

(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**  
OCT 04 2001

County  
City of Sackets Harbor  
Town  
Village

MISCELLANEOUS  
& STATE RECORDS

Local Law No. 2 of the year 20<sup>01</sup>

A local law relating to the control, confining and  
(Insert Title)  
leashing of dogs.

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

County  
City of Sackets Harbor as follows:  
Town  
Village

Section 1. **PURPOSE.** The Board of Trustees of the Village of Sackets Harbor finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have created nuisances with the Village. The purpose of this Local Law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Village.

Section 2. **AUTHORITY.** This Local Law is enacted pursuant to the provision of Section 124 of the Agriculture and Markets Law of the State of New York.

Section 3. **TITLE.** The title of this Local Law shall be, "Dog Control Law of the Village of Sackets Harbor".

Section 4. **APPLICATION.** This law shall apply throughout the geographical boundaries of the Village of Sackets Harbor. This law shall not apply to those persons and entities identified and exempt pursuant to the provisions of Agriculture and Markets Law Section 107, subparagraphs 3 and 4.

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

Section 5. DEFINITION OF TERMS. As used in this Local Law, the following words shall have the following respective meanings:

- (a) "Agriculture and Markets Law" means the Agriculture and Markets Law of the State of New York.
- (b) "Dangerous dog" means any dog which (a) without justification attacks a person and causes physical injury or death, or (b) poses a serious and unjustified imminent threat of harm to one or more persons, or (c) without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death.
- (c) "Dog" means male and female, licensed and unlicensed, members of the species *Canis familiaris*.
- (d) "Dog control officer" means any individual appointed by the Village Board of Trustees to assist in the enforcement of this law and Article 7 of the Agriculture and Markets Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association, or other municipality under contract with the Village to assist in the enforcement of this law and Article 7 of the Agriculture and Markets Law.
- (e) "Domestic animal" means any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer which is raised under license from the department of environmental conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the state department of environmental conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purposes of this article.
- (f) "Harbor" means to provide food or shelter to any dog.
- (g) "Identification tag" means a tag which sets forth an official identification number as required by the provisions of this article.
- (h) "Identified dog" means any dog carrying an identification tag as provided in section one hundred twelve of this article.
- (i) "Owner" means any person who harbors or keeps any dog. Any person harboring or owning a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this Local Law or the Agriculture and Markets Law shall be held and deemed to be the owner of such dog. In the event the

owner of such dog found to be in violation of this chapter shall be under eighteen years of age, 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 or the Agriculture and Markets Law.

- (j) "Owner of record" means the person in whose name any dog was last licensed pursuant to either subdivision one or subdivision two of section one hundred nine of this article, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of section one hundred thirteen of this article, the owner shall be deemed to be the owner of record of such dog, except that if the owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.
- (k) "Person" means any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.
- (l) "Recreational areas" mean any real property owned by or under the jurisdiction and control of the Village which is used for recreational purposes by the public including, but not limited to, parks or playgrounds.
- (m) "Run at large" means to be in a public place or be on private lands without the knowledge, consent and approval of the owner of such lands.
- (n) "Village" means the Village of Sackets Harbor.

Section 6. **RESTRICTIONS.** It shall be unlawful for any owner of any dog in the Village to permit or allow such dog to:

- (a) Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person;
- (b) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog;

- (c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof;
- (d) Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury;
- (e) Chase, jump upon or at, worry or otherwise harass any domestic animal;
- (f) Chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway or place, or upon private property without the consent or approval of the owner of such property;
- (g) Create a nuisance by causing, allowing or permitting the accumulation of dog feces on a property which results in a foul or nauseating odor or unsightly condition which makes travel or residence in the vicinity uncomfortable, or which attracts flies or other insects or animals thereby creating an unsanitary condition which may endanger the public health, safety, welfare, public comfort or repose;
- (h) If a female dog when in heat, be off the owner's premises unrestrained by a leash.

Section 7. **DOG CONTROL OFFICERS.** Dog Control Officers shall have all the powers and duties set forth in Section 114 of the Agriculture and Markets Law.

Section 8. **SEIZURE OF DOGS.** Seizure and redemption of a dog, and fees charged therefor or associated therewith, shall be pursuant to Section 118 of the Agriculture and Markets Law.

(a) The Dog Control Officer or a Peace Officer having reasonable cause to believe that a person has violated this Local Law or Article 7 of the Agriculture and Markets Law shall issue and serve upon such person an appearance ticket for such violation. The appearance ticket shall be in the form prescribed by the Criminal Procedure Law of the State of New York. An answer to such appearance ticket shall be made by Registered or Certified Mail, Return Receipt Requested, in lieu of a personal appearance on the return date at the time and court specified in the appearance ticket.

(b) The Dog Control Officer or a Peace Officer may seize a dog found in violation of Section 118 of the Agriculture and Markets Law or paragraph (a) Section 6 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provision of Article 7 of the Agriculture and Markets Law. The Dog

Control Officer or peace officer may also investigate and report to a Municipal Justice having jurisdiction any dangerous dog, as described in Section 121 of the Agriculture and Markets Law, and see that the order of the Justice in such case is carried out.

(c) Any person who observes a dog in violation of this Local Law or Article 7 of the Agriculture and Markets Law may file a complaint under oath with a Municipal Justice having jurisdiction specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such a dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.

Section 9. **PENALTIES.** Any person convicted of a violation of this Local Law shall be fined Fifty and 00/100 Dollars (\$50.00) for a first violation, One hundred and 00/100 Dollars (\$100.00) for a second violation within sixty consecutive months, and Two Hundred and Fifty and 00/100 Dollars (\$250.00) for each subsequent violation within sixty consecutive months.

Section 10. **SEPARABILITY.** Each separate provision herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 11. **REPEALER.** This Local Law shall supersede all prior local laws, ordinances, rules, and regulations relative to the control of dogs within the Village of Sackets Harbor and they shall be, upon the effectiveness of this Local Law, null and void.

Section 12. **EFFECTIVE DATE.** This Local Law shall take effect immediately upon 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. 2 of 2001 of the ~~(County)~~(City)(Town)(Village) of Sackets Harbor was duly passed by the Board of Trustees on July 10, 2001, 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)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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 \_\_\_\_\_, above.

*Betsy Stoker*

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: July 10, \_\_\_\_\_, 2001

(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 JEFFERSON

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.

*Dennis G. Whelpley*  
\_\_\_\_\_  
Signature Dennis G. Whelpley

Village Counsel  
\_\_\_\_\_  
Title

~~County~~  
~~City~~ of Sackets Harbor  
~~Town~~  
Village

Date: September 26, 2001