

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.

County City Town Village

(Select one.)

of Marshall

Local Law No. 5 of the year 2010

A local law "Dog Control Law"

(Insert Title)

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

County City Town Village

(Select one.)

of Marshall

as follows:

*See attached sheets

(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. 5 of 2010 of the (County)(City)(Town)(Village) of Marshall Town Board was duly passed by the (Name of Legislative Body) on 12/14 2010, in accordance with the applicable 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 _____ 2011, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed 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, 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 _____ (Elective Chief Executive Officer*) 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.

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 _____ (Elective Chief Executive Officer*) 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.

Nancy A. Matteson
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/22/10

(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 ONEIDA _____

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
Town Attorney

Title

County _____
City of Marshall _____
Town _____
Village _____

Date: _____

Town of Marshall New York
Local Law #5 2010
Dog Control

Section 1: Purpose: The Town Board of the Town of Marshall finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have created nuisances within the Town. 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 Town.

Section 2: Authority: This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59; Part T) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3: Title: The title of this Law shall be Dog Control Law #5 2010 of the Town of Marshall.

Section 4: Definition of Terms: As used in this Local Law the following words shall have the following respective meanings.

(a) **“Dog”** means male and female, licensed or unlicensed, member of the species canis familiaris.

(b) **“Owner”** means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term 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 dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of two (2) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.

(c) **“Run at Large,”** means to be in public place or on private land without the knowledge, consent and approval of the owner of such lands.

(d) **“Town”** means the Town of Marshall

Section 5: Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- (b) Engage in habitual and loud howling, barking, crying or whining or conduct 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 of the property.
- (d) Chase, jump upon or at or otherwise harass any person in such manner as to cause intimidation for fear or to put such person in reasonable apprehension of bodily harm.
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway or upon private property without the consent or approval of the owner of such property.
- (f) Create a nuisance by defecating, urinating or digging on public property or on private property without the consent or approval of the owner of such property.
- (g) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

Section 6: Licensing of Dogs:

- (a) All dogs in the town of Marshall must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies Vaccination at the time of licensing or the renewal of an existing license.
- (b) Dog licenses will be for a period of one year and will expire at the end of the month - one year from the date of issue.

(c) Fees for Licensing of Dogs:

The fee for a spayed or neutered dog will be \$5.00, (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unsprayed or unneutered dog will be \$13.50, (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

- (d) Enumeration fee: When the Town Board determines the need for a dog enumeration, a \$10.00 fee will be assessed to all dogs found unlicensed or not renewed at the time the enumeration is conducted.
- (e) Purebred License: The Town of Marshall will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- (f) Service Dogs: The Town of Marshall will not require a license for any guide, hearing, service, war, working search, detection, police and therapy dogs. The definitions of such service dogs are under Article 7 of the Agriculture & Markets Law.
- (g) The Town of Marshall does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing.

- (h) All Dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
- (i) All fees will be used in funding the administration of the Dog Control Law of the Town of Marshall.
- (j) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York Department of Agriculture and Markets are as follows: **First Offense:** The same impoundment and euthanasia Fees per animal that are charged to the Town for such service. **Second Offense:** \$60.00 plus the impoundment and euthanasia fees per animal.

Section 7: Procedure for seizure of dogs:

- (a) The Dog Control Officer or any peace officer shall seize any unlicensed dog whether on or off the owner's premises.

Any dog not wearing a tag, and after June 15, 1985, not identified, and which is not on the owner's premises, and any dog found in violation of paragraphs (a) – (j) of **Section 5** of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Marshall in such case is carried out.

- (b) The Dog Control Officer or peace officer observing a violation of this law in his presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint Under oath with the Town Justice of the Town of Marshall specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

Section 8: Penalties: Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Fifty Dollars (\$50.00) for a first violation; of Seventy-five Dollars (\$75.00) for a second violation and One Hundred Dollars (\$100.00) for each subsequent violation.

Section 9: Separability: Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10: Repealer: This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Marshall, and they shall be upon the effectiveness of this Local Law, null and void.

Section 11: Effective Date: This Local Law shall be effective January 1, 2011 after filing with the Secretary of State.