

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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 Plattsburgh-----

~~TOWN~~

~~VILLAGE~~

Local Law No. 1 of the year 2010

A local law AMENDING CHAPTER 161 OF THE CITY CODE OF THE CITY OF PLATTSBURGH
(Insert Title)

Be it enacted by the Common Council of the
(Name of Legislative Body)

~~COUNTY~~

City of Plattsburgh as follows:

~~TOWN~~

~~VILLAGE~~

Section 1. Article II of Chapter 161 of the City Code entitled License Fees is hereby repealed.

Section 2. Article VI of Chapter 161, which reads as follows, is hereby adopted.

Article VI – Dog Licensing

§ 161-30. Purpose.

The purpose of this article is to provide for the licensing and identification of dogs within the City of Plattsburgh .

§ 161-31. Exemptions.

A. Any dog harbored within the City of Plattsburgh which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from this article.

B. This article shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined for the purposes of research to the premises of any college or other educational or research institution.

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

C. This article shall not apply to any dog confined to the premises of any person, firm or corporation engaged in the business of breeding or raising dogs for profit and licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act.

§ 161-32. Definitions.

As used in this article, the following words shall have the following respective meanings:

ANIMAL CONTROL OFFICER – The officer appointed by the City for the purpose of being responsible for the control of dogs and other animals.

CITY – Designates the area within the corporate limits of the City of Plattsburgh .

CLERK – The Clerk of the City of Plattsburgh by whom licenses are validated or issued pursuant to this article.

DOG – Any member of the species canis familiaris.

HARBOR – To provide food or shelter to any dog.

IDENTIFICATION TAG – A tag issued by the licensing municipality which sets forth an identification number, together with the name of the City, the State of New York, contact information, including telephone number for the City and such other information as the City deems appropriate.

IDENTIFIED DOG – Any dog carrying an identification tag as provided in this article.

OWNER – Any person who harbors or keeps any dog.

OWNER OF RECORD – The person in whose name any dog was last licensed pursuant to this article or the State of New York (if prior to January 1, 2011), except that if any license is issued on application of a person under 18 years of age, the “owner of record” shall be deemed to be the parent or guardian of such person.

PERSON – Any individual, corporation, partnership, association, municipality, or other legal entity.

SERVICE DOG -- any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog, as those terms are defined in § 108 of Article 7 of the New York State Agriculture and Markets Law.

SPAYED OR NEUTERED – A dog that has been spayed or neutered by a veterinarian, or a dog whose life would be endangered by spaying or neutering as evidenced by a written statement to that effect from a veterinarian.

§ 161-33. Licensing requirement.

A. All dogs harbored within the City that are four months of age or older, unless otherwise exempted, must be licensed.

- B. Licenses shall be issued the City Clerk. The owner shall file a dog license application with the City Clerk. The application shall identify the dog and the owner and include such information as the City Clerk may require.
- C. The license applicant shall provide proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required.
- D. Where a dog is spayed or neutered, the license applicant shall provide a veterinarian's certificate to that effect.
- E. **The license application shall become the license for the dog when it is signed by the City Clerk.** The Clerk shall provide a copy of the license to the owner and retain a copy in the City records. Upon request, license information shall be made available by the City to the Commissioner of the New York State Department of Agriculture and Markets for purposes of rabies and other animal disease control efforts and actions.
- F. Each license issued or renewed shall be valid for a period of one year from the date of issuance and shall not be transferable. Each license shall expire on the last day of the last month of the period for which it is issued. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
- G. If an owner applies for a new or renewal license, and the City Clerk determines the dog should have been licensed for the period that it did not have a license, the owner shall not be liable for a fine, but in addition to the license fee the owner shall pay a charge equal to the license fee payable during the period the dog was unlicensed.
- H. If a dog dies or is transferred before the license expires, the license fee shall not be refunded.
- I. The owner of record shall promptly notify the City Clerk of a change of his residence.

§ 161-34. License fees.

The fees and charges for a dog license are set forth in Table I. Such fees and charges may be amended from time to time by resolution of the Common Council. If a license tag is lost or damaged it may be replaced upon payment of the replacement tag fee.

§ 161-35. Identification tags.

- A. At the time a dog is first licensed it shall be issued a City identification number and tag which shall be affixed to a collar which shall be worn by the dog at all times.

- B. A dog participating in a dog show shall be exempt from the dog tag and collar requirement during such show.
- C. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
- D. Service dogs shall be licensed and wear dog tags.

§ 161-36. Change of ownership; lost or stolen dog.

- A. If ownership of a licensed dog is transferred, within 10 days of transfer the owner of record shall notify the City Clerk in writing. Until such notice is given, the owner of record shall be liable for violations of this article.
- B. If a licensed dog is lost or stolen, the owner shall file with the Clerk a written report of such loss or theft within 10 days. The owner shall not be liable for any violation of this article committed after such report is filed.

§ 161- 37. Penalties for offenses.

- A. It shall be a violation, punishable as provided in Subsection B of this section, for an owner to:
 - a. Fail to license a dog.
 - b. Permit a dog to be in a public place without a dog tag.
 - c. Use a dog tag on a dog other than the one to whom it was issued.
 - d. Give false or inaccurate information on a dog license application.
 - e. Fail to notify the City Clerk of a change of ownership of the dog.
- B. A violation of this article shall constitute an offense punishable by the issuance of an appearance ticket. The maximum fines shall be: \$50 for the first offense, \$100 for the second offense and \$250 for the third offense.

SECTION 3. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective date.

This local law shall take effect January 1, 2011, after filing with the Secretary of State.

City Code Chapter 161 Article VI
TABLE I
Dog license fees

Dog Licensing Fees – one year license			
	City Fee	State Fee	Total
Spayed/Neutered	7.50	1.00	8.50
Not Spayed/Neutered	12.50	3.00	15.50
Service Dog	0	0	0
Replacement Tag	11.00	0	11.00

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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 20¹⁰ of the ~~(County)~~(City)(~~Town~~)(~~Village~~) of Plattsburgh was duly passed by the Common Council on 16 Dec 20¹⁰, and was (approved)~~(not approved)~~~~(repassed after~~ ~~disapproval)~~ by the Mayor and was deemed duly adopted on 20 Dec 20¹⁰, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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)(repassed after disapproval) by the _____ on _____ 20____. 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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)(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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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----2-----, above.



Clerk of the County legislative body, City, Town or Village, Clerk
or officer designated by local legislative body Keith A. Herkalo

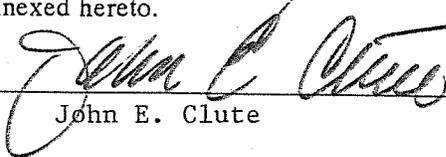
(Seal)

Date: _____ 20 Dec 2010 _____

(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 Clinton

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 E. Clute

Title Corporation Counsel

~~County~~
City of Plattsburgh
~~Town~~
~~Village~~

Date: _____ 20 Dec 2010 _____