

Local Law Filing

2

(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

of Hoosick Falls

Town

Village

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
NOV 23 2001
MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 2001

A local law repealing Local Law # 2 of the Local Laws of 1982 relating to the regulations
(Insert Title)
and restrictions on dogs, and Local law # 3 of the Local Laws of 1988
known as the Dog Control Law, and enacting a new local law to be known as
the "Dog Control Law" to regulate the possession, care of, and
disposition of all dogs located in the Village of Hoosick Falls.

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

County

City

of Hoosick Falls

as follows:

Town

Village

See Schedule "A"
Attached hereto and made a part hereof

(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. 2 of 20 01 of the (County)(City)(Town)(Village) of Hoosick Falls was duly passed by the Village Board of Trustees on November 13, 2001, 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 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 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 an 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 *(Elective Chief Executive Officer*)* local law was subject to permissive referendum and no valid petition requesting 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 be, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of town where such officer is vested with the power to approve or veto 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 2001 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 _____ 2001, 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 2001 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 as 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.



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

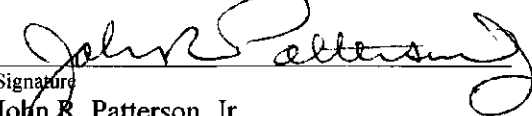
(Seal)

Date: _____ November 13, 2001

(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 Rensselaer

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.



Signature
John R. Patterson, Jr.
Village Attorney
Title

County
City
of Hoosick Falls
Town
Village
Date: November 13th, 2001

Local Law # 2 of the Local Laws of 2001
Schedule A

Section 1.

Purpose and Intent The purpose of this local law shall be to promote the health, safety and general welfare of the Village of Hoosick Falls, including the protection and preservation of the property of the Village and its inhabitants by adopting and enforcing certain regulations and restrictions on the privileges of the owners of dogs, and the rights and privileges of the residents of the Village of Hoosick Falls, by imposing regulations and restrictions upon all dogs within the Village of Hoosick Falls.

Section 2.

Definitions (a) Dog(s) The term “dog” or “dogs” shall mean both male and female dogs except where the context requires otherwise.

(b) Owner The term “owner” shall include any person who owns, keeps or harbors, or has the care, custody or control of a dog. Dogs owned by minors shall be deemed in the custody and control of the minor’s parents, guardian, or the head of the household where the minor resides.

(c) At Large The term “at large” shall mean a dog off the premises of the owner.

(d) Leashed or Restrained by a Leash The term “leashed” or “restrained by a leash” shall mean that a dog is equipped with a collar of sufficient strength to restrain the dog and to which is attached a thong or cord of sufficient strength not more than eight feet (8') long, which thong or cord shall be held by a person having the ability to control and restrain the dog by means of the collar, thong, or cord (leash). A harness worn by a guide dog for the blind shall be considered a suitable leash hereunder.

(e) Nuisance Dogs The term “nuisance dogs” shall mean, but not be limited to, dogs whose owners repeatedly allow them to:

1. bark excessively
2. roam free or unrestrained
3. trespass on private property
4. damage property
5. molest passerby; including other domestic animals
6. chase vehicles
7. disturb the peace in any way

(f) Animal Control Officer The term "Animal Control Officer" shall mean the person and his or her assistants who have been duly appointed by the Mayor of the Village of Hoosick Falls, and whose duties are to enforce the provisions of this local law and any other local laws of the Village of Hoosick Falls relating to the control, removal, and disposition of any animal within the Village of Hoosick Falls. Every Animal Control Officer shall file and maintain, in the manner prescribed by the Mayor, such records as may be required by this local law and any regulations promulgated pursuant thereto, and shall make such reports to the Mayor and Board of Trustees as may be required.

(g) Euthanize The term "euthanize" shall mean to bring about death by a humane method.

(h) Dangerous or Vicious Dog The term "dangerous or vicious dog" shall mean any dog that (a) without justification attacks a person and causes physical injury or death, or (b) poses a serious and unjustified imminent threat of harm to one or more persons, or (c) without justification attacks a service dog, guide dog, or hearing dog and causes physical injury or death.

(i) Harbor The term "harbor" shall mean to provide food or shelter to any dog.

(j) Identification Tag The term "identification tag" shall mean a tag which sets forth an official identification number as required by the provisions of this local law.

(k) Adoption The term "adoption" shall mean the delivery to any natural person eighteen years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered.

(l) Domestic Animal The term "domestic animal" means any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer which is raised under license from the Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant, or other bird which is raised in confinement under license from the State Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purpose of this local law.

Section 3.

Rules, Regulations and Restrictions (a) **Rabies:** The owner of a dog will be required to be in compliance with Section 109 of the Agriculture and Markets Law of the State of New York, with respect to requirements for rabies protection.

(b) Leash Law Provision: No person shall permit a dog owned by him or her, or in his or her care, to be at large within the Village of Hoosick Falls. A dog may be unleashed when on the owners' premises or when on the private premises of another with the knowledge, consent and approval of such person. No dog, whether leashed or unleashed, shall be allowed in any grocery or commercial establishment that sells food for human consumption, or in any cemetery, except that a guide dog for the blind may enter such premises when leading or accompanying a blind person.

(c) Disposal of Excrement: No owner, custodian or keeper of any dog shall allow or permit any dog to deposit excrement on public or private property in the Village unless such owner, custodian or keeper immediately removes the excrement. The person who so curbs such dog shall immediately remove, in a suitable container, all feces deposited by such dog. Feces removed from these areas shall be disposed of in a sanitary manner by the person owning, harboring, and keeping or in charge of curbing the dog. Disposal of feces in street storm collection systems is prohibited. The provisions of this section shall not apply to any blind person accompanied by a guide dog. The owner of a dog that has violated this condition will be subject of any and all penalties and fines allowed by this law.

(d) Property Damage: No person who owns a dog shall permit such dog to damage or destroy property of any kind.

(e) Nuisance Situations: No person shall keep, or permit to keep on the premises occupied by such person, any dog, which by its continual barking, howling or whining, or other frequent or long-continued noises, shall unreasonably disturb the comfort or repose of any other persons. To do so shall constitute a violation of the local law to be punished pursuant to the provisions provided herein. The Animal Control Officer or Village police officer will investigate all complaints to assess if the complaint received is valid. If it is decided that there is a valid concern, the dog will be considered to have violated this section.

(f) Dog Housing: No person who owns a dog shall permit the premises, structures, or enclosures in which such dog is kept to be unclean or unsanitary.

(g) Dogs in Heat: Any dog that is in heat shall not be allowed to be off the owner's premises. In addition, other dogs shall not be allowed in or on the premises where the dog in heat is kept.

(h) Numbers of Dogs Allowed Per Residence: There shall be a limit of no more than three (3) dogs in any residence within the Village of Hoosick Falls. All dogs must be licensed pursuant to the provisions of the Agriculture and Markets Law of New York State. If any

residence has more than three (3) dogs on the effective date of this local law, that residence may keep those extra dogs until such time that such extra dogs die, are given away, or sold. At such time, the residence shall be required to conform to this local law.

(i) Dangerous/ Vicious Dogs: (1) The Animal Control Officer or his or her assistants, or any Village police officer, shall seize and impound a dog when the officer has reasonable cause to believe that, (a) the dog has attacked a person or another domestic animal, or (b) has possessed an imminent threat of harm to one or more persons or any domestic animal, or (c) attacked another domestic animal and caused serious bodily injury or death, or (d) has engaged in dog fighting activities, or (e) has been trained, tormented, badgered, baited, or encouraged to engage in unprovoked attacks upon persons or domestic animals.

(2) The dog shall be impounded until a final determination is made by a court of competent jurisdiction as to whether a dog is vicious or not. The Animal Control Officer or Village police officer shall document all evidence relating to the decision to seize and impound the dog, including statements from the witnesses, complainants, or victims regarding the dog, which shall include specific incidents, in detail, and shall provide the name, addresses and telephone numbers of such witnesses, complainants or victims, police reports, observations of the Animal Control Officer or Village police officer, and other relevant information.

Section 4.

Enforcement It shall be the duty of any Village of Hoosick Falls appointed Animal Control Officer and his or her assistants, together with the Village of Hoosick Falls Police Department, to enforce all the provisions of this local law, as well as the Agriculture and Markets Law of the State of New York, with respect to dogs.

Section 5.

Seizure of Dogs The Animal Control Officer or his or her assistants, or any Village police officer may seize any dog that is found at large within the Village of Hoosick Falls in violation of this local law, as well as any dog otherwise required to be seized under and by virtue of the provisions of Section 118, of the Agriculture and Markets Law of the State of New York.

