

Local Law Filing

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

(Use this form to file a local law with the Secretary of State.)

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

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 **Fenner**

Local Law No. 1 of the year 2023

A Local Law Establishing Dog Control Within the Town of Fenner

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

County City Town Village
(Select one:)

of **Fenner** as follows:

**TOWN OF FENNER
LOCAL LAW _1-2023**

**A Local Law Establishing Dog Control
Within the Town of Fenner**

Be it enacted as follows:

Section 1. Purpose.

The purpose and intent of this local law shall be to preserve the public peace and good order of the Town of Fenner, Madison County, New York, to contribute to the public welfare and to the preservation and protection of the property and the person of the inhabitants of said Town by declaring and enforcing certain regulations and restrictions on activities of dogs and owners of dogs within the Town.

Section 2. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

AT LARGE - Any dog shall be deemed “at large” when it is off the property of its owner and not under restraint.

DOG - Any member of the species Canis familiaris.

OWNER - Any person who owns, keeps, harbors, or has the care, custody, or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor’s parents or other head of the household where the minor resides.

RESTRAINT - A dog is under restraint when it is controlled by a leash, said leash not to be in excess of six (6) feet, or in the presence of a competent person and obedient to that person’s

commands; or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper or upon the premises of another with the consent of such other person.

Section 3. Dog Control Officer.

The Dog Control Officer of the Town of Fenner shall have all of the powers of a peace officer in the execution of this local law and in the execution of Article 7 of the Agriculture and Markets Law, including the service of summons, and the service and execution of any other order or process. Every dog seized by the Dog Control Officer shall be maintained, redeemed, sold, or destroyed in accordance with Article 7 of the Agriculture and Markets Law.

Section 4. Prohibited acts.

- A. No owner shall permit or allow a dog to run at large within the Town of Fenner, unless such dog shall be restrained as provided in Section 2 herein.
- B. No dog shall be permitted to cause damage or destruction to property or commit a nuisance or to defecate upon the premises of a person, other than to or upon the premises of the owner or persons harboring such dog. If a dog defecates upon any premises other than upon the premises of the dog's owner or of the person harboring such dog, the owner of said dog or the person harboring such dog shall immediately remove, and properly dispose of, any feces so deposited by such dog.
- C. No owner shall keep or harbor a dog which howls or barks habitually or continuously so as to disturb the peace and quiet of other persons.
- D. No dog shall be permitted to chase or otherwise harass any person in such manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- E. No dog shall be permitted to habitually chase or bark at moving motor vehicles, bicycles, animals, or snowmobiles.
- F. No unspayed female dog in season shall be permitted to be outside a building or a fenced enclosure, except that the owner may exercise such dog while on a securely fastened leash not more than six (6) feet long.
- G. No person owning or harboring a dog shall fail to provide such dog with wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment.

Section 5. Complaints.

Any person who observes a dog violating or which is being permitted to violate any of the restrictions set forth in this local law may file a complaint, signed under oath, with the Dog Control Officer, specifying the violation, the date thereof, damage, if any, caused, a description of the dog and name and residence, if known, of the owner or other person harboring such dog.

Section 6. Applicability.

This local law shall not apply to any dog exempted by Section 107 of the New York State Agriculture and Markets Law.

Section 7. Penalties.

Any dog found to be in violation of this local law may be seized by the Dog Control Officer pursuant to Section 118 of the Agriculture and Markets Law. With respect to a violation of this local law the penalties shall be:

- A. For a first offense, a fine of not less than \$25.00, nor more than \$50.00.
- B. For a second offense, committed within five (5) years of the first offense, a fine of not less than \$50.00, nor more than \$100.00.
- C. For a third offense, committed within five (5) years of the second offense, a fine of not less than \$100.00, nor more than \$250.00.
- D. A fine not paid within thirty (30) days may be enforced by the imposition of a jail sentence of up to fifteen (15) days.

Section 8. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2023 of the **Town of Fenner** was duly passed by the **Town Board** on **October 11, 2023**, 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 **Town of Fenner** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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 **Town of Fenner** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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 **Town of Fenner** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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.~~

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.

Hon. Lisa Dolan, Town Clerk
Town of Fenner

(Seal)

Date: **October 11, 2023**