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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~~ STARKEY  
~~City~~ of .....  
~~Town~~  
~~Village~~

Local Law No. 2 of the year 19 89.....

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

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

~~County~~  
~~City~~ of Starkey..... as follows:  
~~Town~~  
~~Village~~

A Local Law relating to the control, confining and leashing of dogs as more particularly set forth in Schedule "A" which is attached hereto and made a part hereof.

## SCHEDULE "A"

### SECTION. 1. TITLE

The title of this law shall be "Town of Starkey Dog Control Law".

### SECTION 2. PURPOSE AND INTENT

The Town Board of the Town of Starkey 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 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 3. AUTHORITY

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

### 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 and unlicensed, members of the species *Canis Familiaris*.

b) Owner means person entitled to claim lawful custody and possession of a dog and 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 warden 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 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 the owner of any dogs 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.

c) Run at large means to be on private lands without the knowledge, consent and approval of the owner of such lands.

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. For the purpose of the local law, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.

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, 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.

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. FEES FOR SEIZURE OF DOGS

The fee for seizure and impoundment of dogs in violation of Article 7 of the Agriculture and Markets Law and of paragraph (a) of Section 5 of the local law are as follows:

a) The Dog Control Officer or any peace officer shall seize (1) any unlicensed dog whether on or off the owner's premises, (2) any dog not wearing a tag or not identified and which is not on the owner's premises and (3) any dog found in violation of paragraph a) of Section 5 of this local law after the filing of a written complaint.

b) Every dog seized shall be properly fed and cared for until disposition thereof as herein provided and in accordance with the provisions of the New York State Agriculture and Markets Law, Article 7, Sect. 118. If the dog seized bears a license tag, the DCO shall give immediate notice to the owner of the dog by personally serving such owner, or an adult member of his family with the notice in writing stating that the dog has been seized and will be destroyed unless redeemed as provided

Clerk and obtain a license for such dog. The DCO who destroys a dog shall immediately dispose of the carcass and make a written report of such destruction and disposition to the clerk, who shall keep a record thereof.

c) The DCO or peace officer may also investigate and report to the town justice of the town any dangerous dog as described in Article 7 of the Agriculture and Markets Law, and see that the order of the town justice in such case is carried out.

d) The DCO or peace office observing a violation of this local law in his presence shall issue and serve an appearance ticket for such violation.

e) Any person who observes a dog in violation of this local law may file a complaint under oath with the town justice, a local police officer, or the DCO 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 dog. Such complaint may serve as the basis for enforcing the provisions of this local law.

#### SECTION 7. PENALTIES

Any person convicted of a violation of this local law shall be liable for a civil penalty not exceeding twenty-five dollars (\$25.00) for a first violation and not exceeding fifty dollars (\$50.00) for each subsequent violation. The penalties may be changed by town board action if deemed necessary.

#### SECTION 8. 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 9. EFFECTIVE DATE

This Local Law shall be operative immediately and effective upon being filed with the New York State Secretary of State pursuant to Section 27 of the Municipal Home Rule Law of the State of New York.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. .....<sup>2</sup> of 19<sup>89</sup>.....  
County  
City  
of the Town of Starkey..... was duly passed by the .....Town Board.....  
Town Board  
Village (Name of Legislative Body)  
on .....October 5,..... 19<sup>89</sup>..... in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,\* or repassage after disapproval.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City  
of the Town of ..... was duly passed by the .....  
Town Board  
Village (Name of Legislative Body)  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
and was deemed duly adopted on ..... 19 ....., 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 19.....  
County  
City  
of the Town of ..... was duly passed by the .....  
Town Board  
Village (Name of Legislative Body)  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive thereon at the special election held on ..... 19 ....., in accordance with the applicable  
general annual provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City  
of the Town of ..... was duly passed by the .....  
Town Board  
Village (Name of Legislative Body)  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law being subject to a permissive referendum and no

~~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 19 ..... of the City of ..... having been submitted to referendum pursuant to the provisions of ~~§36~~<sup>§37</sup> 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 <sup>special</sup>~~general~~ election held on ..... 19..... 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 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19....., 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 of 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.~~

*Robert S. Murphy*

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

Robert S. Murphy

Date: October 12, 1989

(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 .....YATES.....

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.

.....

RESOLUTION TO ENACT LOCAL LAW  
TOWN OF STARKEY  
TOWN BOARD

At a regular meeting of the Town Board of the Town of Starkey, Yates County, New York, held at 40 Seneca Street, Dundee, New York, on **October 5** 1989 at 7:30 p.m. there were:

- |          |                               |                   |
|----------|-------------------------------|-------------------|
| PRESENT: | <b>Edward J. Raps</b>         | <b>Supervisor</b> |
|          | <b>Richard E. Gibson</b>      | <b>Councilman</b> |
|          | <b>Richard A. Nelson</b>      | <b>Councilman</b> |
|          | <b>Charles H. McCann</b>      | <b>Councilman</b> |
|          | <b>Frederick R. Shoemaker</b> | <b>Councilman</b> |

ABSENT: **None**

being all of the members of the Town Board.

Mr. **Shoemaker** offered the following Resolution and moved its adoption:

WHEREAS, the proposed local law entitled "Local Law No. 2 of the Year 1989" has been presented to the Town Board of the Town of Starkey for enactment, and

WHEREAS, this proposed local law is in regard to the control, confining and leashing of dogs running at large in the Town of Starkey, and

WHEREAS, a public hearing to consider this local law was held on this date, and

WHEREAS, it is in the best interests of the Town of Starkey that said "Local Law No. 2 of the Year 1989" be enacted,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Starkey, Yates County, New York that said "Local Law No. 2 of the Year 1989" is hereby enacted.


Seconded by Mr. **Nelson** and duly put to a vote which resulted as follows:

AYES: **Edward J. Raps**  
**Richard E. Gibson**  
**Richard A. Nelson**  
**Frederick R. Shoemaker**  
NOES: **Charles H. McCann**

ABSTENTIONS: **None**

This Resolution was thereupon declared adopted.

Dated: October 5, 1989

  
Robert S. Murphy  
Town Clerk  
Town of Starkey