

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 Lyme

Local Law No. 3 of the year 2010

A local law to adopt regulations for licensing and dog control issues in the Town of Lyme.
(Insert Title)

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

County City Town Village
(Select one:)

of Lyme as follows:

SEE ATTACHED

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

Article 1 – Statement of Authority. The Town Board of the Town of Lyme pursuant to the authority granted under Article 7 of the Agriculture and Markets Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enacts as follows:.

Article 2 – Statement of Purpose and Findings. The Town Board of the Town of Lyme hereby finds that in view of new State Laws imposing increased responsibility on the Town for the licensing of dogs and dog control that it is necessary to have a global revision of all prior regulations of the Town with respect to licensing of dogs and dog control. It is the purpose of this law to adopt comprehensive regulations for the licensing of dogs and dog control issues within the Town.

Article 3 – Enactment. The Town Board of the Town of Lyme hereby enacts as follows:

Section 1: Title: the title of this Law shall be Dog Control Law of the Town of Lyme.

Section 2: 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 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 control officer 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 filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (c) “Run at Large” means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.
- (d) “Town” means the Town of Lyme.

Section 3: Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Run at large unless the dog 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 the company of a hunter or hunters shall be considered as accompanied by its owner.
- (b) Engage in habitual and loud howling, barking, crying or whining or conduct 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.

- (d) Chase, jump upon or at or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (e) 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.
- (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 4: Licensing of Dogs:

- (a) All dogs in the Town of Lyme unless otherwise exempted, must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license provided, however, that dogs of any age which are held at a shelter, pursuant to a contract or agreement with any County, City, Town or Village, or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association do not have to be licensed
- (b) Any dog harbored within the Town of Lyme which is owned by a resident of New York City or licensed by the City 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.
- (c) All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.
- (d) Fees for Licensing of Dogs:
The fee for a spayed or neutered dog will be \$10.00,(which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an un-spayed or un-neutered dog will be \$20.00, (which included the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) and fee for lost dog tag will be \$5.00, with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (e) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.
- (f) Purebred License: The Town of Lyme will **not** be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
- (g) Service Dogs: The Town of Lyme will require a license for any guide dog, service dog, hearing dog, detection dog, wolves, search dog, working dog or therapy dog, but will not require a fee be paid.
- (h) The Town of Lyme does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town of Lyme, where the Shelter is

located for the purchase of the license for adoption purposes.

- (i) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
- (j) All fees will be used in funding the administration of the Dog Control Law of the Town of Lyme.
- (k) The Town of Lyme authorizes (name of shelter) acting by its manager to provide, accept and grant an application for a dog license made by a resident of the Town of Lyme at the time of the adoption of a dog from (name of shelter) provided that such application is made in accordance with Section 4 of this law/ordinance and the license fee, any additional fee and surcharge shall be remitted to the Town Clerk (or other title) of the Town of Lyme on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.
- (l) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York State Department of Agriculture and Markets Law are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the town for such service, Second Offense: \$50.00 plus the impoundment and euthanasia fees per animal.

Section 5: Procedure for Seizure of Dogs:

- (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, and after June 15, 1985, not identified, and which is not on the owner's premises, and
 - 3) Any dog found in violation of paragraphs (a)-(e) of Section 4 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Lyme in such case is carried out.
- (b) The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Lyme specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

Section 6: Penalties:

- (a) For a first violation a fine of no less than \$25.00 nor more than \$100.00.
- (b) For a second offense within a one year period, a fine of no less than \$50.00 nor more than \$150.00.

- (c) For a third or subsequent offense within a one year period, a fine of no less than \$75.00 nor more than \$200.00.

Article 4 – Repealer. This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Lyme, and they shall be upon the effectiveness of this Local Law, null and void.

Article 5 – Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 6. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(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 2010 of the ~~(County)(City)(Town)(Village)~~ of Lyme was duly passed by the Town Board on November 10, 2010, 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 1____ above.

Kim Wallace, Town of Lyme Clerk
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 18, 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 Jefferson

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.

Mark G. Gebo
Signature
Mark G. Gebo, Town Attorney
Title

~~XXXX~~
~~XX~~ of Lyme
Town
~~XXXX~~

Date: November 18, 2010