New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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 Almond

FILED
STATE RECORDS
DEC 31 2020
DEPARTMENT OF STATE

Local Law No. 2 **of the year 20**20

A local law to Provide for the Licensing, Identification, and Control of Dogs in the Town of Almond,
(Insert Title)
to Provide for the Seizure and Impounding of Certain Dogs, to provide Punishments for the Violation of this Local Law, and Related Provisions

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Almond **as follows:**

SEE LOCAL LAW TEXT ANNEXED HERETO.

(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. 2 of 2020 of the (County)(City)(Town)(Village) of Almond was duly passed by the Town Board on December 15 20 20, 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)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)*

on _____ 20[ ][ ], in accordance w ith 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 _____ 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____. 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.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 12/29/2020

Town of Almond
Introductory Local Law Number _2_ of 2020.

A Local Law to Provide for the Licensing, Identification and Control of Dogs in the Town of Almond, to Restrain the Running at Large of Dogs in Designated Areas within said Town, to Provide for the Seizure and Impounding of Certain Dogs, to Provide Punishments for the Violation of this Local Law, and Related Provisions.

Section 1. PURPOSE.

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 persons, property, domestic animals and deer from dog attack and damage within the Town of Almond.

Section 2. AUTHORITY.

This local law is authorized by Article 7 of the Agriculture and Markets Law of the State of New York, hereinafter referred to as "Article 7," and the Municipal Home Rule Law of the State of New York, and this local law shall be deemed automatically amended to conform to Article 7 of said Agriculture and Markets Law as such statute may be amended from time to time.

Section 3. TITLE.

The title to this local law shall be "A Local Law to Provide for the Licensing, Identification and Control of Dogs in the Town of Almond, to Restrain the Running at Large of Dogs in Designated Areas within said Town, to Provide for the Seizure and Impounding of Certain Dogs, to provide Punishments for the Violation of this Local Law, and Related Provisions."

Section 4. DEFINITION OF TERMS.

As used in this local law, the following words shall have the following respective meanings.

(a) "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 thereafter.

(b) "Confined." That such animal is securely confined or restrained and kept on the owner's premises, either within a building, or other effective tether of such length and so arranged that the animal cannot reach or endanger any person on any adjacent premises or on any public street or way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

(c) "Dog" shall mean male or female, licensed or unlicensed, members of the species Canis familiaris.

(d) "Dog Control Officer." Any person authorized by the Town Board, to enforce the provisions of the local law or the provisions of the Agriculture and Markets Law. A person may also be authorized by the Town Board as Assistant Dog Control Officer.

(e) "Owner." The party purchasing the license, unless 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 of, 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 local law shall be owned by a minor, under the age of eighteen (18) years, 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.

(f) "Harbor" shall mean to provide food and shelter to any dog.

(g) "Recreational Areas" shall mean any real property owned by the Town of Almond, which is used primarily for recreational purposes by the public, including, but not limited to parks and playgrounds.

(h) "Be at large" shall mean to be in a public place or on private land without the knowledge, consent and approval of the owner or occupant of such lands.

(i) "Town" shall designate the area within the legal boundaries or limits of the Town of Almond where dogs are harbored or kept.

(j) "Clerk" shall mean the Clerk or Deputy Clerk of the Town of Almond, who validates or issues dog licenses.

(k) "Regular license" shall mean the license authorized and issued pursuant to this local law for the licensing and identification of dogs.

(l) Purebred license" shall mean the license authorized and issued pursuant to this local law for purebred dogs, provided such dogs are registered by a recognized registry association.

(m) "Fees" Shall mean dog license fees pursuant to this local law.

(n) "Inclement weather" shall mean weather conditions that are likely to adversely affect the health or safety of the dog, including but not limited to rain, sleet, ice, snow, wind, or extreme heat and cold.

Section 5. LICENSING OF DOGS, RABIES VACCINATION REQUIREMENT.

(a) All dogs within the Town of Almond 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 of the Town of Almond a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be authorized and imposed by the Town of Almond. 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 shall not be transferrable.

(b) The Town of Almond will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

Section 6. EXEMPTION.

Any dog harbored within the Town of Almond which is owned by a resident of New York City or licensed by the City of New York, or other municipality of the State of New York, or which is owned by a non-resident of New York State 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. Upon the expiration of the thirty (30) day exemption time period a new license must be obtained in the Town of Almond.

Section 7. IDENTIFICATION TAG.

Any dog identification tag issued is required to have on it the name of the Town of Almond, a reference to the "State of New York" and municipality contact information, including a telephone number.

Section 8. LICENSE FEES.

A. The Town of Almond hereby establishes the license fees for dog licenses issued pursuant to this local law at $10.00, to which amount shall be added an additional $8.00 charge if the dog for which the license application is made is unspayed or unneutered.

B. Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs. Proof of dog classification must be provided

C. A fee of $10.00 shall be charged to the owner or person harboring a dog found to be unlicensed during a dog enumeration, in addition to being charged the regular license fee.

D. A replacement fee of $6.00 shall be charged to the owner or person harboring a dog whose dog license tag is lost.

E. A late fee shall be charged for any owner or person harboring a dog who fails to renew any license for any dog or dogs licensed under this Local Law as follows:

i. any dog not licensed within thirty days of the renewal date shall result in the owner or person harboring such dog being charged a late fee of $10.00;

F. Such fees may be reviewed and amended by the Town Board periodically and may be changed by resolution, if deemed necessary.

Section 9. RESTRICTIONS.

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

(a) 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.

(b) No person who owns a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.

(c) Be at large unless the dog is restrained by an adequate leash (not exceeding eight {8} feet in length) or unless accompanied by its owner or a responsible person able to control it by command. For the purpose of this local law a dog or dogs hunting in the company of a duly licensed hunter shall be considered as accompanied by its owner.

