

# 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 Plattsburgh

Local Law No. 5 of the year 2019

A local law amending, renaming and restating in its entirety Chapter 128, Article II, Section 4 and  
(Insert Title)

amending, renaming and restating Section 128-6, amending and restating 128-7 and

amending and restating 128-10 of the City Code of the City of Plattsburgh.

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

County  City  Town  Village  
(Select one:)

of Plattsburgh as follows:

Be it enacted by the Common Council of the City of Plattsburgh as follows:

The title of Article II of Chapter 128 of the City Code of the City of Plattsburgh shall be amended and restated as " Dogs and Cats At Large " .

(1) City Code Section 128-4 is re-named, amended and restated as follows:

§ 128-4 Restraint and Containment of Dogs and Cats; Identification of Cats

128-4 A. A person who keeps, maintains or harbors a dog or cat or who knowingly allows a dog or cat to remain on the person ' s property, or who regularly feeds a dog or cat on the person ' s property, is presumed to be the owner of the dog or cat. A person who has charge, care, custody or control of a dog or cat is presumed to possess or control the dog or cat.

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

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

C. A person who owns, possesses or controls a dog or cat must maintain a proper enclosure to prevent the dog or cat from wandering or escaping from the person's property. A person who owns, possesses or controls a dog or cat shall prevent their dog or cat from entering the private property of another, unless they receive permission from the owner or tenant of the private property.

D. According to New York State Law, all cats shall be vaccinated against rabies by a duly licensed veterinarian. No cat or dog is allowed off the owner's property without a reasonable identification tag including the owner's name and address. In addition, the owner of any cat that lives within the City for more than 30 days, must have the cat implanted with a registered and functioning microchip before the cat attains four (4) months of age. A cat is exempt from this requirement if the cat is determined to be medically unsuitable for microchipping by a licensed veterinarian in writing.

E. No owner shall permit the premises, structure or enclosure in which a cat is kept to be unclean or unsanitary, particularly the unsanitary accumulation of urine, urine sprayed furniture or carpets, or accumulation of feces.

F. No owner of an animal, including a cat or dog, shall abandon such animal.

(2) City Code Section 128-6 is re-named, amended and restated as follows:

§ 128-6 Barking, Calling and Spraying

128-6 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 in violation of the City of Plattsburgh's "Noise" Chapter as set forth in the City Code. Any person who owns, possesses or controls a cat shall not keep a cat that makes frequent calling, meowing or howling that is in violation of the City of Plattsburgh's "Noise" Chapter as set forth in the City Code. Any person who owns, possesses or controls a dog or cat shall not keep a dog or cat that sprays urine, or leaves feces, in such a way that it touches the property of another person.

(3) City Code Section 128-7 is amended and restated as follows:

§ 128-7 Damage to Property

Any person who owns, possesses or controls a dog or cat that causes damage to property of another person, which damage may include depositing waste, feces, or urine, may be held liable in a civil action for damages by the owner of the damaged property.

(4) City Code Section 128-10 is amended and restated as follows:

§ 128-10 Enforcement

This article may be enforced by a dog control officer appointed by the Common Council, a police officer, a code enforcement officer, or a parking enforcement officer as defined in § 340-2 of the Code. Any person who observes a cat or dog, or the owners thereof in violation of any of the provisions of this article may file a written complaint with any aforementioned enforcement officer, which complaint shall contain the necessary details to investigate said complaint. An offense may be prosecuted by issuance of an appearance ticket under § 150.20 of the Criminal Procedure Law.

(5) This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State.

(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 19 of the ~~(County)(City)(Town)(Village)~~ of Plattsburgh was duly passed by the Common Council on September 5 20 19, and was (approved)~~(not approved)~~ ~~(repassed after disapproval)~~ by the Mayor *(Elective Chief Executive Officer\*)* and was deemed duly adopted on September 5 20 1 9, 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\_\_\_\_.  
*(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) ~~(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.

\* 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.)**

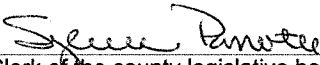
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority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

Date: 9/6/2019

(Seal)