when acting pursuant to his or her special duties, or any other agent or officer of the Town or person under contract to said Town to recover the possession or value of any dog, or for damages for injury or compensation for the seizure, destruction, or adoption of any dog seized, destroyed or adopted pursuant to the provisions of this Local Law and/or the Agriculture and Markets Law.

Section 9. Appearance Ticket. The Dog Control Officer, or peace officer or police officer, as provided in subsection (a) of Section 8. hereof-when acting pursuant to his or her special duties when observing a violation of this Local Law in his or her presence-may issue and serve an appearance ticket for such violation.

Section 10. Complaint.

(a) Any person who observes a dog in violation of this Local Law may make such complaint to the Dog Control Officer, or peace officer acting pursuant to his/her special duties, or police officer in the employ or under contract to the Town; or may file a complaint under oath with a Town Justice specifying the nature of this violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog.

(b) Upon receipt of the Town Justice of any such complaint, he or she shall summon the alleged owner to appear in person before him or her for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice decides that further action is warranted, he or she may order such remedy as may be warranted by the circumstances in such case in accordance with the provisions of this Local Law and the applicable provisions of the Agriculture and Markets Law.

(c) A violation of any order issued by a Town Justice under the provisions of this Section shall be an offense punishable, upon conviction thereof, as provided in Section 12, of this Local Law.

Section 11. Compensation for Dogs Destroyed. The owner, possessor or harbinger of any dog destroyed under the provision of this Local Law shall not be entitled to compensation and no action shall be maintained thereafter to recover the value of the dog.

Section 12. Penalties.

(a) Any person who violates this Local Law or knowingly permits the violation of this Local Law or any of the provisions thereof, shall be deemed to have committed an offense under this Local Law, and any person convicted of any such violation after investigation and hearing shall be punishable by a penalty of not more than Two Hundred Fifty (\$250.00) Dollars or imprisonment for a period not exceeding fifteen (15) days for each violation, or both.

(b) In addition to the fines above provided, any judge or justice may also, if the circumstances in his discretion so warrant, order the permanent confinement of a dog by the owner thereof.

In the event of failure of the owner to contain a dog, such dog may, upon order of any judge or justice, be euthanized subject to the provisions of subdivision 374 of the Agriculture and Markets Law, as amended from time to time.

Section 13. Licensing of Dogs and License Fees.

(a) Except as permitted by Subdivision 2. of Section 109 of Article 7 the Agriculture and Markets Law, as amended from time to time, all dogs in the Town of Mooers must be licensed with the Town Clerk by the age of four (4) months. The owner of the dog is required to present a current certificate of rabies at the time of licensing or upon the renewing of an existing license, unless said owner presents, in lieu of a rabies certificate, a statement certified by a licensed veterinarian as provided in Subdivision 2. of Section 109 of Article 7 of the Agriculture and Markets Law, as amended from time to time.

(b) (i)	<u>spayed/neutered</u>	<u>unsprayed/unneutered</u>
Local:	\$ 9.00	\$ 17.00
NYS APC Fund	<u>1.00</u>	<u>3.00</u>
Annual Total:	\$ 10.00	\$ 20.00

(b) (ii) **kennel:** (5 or more dogs) \$5.00 fee annually plus appropriate license fees and surcharges per dog.

	<u>spayed/neutered</u>	<u>unsprayed/unneutered</u>
Local:	\$ 6.00	\$ 11.00
NYS APCF:	<u>1.00</u>	<u>3.00</u>
Annual Total	\$ 7.00	\$ 14.00

(b) (iv) Replacement tags: Replacement tags are available at owner's expense.

(b) (v) Late Fee: One month after the license expiration date a five (\$5.00) dollar late fee will be assessed, and for each month thereafter, until the license fees are paid in full.

(b) (vi) Exemptions: There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog. Each copy of any license for such dogs shall be conspicuously marked "guide dog", "hearing dog", "service dog", "working search dog", "war dog", "detection dog", "police work dog" or "therapy dog", as may be appropriate, by the clerk or authorized dog control officer.

(c) (i) Purebred License: The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license in lieu of or in addition to the individual licenses required by other parts of this law. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

Such application shall be made to the Town Clerk.

The application shall state the name, address and telephone number of the owner, the county, town or village where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that the purebred dogs over the age of four months which are harbored on the premises have been listed.

