

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 AUGUSTA

Local Law No. 1 of the year 20 16

A local law "A LOCAL LAW REGULATING THE CONTROL OF DOGS IN THE TOWN OF AUGUSTA"
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of AUGUSTA as follows:

SEE ATTACHED

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

(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. 1 of 2016 of the (County)(City)(Town)(Village) of Augusta was duly passed by the Town Board on February 25 2016, 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 (Elective Chief Executive Officer*)
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.)

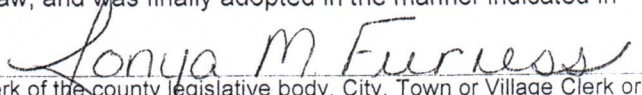
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.


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

Date:  February 26, 2016

(Seal)

TOWN OF AUGUSTA

LOCAL LAW NO. 1 OF THE YEAR 2016

Section 1. Title. A Local Law entitled "A Local Law Regulating the Control of Dogs in the Town of Augusta, this law supersedes Local Law # 1 of 2010.

Section 2. Purpose. The Town of Augusta finds that the running at large and other uncontrolled behavior of dogs have caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property within the Town. The Town Board of the Town of Augusta hereby supplements the provisions of the New York State Agriculture and Markets Law so as to prohibit situations and incidents which are not proscribed by said law, and imposes restrictions and regulations upon the keeping and running at large of dogs and the seizure thereof. The specific intent of this Local Law is to make town wide the regulation for the control of dogs in the Town of Augusta.

Section 3. Authority. This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law of the State of New York.

Section 4. Definition of Terms. As used in this Local Law, the meanings of the respective terms are as follows:

Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Local Law, as amended thereafter and as amended by this Local Law.

Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

Owner. The party purchasing the license, and any other person named as owner on the application, unless the dog is or has been lost

and such loss is reported to the Dog Control Officer and a reasonable search has been made, for such dog. If a dog is not licensed, the term "owner" shall be deemed to include any person or persons, or entity, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any animal 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 the filing of any complaint charging a violation of this Local Law shall be deemed to be the owner of such dog for the purpose of this Local Law. In the event any dog whose conduct is found to be in violation of this chapter shall be owned by a minor, the parent or guardian in home which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog and violation of this Local Law.

At Large. Off the premises of the owner.

Leash. The "dog" is equipped with a collar or harness to which is attached a "leash" constructed of materials of sufficient strength to restrain the "dog" and which "leash" shall be secured, or when being held by a person, have the ability to control and restrain the "dog".

Run at Large. Run at large shall mean to be in a public or private place or on private or public lands without the knowledge, consent and approval of the owner of such place or lands.

Harbor: To provide food or shelter to any dog.

Section 5. Prohibited Acts. It shall be unlawful for any owner of any dog in the Town of Augusta to permit or allow such dog to do any of the following acts:

- (a) damage, deface or destroy property of any kind.
- (b) chase, attack or otherwise harass any person in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or, injury in any place where such person may lawfully be.

(c) engage in habitual loud howling or barking or to conduct itself in such a manner as to habitually annoy any person other than the owner.

(d) habitually chase or bark at motor vehicles, motorcycles, tricycles, bicycles or baby carriages (strollers), or persons jogging, running or walking.

(e) upset garbage cans, deposit garbage or trash, urinate or defecate waste upon the premises of another person other than the owner.

(f) attack, chase, injure or kill any domestic animal, dog or cat of another person when such animal is any place where it may lawfully be.

(g) allow a female dog to run at large when in heat. Such dog shall be confined to the owner's premises during such period.

(h) no dog shall be at large, or allowed to run at large within the Town, unless leashed and accompanied by the owner or a responsible person able to control the dog.

For the purposes hereof, when any dog is at large, contrary to the provisions of this Local Law, and commits any of said acts, the owner or person in control shall be deemed to have permitted or suffered the dog to have committed such acts.

Section 6. Enforcement. The enforcement of this Local Law shall be as follows:

This Local Law shall be enforced by the Dog Control Officer, Police Officer, Deputy and/or any Peace Officer when acting pursuant to their special duties.

Any Dog Control Officer who observes a violation of this Local Law shall be entitled to issue and serve on the owner an appearance ticket for such violation, which appearance ticket shall be in the form prescribed by the Criminal Procedure Law of this State and returnable before a Town Justice of the Town.

Any person who observes a violation of this Local Law may file a sworn statement or simplified information alleging a violation of this Local Law with the DCO of the Town specifying the conduct of the dog which violates this Local Law, the date and place thereof, a description of the dog and the name and residence, if known, of the owner or other person who had control of said dog.

Upon receipt by the DCO of any complaint alleging a violation of this Local Law, the DCO may serve on the alleged owner an appearance ticket answerable before a Town Justice of the Town. If the ticket is disregarded, the Town Justice will issue a warrant for the arrest of the alleged owner pursuant to The Criminal Procedure Law.

Section 7. Warnings. The Dog Control Officer empowered to enforce this Local Law shall have the authority in his or her sole discretion to issue only one warning at the time of a first offense rather than enforcement as provided for in **Section 6.** The warning shall be in writing and in a form similar to an appearance ticket. It shall be issued to the owner (s) of the dog.

