

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.

**FILED
STATE RECORDS**

FEB 14 2011

DEPARTMENT OF STATE

County PRATTSVILLE
City of _____
Town _____
Village _____

Local Law No. 1 of the year 2011

A local law Regulating the Licensing of Dogs
(insert Title)

TOWN BOARD

Be It enacted by the _____ of the
(Name of Legislative Body)

County PRATTSVILLE
City of _____ as follows:
Town _____
Village _____

PLEASE SEE ATTACHED.

(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. 1 of 2011 of the ~~(County)~~(City)(Town)~~(Village)~~ of PRATSVILLE was duly passed by the TOWN BOARD on NOVEMBER 8 20 10, 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.
(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 ~~(Name of Legislative Body)~~ 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.

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.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.

Kathleen Sherman
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: *November 8, 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 _____

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.

Ed. H. Kopylov
Signature
ATTORNEY FOR THE TOWN
Title

County _____
City of PRATTSVILLE
Town _____
Village _____

Date: *11/3/11*

**TOWN OF PRATTSVILLE
LOCAL LAW # 1, 2010
REGULATING THE LICENSING OF DOGS**

Section 1. PURPOSE AND INTENT

The Town Board of the Town of Prattsville finds it necessary to enact a local law to address the licensing of dogs in lieu of the State of New York's recent mandate that dog licensing become a local government function on January 1, 2011. The purpose of this Local Law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of person, property, and domestic animals from dogs.

Section 2. AUTHORIZATION

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law and New York Agriculture and Markets Law Part T of Chapter 59 of the Laws of 2010.

Section 3. ENACTMENT

The Town Board of the Town of Prattsville hereby adopts the following local law with regard to the licensing of dogs within the Town of Prattsville:

Section 4. DEFINITIONS

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

CUSTODIAN - person having possession or guardianship of any dog who is not the owner of the dog.

DOG - includes male and female, licensed and unlicensed members of the species *Canis familiaris*.

DOG CONTROL OFFICER – any individual appointed by the Town of Prattsville to enforce any and all New York State Agriculture and Markets Laws and Local Laws regulating animals, including dogs.

HARBOR- to provide food and/or shelter to any dog.

IDENTIFICATION TAG - tag issued by the Town of Prattsville which sets forth the identification number assigned to a specific dog and such other information as the Town of Prattsville deems appropriate.

IDENTIFIED DOG - any dog carrying an identification tag as required by this Local Law.

LICENSE EXPIRATION DATE - the expiration date as noted on the dog license issued by the Town of Prattsville.

OWNER – any person who harbors or keeps a dog.

OWNER OF RECORD- the person in whose name any dog was last licensed pursuant to this local law, 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. Any person owning or harboring a dog for a period of one (1) week in the Town of Prattsville shall be held and deemed the owner of such dog for purposes of this Local Law.

TOWN CLERK - the Clerk of the Town of Prattsville, where dog licenses are validated or issued pursuant to this Local Law.

Section 5. LICENSING OF DOGS

A. All dogs within the Town of Prattsville four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return, to the Town Clerk or the Dog Control Officer, a dog license application together with required supporting documentation, the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Prattsville. 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. Each license issued shall be valid for a period of one year and must be renewed prior to the expiration date thereof. In no event shall a license or renewal be issued to expire after the expiration date of the rabies vaccination provided by the owner. The Town of Prattsville hereby specifically opts out of the option to allow any licensed chapter of the Humane Society to issue licenses within the Town.

B. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

C. All licenses shall expire on the last day of the last month for which it is issued.

D. The owner of any dog shall notify the Town Clerk of a change of address, ownership, death or loss of their licensed dog.

E. Upon the submission of a dog license application, all required documentation and payment of the required license fee, a Town of Prattsville dog license identification tag will be provided to the owner of the dog. The identification tag must be affixed to a dog collar and worn by the dog at all times.

F. For those owners who fail to renew a dog license, the Dog Control Officer shall mail a late renewal fee invoice and warning that failure to renew the license, within a specified time, shall result in the issuance of a court appearance ticket. The late renewal of an expired dog license shall result in a fine of \$5.00.

G. Any dog harbored within the Town of Prattsville which is owned by a resident of New York City and licensed by the City of New York, or which is owned by a non-resident of New York and licensed by a jurisdiction outside the State of New York, shall for a period of thirty

(30) days be exempt from the licensing and identification provisions of this local law.