The application shall be accompanied by the license fee, certificate of rabies vaccination or statement in lieu thereof and registry papers.

Upon receipt of the foregoing items, the clerk or authorized control officer shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license.

No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of this law, except when the new owner holds a valid purebred license.

Only Purebreds can be listed on this License.

(c) (ii) Total number of dogs

	1-10	11-25	26-50	51 or more
Purebred license				
Renewal fee	\$25.00	\$50.00	\$100.00	\$200.00
Local Fee	\$ 3.00 per dog			

(c) (iii) Late Fee: One month after the license expiration date a five (\$5.00) dollar late fee will be assessed, and for each month thereafter, until the license fees are paid in full.

(c) (iv) Placement tags: Replacement tags are available at the owner's expense.

(d) The Town Board shall review the above-listed license fees on a periodic basis as the Town Board sees fit, and may change said fees by a duly adopted resolution of said Town Board.

Section 14. Separability. If any one or more of the provisions of this Local Law is held to be invalid or unenforceable, all other provisions shall nevertheless continue in full force and effect.

Section 15. Supersession. This Local Law shall revoke any duly adopted dog control laws presently in effect in the Town of Mooers.

(Complete the certificate 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 2011 of the ~~(County)(City)(Town)(Village)~~ of Mooers was duly passed by the Town Board on MAY 10 2011, 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 _____ on _____ 20____, and was (approved) (Name of Legislative Body) (not approved) (repassed after disapproval) by the _____ and was deemed (Elective Chief Executive Officer*) 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, designate 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____. (Elective Chief Executive Officer*)

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.

5. (City local law concerning Charter revision proposed by petition.)

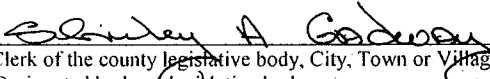
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

SHIRLEY GADWAY, Town Clerk

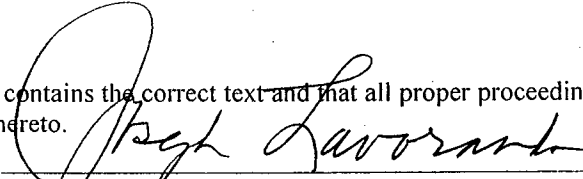
(Seal)

Date: May 11, 2011

(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 **JOSEPH LAVORANDO, ESQ.**

Attorney for the Town
Title

County _____
City _____
Of Mooers _____
Town _____
Village _____

Date: May 16th, 2011

Resolution No. 23-2011 RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2011 ENTITLED, "A LOCAL LAW REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF MOOERS".

WHEREAS, the Town of Mooers finds that the running at large and other uncontrolled behavior of dogs have caused physical harm to persons, damage to property and related nuisances within the Town. The purpose of this Local Law relating to dog control is to protect the health, safety and well-being for persons and property within the Town, and to

WHEREAS, Supervisor Miller has introduced proposed Local law No. 2 of the year 2011 entitled, "A Local Law Regulating the Licensing and Control of Dogs in the Town of Mooers."

NOW THEREFORE BE IT:

RESOLVED, that a Public Hearing will be held on the said proposed Local Law No. 2 of the year 2011 of the Town of Mooers, on the 10th day of May, 2011, at 8:00 p.m. at the Town Hall , 2508 Route 11, Town of Mooers, New York; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to arrange for the publication of this resolution in the Press Republican newspaper in accordance with the Town Law of the State of New York.

TOWN OF MOOERS
2508 RT. 11 P.O BOX 242
MOOERS, NEW YORK 12958

Tel.: 518-236-7927 Fax: 518-236-4769

**RESOLUTION TO HOLD PUBLIC HEARING ON LOCAL LAW #2-2011
REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF MOOERS**

Whereas; Before a proposed Town Law can become law a public hearing must be held, and

Whereas; On April 12 Councilman Barcomb made a motion the following resolution be adopted

BE IT HEREBY THAT A PUBLIC HEARING WILL TAKE PLACE AT THE MOOERS OFFICE COMPLEX ON MAY 10,2011 AT 8:00 PM AND THAT AN OPPORTUNITY TO BE HEARD IN REGARD THERETO WILL BE GIVEN TO THOSE FAVORING ADOPTING LOCAL LAW #2-2011, AND ALSO TO THOSE APPOSING IT

Whereas; Councilman Bushey seconded the motion and the result of a Roll Call was 4 AYES (Supervisor Miller, Councilman Barcomb, Councilman Bushey and Councilman LaValley) and 0 NOES, with 1 Absent (Councilman Robinson)

Thus; Supervisor Miller declared **Resolution #23-2011** is adopted.

