

**TOWN OF FENNER  
TOWN BOARD RESOLUTION**

**2023-26**

**October 11, 2023**

**TOWN OF FENNER LOCAL LAW NO. 1 OF 2023**

("A Local Law Establishing Dog Control in the Town of Fenner")

The following resolution was offered by Councilor \_\_\_\_\_, who moved its adoption, seconded by Councilor \_\_\_\_\_, to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. \_\_-2023, "A Local Law Establishing Dog Control in the Town of Fenner," was presented and introduced at a regular meeting of the Town Board of the Town of Fenner held on September 13, 2023; and

**WHEREAS**, a public hearing was held on such proposed local law on this 11<sup>th</sup> day of October, 2023, by the Town Board of the Town of Fenner and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Fenner in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, the enactment of Local Law No. 1-2023 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

**WHEREAS**, it is in the public interest to enact said Local Law No. 1-2023.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Fenner, Madison County, New York, does hereby enact Local Law No. 1-2023 as Local Law No. \_1-2023 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.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<b>William Cody</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Adam Pushlar</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Hannah Strack</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>William Wester</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes/No</b>
<b>David Jones</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes/No</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED:** October 11, 2023

**CERTIFICATION**

**STATE OF NEW YORK    )**  
**COUNTY OF MADISON    )**

I, the undersigned Clerk of the Town of Fenner, Madison County, New York, **DO**  
**HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town of September \_\_, 2023.

\_\_\_\_\_  
**LISA DOLAN, Town Clerk**

**(SEAL)**