Section 6. LICENSING FEES

- A. License fee for spayed/neutered Dog: \$4.00 + NYS Surcharge \$1.00 = \$5.00
- B. License fee for un-spayed/un-neutered Dog: \$13.00 + NYS Surcharge \$3.00 = \$15.00

Section 7. VIOLATIONS

- A. It shall be a violation, punishable as provided in subdivision C of this section, for:
 - (i) any owner to fail to license any dog;
 - (ii) any owner to fail to have any dog identified as required by this article;
 - (iii) any owner to fail to renew a dog license on or before the license expiration date;
 - (iv) any person to knowingly affix to any dog any false or improper identification tag;
 - (v) any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this article;
 - (vi) any person to furnish any false or misleading information on any form required to be filed with the Town of Prattsville pursuant to this local law;
- B. It shall be the duty of the dog control officer to bring an action against any person who has committed any violation set forth in this local law pursuant to the Penal Law of the State of New York. Every dog control officer shall have the power to issue an appearance ticket pursuant to section 150.20 of the criminal procedure law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of this article. In addition, any dog control officer of the Town of Stuyvesant may serve any process, including an appearance ticket, a uniform appearance ticket and a uniform appearance ticket and simplified information, related to any proceeding, whether criminal or civil in nature undertaken in accord with the provisions of this article or any local law or ordinance promulgated thereto.
- C. A violation of this section shall be punishable as follows:
 - (i) by a fine of not less than fifty (\$50.00) dollars nor more than two hundred and fifty (\$250.00) dollars, except that
 - (ii) when the person was found to have violated any part of this section within the preceding five years, the fine may be not less than one hundred (\$100.00) dollars nor more than \$250.00 dollars, and

(iii) where the person was found to have committed two or more such violations of any part of this section within the preceding five years, the fine may be not less than one hundred and fifty (\$150.00) dollars nor more than four hundred (\$400.00) dollars .

Section 8. SEIZURE OF DOGS; REDEMPTION PERIODS; IMPOUNDMENT FEES

A. Any dog control officer or peace officer, acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Prattsville shall seize:

(i) any dog which is not identified and which is not on the owner's premises;

(ii) any dog which is not licensed, whether on or off the owner's premises;

(iii) any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous;

(iv) any dog found to be without vaccination for rabies; and

(v) any dog which poses an immediate threat to the public safety.

B. Any dog control officer in the employ of or under contract to the Town of Prattsville may seize any dog in violation of this local law or any other local law of the Town of Prattsville relating to the control of dogs.

C. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

D. Each dog which is not identified, whether or not licensed, shall be held for a period of at least 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 this local and further provided that the owner pays all impoundment fees and any other cost incurred by the Town in connection with such impoundment.

E. 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. Such dog shall be held for a period of thirty (30) days after the date of the mailing or personal notice, during which period the dog may be redeemed by the owner. The owner may redeem such dog upon payment of the impoundment fees prescribed by in Section 8.D. (i-iii) of this local law and by producing proof that the dog has been duly licensed.

F. 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.

Section 9. PRESUMPTION

Establishment of the fact or facts that the owner of a dog failed to properly license and identify his/her dog as licensed shall be presumptive evidence that the owner or person harboring said dog is not in compliance with the provisions of this Local Law.

Section 10. INTERFERENCE WITH OFFICERS

Any person who shall interfere with or obstruct any animal control officer, police officer and any officer or agent of a duly incorporated society for the prevention of cruelty to animals shall be guilty of a misdemeanor, punishable by imprisonment for not more than one year or by a fine of not more than one thousand (\$1,000.00) dollar or both.

Section 11. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

Section 12. INCONSISTENT PRIOR LAWS

To the extent that the terms contained in any prior local laws currently in existence are inconsistent with the terms of this local law, the terms contained herein shall supersede the terms of such prior local laws. All other terms of such prior local laws shall continue in full force and effect.



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

RUTH NOEMÍ COLÓN
ACTING SECRETARY OF STATE

February 14, 2011

Tal G Rappleyea
Attorney at Law
4 Maple Lane
PO Box 793
Valatie NY 12184

RE: Town of Prattsville, Local Law 1 2011, filed on February 14, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755