

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~XXXXX~~
~~NY~~ of BELLMONT
Town
~~Village~~
Local Law No. 2 of the year 19 88

A local law controlling dogs in the Town of Belmont
(insert title)

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

~~NY~~
~~NY~~ of BELLMONT as follows:
Town
~~Village~~

SECTION 1: Purpose.

The purpose of the law shall be to preserve public peace and good order in the Town of Belmont and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Belmont.

SECTION 11: Definitions.

1. Dog. The term "dog" shall mean both male and female dogs.
2. Owner. The term "owner" shall include any person who keeps, harbors, or has custody, care and control of a dog. Dogs owned by minors shall be deemed to be in custody and control of parents or other head of the household where the minor resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this law.
3. At large. The term "at large" shall mean an unleashed dog off the premises of the owner.
4. Leashed. The term "leashed" shall mean restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.
5. Dog Control Officer. The term "Dog Control Officer" shall mean a person or persons appointed by the Town for the purpose of enforcing this law.

SECTION 111: Regulations and Restrictions.

1. It shall be unlawful for any owner of a dog in the Town of Belmont to permit or allow such dog to:
 - A. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harborer of the dog.
 - B. Cause damage or destruction to any property, or to

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION III: Regulations and Restrictions con't.

- defecate, urinate or otherwise commit a nuisance upon any property other than that of the owner or harborer of the dog.
- C. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
 - D. Chase, leap on or otherwise harass bicycles or motor vehicles.
 - E. Kill or injure any dog, cat or other household pets, or farm animals.
 - F. Be unlicensed at the age set under Article 7 of the Agriculture & Markets Law of the State of New York for licensing, or to NOT have a current and valid New York State identification tag on its collar while at large.
 - G. Bark or chase pedestrians, cycles or motorized vehicles.
2. It shall be unlawful for any owner of a dog in the Town of Bellmont to disobey any order issued pursuant to the terms and provisions of this local law.

SECTION IV: Female Dogs.

All female dogs shall be confined to the premises of their owner while such are in season (HEAT) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Control Officer and removed to a safe place of confinement.

SECTION V: Conditions for keeping dogs:

All premises occupied or used by dogs shall be kept in a clean sanitary condition. Failure to provide adequate food, water, or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harbinger, the dogs shall become the property of the Town of Bellmont to be released to an authorized humane society, veterinarian, or kennel for adoption or euthanasia.

SECTION VI: Seizure Procedure.

Upon taking custody of any animal, the Dog Control Officer shall make a record of the matter. The record shall include date of pick up, breed, general description, sex, identification numbers, time of pick up, location of release and name and address of owner, if any.

SECTION VII: Redemption.

If a dog seized is not wearing an identification tax (license tag), it shall be held for a period of no less than five (5) days. If a dog seized is wearing an identification number, the owner shall be promptly notified, either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven (7) days; if notified by mail, no less than ten (10) days. The owner of the dog shall be responsible for any impoundment fee established by resolution of the Town Board. The dog must also be properly licensed before being released. The owner will also be responsible for any other expenses incurred by the Town to humanely care for the dog. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

SECTION VIII. Enforcement.

Any person or persons who are or may be lawfully authorized by the Town of Bellmont, shall and all Peace Officers may administer and enforce the provisions of this law and for the purpose shall have the authority to issue a summons or summonses or appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this law.

SECTION IX. Filing Complaints.

Any person who observes a dog in violation of any Section of this law may file a signed complaint, under oath, with a Justice of the Town or with the authorized Dog Control Officer or any Peace Officer specifying the violation, the date of violation, the damage caused and including the place or places where the violation occurred, and name and address of dog owner, if known. The complaint shall state whether it is a civil or criminal complaint.

SECTION X: Procedure.

Upon receipt by the Town Justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing at which both the complainant and the owner shall have the opportunity to be represented by counsel and to present evidence. If, after such hearing the Town Justice decides that further action is warranted, he may order:

1. The owner to restrain such dog by collar and leash at all times whether on or off the owner's property.
2. The owner to confine such dog to the premises of the owner.
3. Such other remedy authorized by law and may be warranted by the circumstances in such case.

SECTION XI: Penalties.

In addition to any order imposed by the Town Justice, any person, firm, society or corporation violating any of the provisions of this law shall be subject to civil penalties to be recovered in a civil action in the name of the municipality in an amount of not more than twenty-five dollars for a first offense; not more than fifty dollars for a second offense within the preceding five years and not more than one hundred dollars for a third or subsequent offense within the preceding five years. Any violation of the provisions of this law may in the alternative be prosecuted by the Town through its representatives as a violation of the Penal Law and upon conviction, a fine of not more than twenty-five dollars may be imposed for a first offense, a fine of not more than fifty dollars for a second offense during the preceding five years and a fine of not more than one hundred dollars or imprisonment for not more than fifteen days, or both for a third or subsequent offense within the preceding five years.

SECTION XII: Violations.

No person shall hinder, resist, or oppose the Dog Control Officer, Peace Officer, or other person authorized to administer or enforce the provisions of this law in the performance of the Officer's duties under this law.

SECTION XIII: Non-Liability of Town of Bellmont.

The owner or harbinger of any dog so destroyed under the provisions of this law, whether destroyed by the Dog Control Officer, Peace Officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

SECTION XIV: Severability.

If any clause, sentence, paragraph, section or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remedies thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION XV: Effective date.

This law shall take effect immediately upon its filing with the Secretary of State 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.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1988 of the County of Bellmont was duly passed by the Town Board of the Town of Belmont on June 17, 1988 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ was duly passed by _____ on _____ 19____ and was approved _____ by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ was duly passed by the _____ on _____ 19____ and was approved _____ by the _____ 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 general election held on _____ 19____, in accordance with the applicable provisions of law.

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

4. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ was duly passed by the _____ on _____ 19____ and was approved _____ by the _____ on _____ 19____. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a parish elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. 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}/_{§ 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 the 19..... become 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.

Caron Roulston
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer designated by Local Legislative Body

Caron Roulston, Town Clerk

Date: 6/3/88

(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 FRANKLIN

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.

Brian S. Stewart
(Title of Officer) Brian S. Stewart
Attorney for
Xxxxxx of Belmont
Town
Village

Dated: