

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

☐ of Covert

☒ Town

☐ Village

FILED
STATE RECORDS
DEC 20 2010
DEPARTMENT OF STATE

Local Law No. 01 of the year 2010

A local law Town of Covert Dog Control Law

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

☐ County

City

☒ Town as follows:
Village Covert

This Law shall be known and may be cited as the "Town of Covert Dog Control Law."
The purpose of this article shall be to promote the health, safety, morals and general welfare of the Town of Covert, including the protection and preservation of the property of the Town of Covert and its inhabitants and of the peace and good order, 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 Town of Covert and by imposing restrictions upon the keeping and running at large of dogs within the Town of Covert.

1. License fees.

In addition to any licensing fee required to be paid to the State of New York, the owner of any dog requiring a license pursuant to law shall pay to the Town of Covert, at the time of issuance of such license, with a fee for an unspayed or unneutered dog being at least \$5 more than that of a spayed or neutered dog and as set forth in the official fee schedule of the Town of Covert. Said fee schedule is on file in the Town Clerks Offices and set by resolution by the Board of the Town of Covert.

2. Application.

Any dog harbored within the Town of Covert which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

3. Licensing of Dogs, Rabies Vaccination Requirement.

The Town of Covert requires owners of dogs six (4) months of age or older, unless otherwise exempted shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by Town of Covert. Each license application shall be accompanied by 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. Each license issued shall be valid for a period of one year and shall not be transferrable. The Town of Covert authorizes a shelter; which has been named by resolution; to acting by its manager to provide, accept and grant an application for a dog license at the time of the adoption of a dog from said shelter provided that such application is made in accordance with this law and the license fee, any additional fee and surcharge shall be remitted to Town Clerkpervisor of the Town of Covert on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received. Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, and service, war, working search, detection, police and therapy dogs with certification of such.

4. Prohibitions.

It shall be unlawful for an owner of, or any person harboring, any dog in the Town of Covert to permit, allow or suffer any dog to:

- A. Engage in excessive loud howling or barking or to conduct itself in such a manner as to repeatedly annoy any person other than the owner or person harboring such dog.
- B. Cause damage or destruction of property or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog.
- C. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- D. Habitually chase or bark at motor vehicles, bicycles, moving vehicles or animals or, in running at large, cause unreasonable disturbance.
- E. Run at large when in heat, and such female dog shall be confined to the premises of such person or of a veterinarian or in a boarding kennel during such period.
- F. Be off the premises owned or leased by the owner or harborer of said dog unless said dog is under the visual, voice or sound control of its owner or a responsible person able to control the dog.
- G. Attack, bite, molest, maul or harass any person who is peaceably conducting himself in any place where he may lawfully be.
- H. Any violation of this section shall be a criminal offense, punishable by a fine not exceeding one hundred dollars for a first offense and not exceeding five hundred dollars for commission of a second offense within twelve months, and or including fifteen days incarceration in the Seneca County Jail.

5. Enforcement officers.

The Dog Control Officer of the Town of Covert shall be the enforcement officers of the provisions of this chapter.

6. Apprehension of dogs.

The Dog Control Officer shall apprehend any dog found by him/her to be in violation of any of the provisions of this chapter pursuant to Article 7 of the Agriculture and Markets Law of the State of New York.

7. Custodian of dog to be deemed offender.

The owner of record, custodian or person who keeps harbors or otherwise has charge of any dog which has been impounded pursuant to any provisions of this chapter shall be deemed an offender and shall be subject to the penalty prescribed in this chapter.

8. Notification of custodian.

Within 24 hours of the impounding of any dog, or as soon thereafter as possible, the Dog Control Officer shall notify the owner or custodian thereof, if ascertainable, of its impoundment. Upon payment of fees and charges as hereinafter provided by this chapter, the dog shall be forthwith surrendered to the owner or custodian thereof.

9. Service of summons.

The Dog Control Officer shall apprehend and impound any dog that is found by him to be in violation of any of the provisions of this chapter. Within 24 hours, or as soon thereafter as possible, the Dog Control Officer must serve or have served upon the owner of record or harbinger of such impounded dog a summons returnable in the Town Court of the Town of Covert and file with the court a verified information and supporting deposition by the person or persons making the complaint.

10. Redemption fees.

Any dog apprehended hereunder may be redeemed by the owner or harbinger thereof upon payment of a redemption fee to the Town Dog Shelter, as deemed by resolution, plus an additional fee for each twenty-four-hour period or part thereof that the dog is held in the Town of Covert, as well as the appropriate license fee if the dog is unlicensed. No dog may be redeemed without a receipt indicating payment of fees. All fees hereunder are as set forth on the fee schedule approved by the Town Board. All fees collected shall be turned over to the Supervisor for the Dog Control Fund of the Town of Covert.

This local law shall take effect on January 1, 2011.

(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 2010 of the Town of Covert was duly passed by the Covert Town Board on December 13, 2010 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

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 _____ and was deemed duly adopted 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)(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.

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.

5. (City local law concerning Charter revision proposed by petition.)

¹ 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.

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2010 of the City of _____ 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 1, above.

Colleen R. Fraese

Clerk of the Town

Date: December 13, 2010

(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 ONTARIO

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]
Attorney to the Town

Town of Covert

Date: December 13, 2010