

(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

Plattsburgh

of

~~TOWN~~

~~VILLAGE~~

Local Law No. 5 of the year 2005

A local law AMENDING CHAPTER 161, ARTICLE I OF THE CITY CODE CONCERNING
(Insert Title)

DOGS AT LARGE

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

~~COUNTY~~

City

Plattsburgh

of

~~TOWN~~

~~VILLAGE~~

as follows:

Article I --- Dogs at Large

§161.1 Restraint of Dogs; Presumptions.

161.1.1 A person who owns, possesses or controls a dog shall not permit it to be in any public place or in any open or unfenced area abutting on a public place unless the dog is effectively restrained by a leash or chain not more than ten feet (10') in length.

161.1.2 A person who feeds, keeps, maintains, or harbors a dog or who knowingly allows a dog to remain on the person's property is presumed to be the owner of the dog. A person who has charge, care, custody, or control of a dog is presumed to possess or control the dog.

§161.2 Dogs in Parks. Any person who owns, possesses or controls a dog shall not permit it to be in any park unless the dog is effectively restrained by a leash or chain, provided however, the Common Council may by resolution authorize certain time periods during which dogs may be unrestrained in designated unenclosed park areas.

§161.3 Barking. Any person who owns, possesses or controls a dog shall not keep a dog that makes frequent or long, continued noise such as barking, howling or whining that is disturbing to a person of normal sensibilities.

§ 161.4 Damage to Property. Any person who owns, possesses or controls a dog that causes damage to property may be held liable in a civil action for damages by the owner of the damaged property.

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

§161.5 Dangerous Dogs. A violation charged under this Chapter is a separate offense and does not preclude a prosecution for a violation of the New York Agriculture and Markets Law concerning dangerous dogs.

§161.6 Impoundment and Destruction of Dogs; Fines and Fees.

.1 A dog that is running at large may be seized and impounded at a licensed animal shelter or veterinarian.

.2 If the dog is wearing a license tag or other means of identifying the owner, the owner shall be notified that the dog has been seized and how to obtain its release.

.3 If the impounded dog is not claimed within 72 hours of its delivery to the animal shelter, the animal shelter or veterinarian may humanely euthanize the dog.

.4 The owner of a seized and impounded dog shall be liable to pay the cost of seizing, transporting, impounding and, if necessary, euthanizing the dog.

.5 In addition to any fees or charges owed to the animal shelter or veterinarian, and any fine imposed for a violation of this Chapter, the owner of the dog shall pay the City of Plattsburgh a fee of \$50.00 dollars for seizing and transporting the dog to the animal shelter. ¹

§161.7 Enforcement. This chapter may be enforced by a dog control officer appointed by the Common Council or any police officer. An offense may be prosecuted by issuance of an appearance ticket under § 150.20 of the Criminal Procedure Law.

161.8 Violation: Fines. A violation of any section of this Article shall constitute a violation punishable by a fine of up to \$250 dollars.

(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. _____5_____ of 20.05.. of the ~~(County)~~(City)~~(Town)~~(Village) of _____Plattsburgh_____ was duly passed by the _____Common Council_____ on 4 August 20 05, and was (approved)~~(not approved)~~~~(repassed after disapproval)~~ by the _____Mayor_____ and was deemed duly adopted on 8 August 20 05, *(Elective Chief Executive Officer*)* 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)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted *(Elective Chief Executive Officer*)* 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)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to *(Elective Chief Executive Officer*)* 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-----2-----, above.

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

Date: 11 August 2005

(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 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: 11 August 2005