DATED: APRIL 26,2011

Shirley A. Gadway - Town Clerk
SHIRLEY A GADWAY, TOWN CLERK

TOWN OF MOOERS

Resolution #23-2011

**NOTICE OF PUBLIC HEARING
TOWN OF MOOERS**

PLEASE TAKE NOTICE that Local Law No. 2 of the year 2011 has been introduced to the Town Board of the Town of Mooers entitled, "A Local Law Regulating the Licensing and Control of Dogs in the Town of Mooers".

PLEASE TAKE NOTICE that a Public Hearing upon said proposed Local Law will be held at the Town Hall, located at 2508 Route 11, Mooers, New York, on the _____ 10th day of May, 2011 at 8:00 o'clock P.M. and that an opportunity to be heard in regard thereto will then and there be given to those favoring passage of such proposed Local Law, and also to those opposed thereto.

Dated: May 10, 2011

Shirley Gadway - Town Clerk
Shirley Gadway, Town Clerk
Town of Mooers

Resolution No. 24-2011 **RESOLUTION AUTHORIZING ADOPTION BY THE TOWN OF MOOERS OF LOCAL LAW NO. 2 OF THE YEAR 2011 ENTITLED, "A LOCAL LAW REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF MOOERS".**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Mooers for a Public Hearing to be held on the 10th day of May, 2011 at 8:00 p.m. to hear all interested parties on a proposed Local Law entitled, "A Local Law Regulating the Licensing and Control of Dogs in the Town of Mooers"; and

WHEREAS, notice of said Public Hearing was duly advertised in the Press Republican, the official newspaper of the Town on the 30th day of April, 2011, and posted on the official signboard of the Town; and

WHEREAS, said Public Hearing was duly held on the 10th day of May, 2011 at 8:00 p.m. at the Town of Mooers Town Hall, 2508 Route 11, Mooers, New York, and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed Local Law, or any part thereof; and

WHEREAS, the Town of Mooers, after due deliberation, finds it is in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Mooers hereby adopts Local Law No. 2 of the year 2011 entitled, "A Local Law Regulating the Licensing and Control of Dogs in the Town of Mooers". A copy of said Local Law is attached hereto and made a part hereof; and be it further

RESOLVED, that the Town Clerk be and she is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law book of the Town of Mooers, and to file with, and give due notice of the adoption of said Local Law to, the Secretary of State of the State of New York.

TOWN OF MOOERS

2508 RT. 11 P.O BOX 242

MOOERS, NEW YORK 12958

Tel.: 518-236-7927 Fax: 518-236-4769

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN OF MOOERS OF LOCAL LAW #2-2011 ENTITLED
"A LOCAL LAW REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF MOOERS**

Whereas; a resolution was duly adopted to hold a public hearing on Local Law #2-2011 on May 10,2011,
and

Whereas; Notice of Public Hearing was published in Press Republican on April 30,2011, and

Whereas; Public hearing was held on May 10,2011 at 8:00 PM where all parties were given a chance to
speak on proposed Local Law#2-2011, and

Whereas; Councilman Bushey made a motion the following resolution be adopted

**BE IT HEREBY RESOLVED THAT THE TOWN OF MOOERS HEREBY ADOPTS LOCAL LAW #2-2011
ENTITLED "A LOCAL LAW REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF
MOOERS**

Whereas; Councilman Robinson seconded the motion and the result of a Roll Call was 5 AYES
(Supervisor Miller, Councilman Robinson, Councilman Barcomb, Councilman Bushey and Councilman
LaValley) and 0 NOES, and

Thus; Supervisor Miller declared **Resolution # 24,2011** is adopted.

DATED: MAY 10,2011

Shirley A Gadway - Town Clerk
SHIRLEY A GADWAY, TOWN CLERK

TOWN OF MOOERS

Resolution #24-2011