Section 8. Seizure, Impoundment, Redemption and Adoption.

Any dog found in violation of this Local Law may be seized pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time, by the Dog Control Officer of the Town.

Any dog so seized may be held subject to redemption by the owner, all pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time.

The owner of a seized dog may redeem the dog upon payment of the impoundment fines:

The owner shall be responsible for all impoundment fees required for the period of time the dog is impounded, which payment must be made before the dog is released.

Any dog unredeemed at the expiration of the redemption period shall be made available for adoption or euthanasia pursuant to the provisions

of Section 118 of the Agriculture and Markets Law.

The seizure of any dog or its redemption shall not relieve any person from any violation of this Local Law or penalty prescribed by **Section 11** hereof.

No dog will be released without a valid dog license.

Section 9. (a) All dogs in the Town of AUGUSTA 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.

(b) 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.

(c) Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$6.00,(which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) the fee for an unspayed or unaltered dog will be \$13.00,(which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control), **Late Licensing** is the cost of the license plus a late fee assessment of \$5.00, per month for each month following the month in which the license expired and must be paid along with requisite licensing fees. Such fees may be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed appropriate.

(d) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$10.00 will be assessed to all dogs found unlicensed or not renewed at the time the enumeration is conducted.

(e) Purebred License: The Town of AUGUSTA will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

(f) Service Dogs: The Town of AUGUSTA will require a license for any guide dog, service dog, therapy dog, hearing dog or detection dog. However there is no cash fee for these licenses.

(g) Tag Replacement: If a tag is lost or stolen, the dog's owner(s) must report it to the licensing authority as soon as possible. Replacement tags will be issued at a cost of \$5.00 per tag.

The Town of AUGUSTA does not allow the licensing of dogs by a shelter. The shelter MUST send the prospective dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing.

(h) 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.

(i) All fees will be used in funding the administration of the Dog Control Law of the Town of AUGUSTA.

(j) Unlicensed owners may receive one warning from the Town Clerk and/or the DCO, then an appearance ticket, failure to appear will result in the issuance of a warrant for arrest pursuant to Criminal Procedure Law.

Section 10. Compensation for Dogs Destroyed. The owner, possessor or harbinger of any dog destroyed under the provisions of this Local Law shall not be entitled to compensation and no action shall be maintained thereafter to recover the value of the dog.

Section 11. Fines. Any person who violates the Local Law or knowingly facilitates a violation of this Local Law thereof shall be deemed to have committed an offense under this Local Law. Any person convicted of any such violation shall be punishable by a fine up to \$75.00 for the first offense, \$100.00 for the second offense and \$175.00 for the third offense and/or fifteen (15) days imprisonment for each violation, at the judge's discretion.

In addition to the fines provided above, the Town Justice may also, order the permanent confinement.

In the event of the owners failure to contain the dog, such dog may, upon order of the Town Justice, be euthanized subject to the provisions of subdivision 374 of Agriculture and Markets Law at the owners expense.

Section 12. Separability. If any one or more of the provisions of this Local Law is held to be invalid or unenforceable, all other provisions shall nevertheless continue in full force and effect.

Section 13. Effective Date. This Local Law shall take effect immediately upon filing with the Office of the Secretary of the State.

Be it enacted this 25th day of February, 2016 by the Town Board of the Town of Augusta, Oneida County, New York, to be effective upon filing with the Secretary of State.

Suzanne Collins, Supervisor

Suzanne M. Collins AYE

James Dowd, Councilman

J W Dowd AYE

Ashton Finn, Councilman

Ashton Finn AYE

Dean Kimball, Councilman

Dean Kimball AYE

Travis Wright, Councilman

Travis Wright AYE

SEAL

ATTEST

Sonya M. Furness

Sonya M. Furness, Town Clerk

Affidavit of Publication

STATE OF NEW YORK
ONEIDA COUNTY

} SS.

for one

successive week(s), said publication commencing

on February 24 2016

and ending February 24 2016

Patricia A. Louise

of the Village of Waterville, County of Oneida, State of New York, being duly sworn, doth depose and say she is, and during the time of the publication was, the editor of the newspaper called THE WATERVILLE TIMES, a public newspaper printed and published in the Village of Waterville, County of Oneida. Deponent further says that the notice of which a printed copy is hereto annexed, was published in said newspaper at least once each week.

Patricia Louise

Subscribed and sworn to before me

February 24 2016
Lisa A. Belfield

Notary Public

LISA A. BELFIELD
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ONEIDA COUNTY #4946279
MY COMMISSION EXPIRES 3/13/20 19

LEGAL NOTICE

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Augusta, Oneida County, New York at 6 p.m., Feb. 25, 2016 at the Town Meeting Room, 185 N. Main Street, Oriskany Falls, New York to consider Local Law #1 of 2016 entitled "Local Law Regulating The Control Of Dogs In The Town Of Augusta".

The purpose of this proposed law is to protect the health, safety and well being of persons and property within the Town.

Sonya M. Furness, Town Clerk
Town of Augusta
Feb. 24, 2016

March 3, 2016

S Furness
Clerk
185 North Main Street
Oriskany Falls NY 13425

RE: Town of Augusta, Local Law 1 2016, filed on March 2, 2016

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**