Section 6.

(a) Redemption of Seized Dogs Every dog seized shall be properly fed and cared for at the expense of said Village until disposition thereof may be made as herein provided. The redemption of a seized dog shall be in conformance with and pursuant to the provisions of

Section 118 of the Agriculture and Markets Law of the State of New York.

(b) Procedure for Unidentified Dog:

(1) Each dog which is not identified, whether or not licensed, shall be held for a period of five (5) days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed pursuant to the provisions of this article and further provided that the owner pays the fine imposed by the Village.

(2) The Village Board shall set the impoundment fees. The owner shall be responsible for ensuring that boarding fees are paid in an acceptable manner.

(3) The dog will not be released to the owner without verification from the Village Clerk that the impoundment fees and penalty incurred, if any, has been paid.

(c) Procedure for Identified Dog:

(1) Upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven (7) days after day of notice, during which period the owner may redeem the dog. If such notification is made by the mail, such dog shall be held for a period of nine days from the date of mailing, during which period the owner may redeem the dog. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed by the Village Board for sheltering the dog and the payment of appropriate fine to the Village for violation of the local law. The owner must also produce proof that the dog has been licensed.

(2) If any dog, so seized, is not redeemed within the time herein before set forth, the owner shall forfeit all title to the dog, and the dog shall be sold by the contracting agency for adoption, or destroyed. In case of sale or adoption, the purchaser must pay the Village Clerk the purchase price, which shall not be less than the kennel fees and the cost of seizure of the dog, and in the event of sale or adoption of a seized dog, the cost of obtaining a license for such dog.

(3) If the dog is destroyed, the Animal Control Officer or the Village police officer that destroys the dog, shall immediately dispose of the carcass of such animal, and make a written report of such destruction and disposition to the Village Clerk, who shall keep a record thereof. The owner of a dog so destroyed shall pay the Village Clerk the cost of seizure and destruction of such dog. Such costs may be recovered by the Village Clerk

in a civil action brought in the name of the Village before a Justice of the Village of Hoosick Falls.

(4) Destruction of any dog seized by the Animal Control Officer or Village police officer, as herein provided, shall be accomplished by humane methods. No dog seized hereunder shall be sold or surrendered to any person, firm, or organization or institution for experimental use.

Section 7.

Dangerous and Vicious Dogs (a) If any dog shall attack any person who is peaceably conducting himself in any place where he may lawfully be, such person or any other person witnessing the attack may destroy such dog while so attacking or while being pursued thereafter, and no liability in damages or otherwise shall be incurred on account of such destruction.

(b) If any dog shall attack, chase or worry any domestic animal, as defined herein, while such animal is in any place where it may lawfully be, the owner or caretaker of such domestic animal, or any other person witnessing such attack may, for the purpose of preventing the killing or injury of such domestic animal, destroy such dog while so attacking, chasing, worrying or while being pursued thereafter, and no liability in damages or otherwise shall be incurred on account of such destruction.

(c) If any dog shall attack and injure any service dog, guide dog or hearing dog, any person witnessing the attack may for the purpose of preventing the killing or injury of such service dog, guide dog or hearing dog, destroy such attacking dog and no liability in damages or otherwise shall be incurred on account of such destruction.

(d) Any person may make a complaint of an attack upon a person or of any attack, chasing or worrying of a domestic animal to the Animal Control Officer or any Village police officer. The Animal Control Officer or Village police officer shall then immediately inform the complainant of his or her right to commence a proceeding as provided in subdivision (e) of this section and, if there is reason to believe the dog is a dangerous dog, the Animal Control Officer or Village police officer shall forthwith commence such proceeding himself or herself.