(d) Engage in habitual and loud howling, barking, crying or whining, or conduct itself in such manner as to unreasonably disturb the comfort or repose of any person other than the owner of such dog.

(e) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.

(f) Habitually 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 defecating, urinating or digging or commit any other nuisance on public property, or on private property without the consent or approval of the owner of such property.

(h) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

(i) Be at large or on a leash within the boundaries of any Town parks, except for certified service or therapy dogs.

(j) Be kept outside without adequate food, water, shelter and protection.

(k) Be kept in an unclean, unsafe or unsanitary conditions.

(l) Be tethered during severe inclement weather including but not limited to heavy rains, blizzards, heavy or prolonged snows, ice storms, windstorms, unless the dog shall have access to adequate shelter within the length of the tether.

(m) Be in any condition or environment that violates §353-B of Agriculture and Markets law.

(n) Be confined in a motor vehicle under conditions that are likely to cause suffering, injury or death due to heat, cold, lack of adequate ventilation or under other dangerous weather-related conditions.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by Section 5 or Section 9 of this local law shall be presumptive evidence against the owner or harborer of such dog that he or she has failed to properly leash or control his or her dog, and has permitted or allowed such act to occur.

Section 10. ENFORCEMENT.

This local law shall be enforced or prosecuted by the Dog Control Officer, Assistant Dog Control Officer, by any peace officer, police officer, or by any person having jurisdiction under the Agriculture and Markets Law or authorized by the District Attorney. A dog control officer may take steps necessary to remove an animal from a vehicle in conditions under Section 9 (n) and will not be civilly or criminally liable if s/he takes the actions in reasonably good faith.

Section 11. SEIZURE OF DOGS.

Any dog found to be at large in violation of Section 5 or Section 9 of this local law may be seized by any Dog Control Officer, Assistant Dog Control Officer, peace officer, police officer or other designated representative of the Commissioner of Agriculture and Markets Law of the State of New York, exercising such degree of force as shall be necessary to effect such seizure without intentionally injuring or harming such dog, shall be impounded and disposed of in accordance with the provisions of the Agriculture and Markets Law.

Section 12. REDEMPTION OF SEIZED DOGS AND REDEMPTION FEES.

(a) Every dog seized after being found to be at large shall be properly fed and cared for at the expense of the Town of Almond until disposition thereof be made as herein provided. The redemption of a seized dog shall be in conformance with and pursuant to the provisions of the Agriculture and Markets Law of the State of New York both as to licensed and unlicensed dogs.

(b) No dog seized pursuant to section 12 of this local law may be redeemed until it is properly licensed as provided in section 5 of this local law.

(c) In the event that the dog seized bears a license tag, the Dog Control Officer shall ascertain the owner of the dog and shall immediately notify such owner personally, or an adult member of his family. If owner is unable to be contacted personally, written notice will be sent by certified mail, stating that said dog had been seized and that the dog will be disposed of and/or removed to the SPCA unless redeemed within the period hereinafter provided.

(d) If notification is given to owner personally, the dog will be held for five (5) days. If notice is given by certified mail, the dog will be held for a period of ten (10) days from the date of mailing.

(e) The owner of a dog seized may redeem the dog within the time period stated in Section 13(c), by paying to the Town Clerk the redemption fee of $20.00 per day.

(f) If the owner fails to claim the dog by the expiration of the redemption period, the dog shall then be made available for adoption or disposed of. If the dog is not redeemed within the above periods of time and the dog is adopted or disposed of, the owner shall still be liable and must pay the redemption fees, including the day of disposition.

(g) The Dog Control Officer is hereby authorized to dispose of any dog seized after the date of redemption has expired. If the dog is adopted, the new owner must pay the Town Clerk the redemption fees, if the original owner is not known; provided, however, that such redemption fee may be waived by the Supervisor if he/she believes such waiver is in the best interest of the Town.

(h) No action shall be maintained against the Town of Almond, and duly designated Dog Control Officer, or any other agent of the Town, to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law.

Section 13. COMPLAINTS, VIOLATIONS, AND ENFORCEMENT.

(a) Any person who observes a dog in violation of this local law may file a written or verbal complaint with the Dog Control Officer, specifying the nature of the violation, the date thereof, a description of the dog and the location and residence, if known, of the owner of the dog. All complaints shall be investigated and it shall be the duty of the Dog Control Officer to proceed with civil or criminal enforcement of this local law or any other provision of law pertaining thereof.

(b) The Dog Control Officer or Town Attorney may elect either to prosecute the violation under the penal law or to commence an action to recover a civil penalty.

(c) A violation of this local law prosecuted under the Penal Law shall be punishable by a fine of not more than one hundred dollars ($100.00) for a first violation; a fine of not more than three hundred dollars ($300.00) for a second violation within the prior five years; or a term of imprisonment for not more than 15 days; or both such fine and imprisonment; a fine of not more than five hundred dollars ($500.00) for a third or further violation within the prior five years or a term of imprisonment for not more than 15 days; or both such fine and imprisonment.

(d) A violation of this local law prosecuted as a civil action shall subject the defendant to a civil penalty of not more than one hundred dollars ($100.00) for a first violation, and a penalty of not more than two hundred dollars ($200.00) for a second violation; a fine of not more than four hundred dollars ($400.00) for a third or further violation within the prior five years.

Section 14. 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 15. REVOCATION OF PRIOR LOCAL LAWS AND ORDINANCES.

All local laws and ordinances of the Town of Almond which have been previously adopted which deal with the same subjects, topics or prohibited conduct by the owners of dogs are hereby repealed effective as provided in Section 16 below.

Section 16. EFFECTIVE DATE.

This local law shall take effect immediately upon its filing in the Office of the Secretary of State as required by law.