

# 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 of Town of Starkey
- Town
- Village

Local Law No. 3 of the year 20 11

A local law to provide for the licensing and identification of dogs, the control and protection of the dog  
*(Insert Title)*  
population and the protection of persons, property, domestic animals and deer from dog  
attack and damage.

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

- County
- City of Starkey as follows:
- Town
- Village

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

*Clerks copy*

TOWN OF STARKEY

LOCAL LAW NO. 3 OF THE YEAR 2011

Be it enacted by the Town of Starkey Town Board as follows:

Section 1. Purposes:

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.

Section 2. Authority

This Local Law is enacted pursuant to the provisions of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York and

Section 3. Provisions

Article 1  
DOG LICENSING LAW

Section 1. Title:

This law shall be known and may be cited as the Dog Licensing Law of the Town of Starkey.

Section 2. Licensing of Dogs:

All dogs in the Town of Starkey, unless otherwise exempted by New York State Agriculture and Markets Law, must be licensed with the Town of Starkey by the age of four (4) months.

Section 3. Application:

The owner of each dog required to be licensed shall, for new applications and renewal applications, obtain, complete and return to the Town Clerk:

1. A dog license application;
2. The license application fee;
3. Any applicable license surcharges;
4. Such additional fees as may be established by the Town Board of the Town of Starkey;
5. 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;
6. In the case of a spayed or neutered dog, a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that, because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog.

Section 4. Identification Tag:

Each dog licensed pursuant to this Law shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be

a surcharge offsetting costs associated with the provision and replacement of identification tags.

Section 10. Exemptions:

A. Excepted from payment of the license fee are applications submitted for a dog license for any of the following dogs provided written documentation is provided with such application that certifies such dog as being any of the following:

1. guide dog;
2. hearing dog;
3. service dog;
4. war dog;
5. working search dog;
6. detection dog;
7. police work dog; and
8. therapy dog.

B. At the time the Town Board of the Town of Starkey fixes the license fees authorized pursuant to this Law, the Town Board may permit a partial or full exemption to senior citizens for the dog license fees fixed by the Town Board.

C. A dog participating in a dog show within the Town of Starkey shall be exempt, from wearing its identification tag.

D. A dog owned by a non-resident of the Town of Starkey and licensed by another jurisdiction outside the Town of Starkey shall be exempt for a period of five months (5) from the licensing and identification provisions of this Local Law.

Section II. Penalties:

A violation of this Law shall be punishable by:

- A. A fine of twenty-five dollars (\$25.00) for a first violation;
- B. A fine of fifty dollars (\$50.00) for a second violation within five years of the first violation; and
- C. Where the person was found to be have committed two or more such violations within the preceding five years, either a fine of one hundred dollars (\$100.00) or imprisonment for not more than fifteen days, or both.

Section 4.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances, and the Town of Starkey Town Board hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5.

All Ordinances, Local Laws and parts thereof inconsistent with this Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6.

(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. 3 of 20 11 of the (County)(City)(Town)(Village) of Starkey was duly passed by the Town Board on 12/9 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* 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 \_\_\_\_\_ 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 \_\_\_\_\_, above.

Sue A. Crans  
Clerk of the county legislative body, ~~City, Town or Village~~ Clerk or officer designated by local legislative body

Date: December 31, 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 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.

Sue A. Crans  
Signature  
Town Clerk  
Title

County  
City of Starkey  
Town  
Village

Date: December 31, 2010