(e) Any person may, and the Animal Control Officer or Village police officer shall make a complaint under oath or affirmation to any Village justice of such attack, chasing or worrying. Thereupon, that Village justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to the Animal

Control Officer or Village police officer, directing such person to immediately seize such dog and hold the same pending judicial determination as herein provided. Whether or not the Village justice finds there is probable cause for such seizure, he or she shall, within five (5) days and upon written notice of not less than two (2) days to the owner of the dog, hold a hearing on the complaint. If satisfied that the dog is a dangerous dog, the Village justice shall then order the Animal Control Officer or Village police officer, to cause the dog to be euthanized immediately, or shall order the owner to securely confine the dog permanently, except as provided in subdivision (g) of this section. The owner shall confine the dog indoors or in an enclosed and locked pen or structure as provided for in the order. Such pen or enclosure shall have a secure top and sides and shall be designed to prevent an unauthorized entry of a person, the escape of the dog and to provide protection from the elements. If the owner fails to confine the dog as required by such order, the Animal Control Officer or any Village police officer, shall destroy such dog on or off the premises of the owner.

(f) A dog shall not be declared dangerous if the Village court determines that the conduct of the dog (1) was justified because the threat, injury or damage was sustained by a person who at the time was committing a crime or offense upon the owner or custodian or upon the property of the owner or custodian of the dog, or (2) was justified because the injured person was tormenting, abusing or assaulting the dog or has in the past tormented, abused or assaulted the dog, or (3) was responding to pain or injury, or was protecting itself, its kennels or its offspring.

(g) In addition to an order of confinement, issued pursuant to subdivision e of this section, the Village justice may order the owner or custodian to securely chain or muzzle the dog and require that the dog be under physical restraint of a responsible person when (1) confined in the presence of persons other than the owner or custodian, and (2) outside such enclosure for brief periods only when and for the period necessary to urinate, defecate or receive medical treatment. The aforementioned muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

Section 8.

Penalties (a) Violation of this local law shall be deemed an offense and shall be punishable by requiring the owner, upon conviction, to make restitution for such damage or injury as may have resulted from such violation. In addition, such owner shall be punishable by a fine of one hundred dollars (\$100.00) for the first offense, and two hundred fifty dollars (\$250.00) for the second and each subsequent offense. Each day a violation exists shall constitute an individual separate violation. In the event that a dog has attacked a human and

caused any injury whatsoever, the penalty shall be five hundred dollars (\$500.00) for each offense, and the dog shall be humanely destroyed in accordance with the provisions of this local law. In addition to the fine imposed herein, any dog owner in violation of this local law will be required to pay for the cost of seizure and any kennel fees incurred. Each violation shall be deemed outstanding until the fine, kennel, and seizure fees shall have been paid in full. The provisions hereof are in addition to the regulations, restrictions, requirements, and penalties contained in Article 7 of the New York State Agriculture and Markets Law.

(b) The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a person, service dog, guide dog or hearing dog causing physical injury shall be subject to a civil penalty not to exceed four hundred dollars (\$400.00) in addition to any other applicable penalties.

(c) The owner of a dog who, negligently permits his or her dog to bite a person, service dog, guide dog or hearing dog causing serious physical injury shall be subject to a civil penalty not to exceed eight hundred dollars (\$800.00) in addition to any other applicable penalties.

(d) The owner of a dog who, through any act or omission, negligently permits his or her dog, which had previously been determined to be dangerous pursuant to this article, to bite a person causing serious physical injury, shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1000.00), or by a period of imprisonment not to exceed ninety days, or by both such fine and imprisonment in addition to any other applicable penalties.

(e) If any dog, which had previously been determined by any judge to be a dangerous dog, shall without justification kill or cause the death of any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, regardless of whether such dog escapes without fault of the owner, the owner shall be guilty of a class A misdemeanor in addition to any other penalties.

(f) The owner shall not be liable pursuant to subdivision seven, eight, nine or ten of this section if the dog was coming to the aid or defense of a person during the commission or attempted commission of a murder, robbery, burglary, arson, rape in the first degree as defined in subdivision one or two of section 130.35 of the penal law, sodomy in the first degree as defined in subdivision one or two of section 130.50 of the penal law or kidnapping within the dwelling or upon the real property of the owner of the dog and the dog injured or killed the person committing such criminal activity.

(g) Nothing contained herein shall limit or abrogate any claim or cause of action any

person who is injured by a dog with a vicious disposition or a vicious propensity may have under common law or by statute. The provisions of this section shall be in addition to such common law and statutory remedies.

Section 13.

Validity. Invalidity of any such sentence, clause, paragraph, or provision of this local law shall not invalidate any other sentence, clause, paragraph, or provision, or part thereof.

Section 14.

Effective Date of Local Law. This local law shall take effect upon filing with the office of the Secretary of State for the State of New York.