

# 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.

FILED  
STATE RECORDS

☐ County

☐ City of Hannibal

AUG 25 2016

☒ Town

☐ Village

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 16

A local law Amending Local Law No 3 for the  
(Insert Title)  
year 2010 entitled Dog Control Law  
of the Town of Hannibal

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

☐ County

☐ City of Hannibal

as follows:

☒ Town

☐ Village

(Delete this line of text and enter text of local law here)

(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. 1 of 20 16 of the (County)(City)(Town)(Village) of Hannibal was duly passed by the Town Board on July 20 20 16, 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 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 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) (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 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) (Name of Legislative Body) (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.

**TOWN OF HANNIBAL**

**LOCAL LAW NO. 1 OF THE YEAR 2016**

**A LOCAL LAW: DOG CONTROL LAW OF THE TOWN OF HANNIBAL**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HANNIBAL AS FOLLOWS:**

**Section 1.** Purpose: The Town of Hannibal, Oswego County, New York finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running of dogs at large and the seizure thereof within the Town.

**Section 2.** Authority: This local law is enacted pursuant to the provisions of Article 7, Chapter 59: part T of the New York State Agriculture and Markets Law and the Municipal Home rule law of the State of New York.

**Section 3.** Title: The title of this local law shall be "Dog Control Law of the Town of Hannibal".

**Section 4.** Definitions:

- (a) "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of the local law shall be owned by a person less than sixteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the Household in which said person resides).
- (b) "Harbor" means to provide food or shelter to any dog.
- (c) "Properly sheltered" means the provision of shelter suitable to the breed and age of the dog. Said shelter shall be structurally sound, clean, and sufficient to protect the dog from detriment to its well-being, and shall provide adequate space to allow the dog to move about in a natural manner, and allow light, air and temperature sufficient to protect the animal.
- (d) "Properly fed" means the provision, at suitable intervals, of wholesome food appropriate for the breed and age of the dog and sufficient to maintain a reasonable level of nutrition in each dog. Such food shall be served in a receptacle, dish or container that has been physically cleaned so that agents injurious to the health of the dog have been removed and destroyed to a practical minimum.
- (e) "Properly watered" means the provision of constant access to a supply of clean, fresh, potable water in a sanitary manner, or the provision of such access at interval suitable for the breed and age of the dog.
- (f) "At large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (a) Accompanied by and under the immediate supervision and control of the owner or

other responsible person. (b) A police work dog in use for police work. (c) Accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

- (g) "Service dog" means dogs that are individually trained to do work or perform tasks for people with disabilities. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service dogs.
- (h) "Dangerous dog" means any dog which without justification attacks a person, companion animal, farm animal or domestic animal and causes physical injury or death, or behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals of without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death. Dangerous dogs shall be dealt with according to the procedures set forth in Section 123 of the Agriculture and Markets Law.

**Section 5.** Restrictions: It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town Of Hannibal to:

- (a) Be at large.
- (b) Engage in habitual loud howling, barking, crying and whining or to conduct itself in such a manner so as to habitually annoy any person.
- (c) Cause damage or destruction to property or commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such dog.
- (d) Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury or;
- (e) Habitually chase, run alongside of, or bark at motor vehicles or bicycles.
- (f) Dogs must have collars and tie out devices (i.e. chains, cables, trolley type cable) appropriate for size and type of dog. At no time shall a tie out device be snapped, bolted or padlocked to a dog's neck. Such devices must be attached to a collar.
- (g) Dogs must have dog house appropriate for weather conditions associated with Central New York State as well as size and type of dog to be housed.

**Section 6.** Enforcement: This local law shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties or police officer in the employ of, or under contract to, the Town of Hannibal.

**Section 7.** Seizure, Impoundment, Redemption and Adoption.

- (a) Any dog found in violation of the provisions of Section 5 of this local law may be seized.
- (b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption period of five days.
- (c) Seized dogs may be redeemed by producing proof of licensing and identification and by paying the impoundment fees set forth of \$5.00 per day per dog whether or not such owner chooses to redeem his or her dog.
- (d) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this Section whether or not such owner chooses to redeem his or her dog.
- (e) Any dog unredeemed at the expiration date of the appropriate redemption period, shall be made available for adoption or euthanized.
- (f) No action shall be maintained against the Town of Hannibal, any dog control officer or constable when acting pursuant to his special duties, or any other agent or officer of the town or person under contract to the Town of Hannibal to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed.

**Section 8.** Standards for the care of seized dogs.

Every dog seized pursuant to any local law, ordinance, shall be properly cared for, sheltered, fed and watered for the redemption period provided by said article or for the period established by local law or ordinance as authorized by said article.

**Section 9.** Euthanasia and disposal.

- (a) Humane methods of euthanasia shall be those designated as acceptable (approved) by the American Veterinary Medical Association.
- (b) Disposal of such euthanized animals shall be consistent with laws and regulations of the New York State Departments of Environmental Conservation and Health.

**Section 10.** Access and inspection.

In order to supervise the enforcement of the provisions of article 7 of the Agriculture and Markets Law and any rules or regulations adopted pursuant thereto, the commissioner or his duty authorized agents may, at any reasonable time, including but not limited to normal business hours, enter and inspect any municipal shelter or pound or any establishment under contract with a municipality to provide pound or shelter services.

**Section 11.** Dog dealer prohibited from appointment as dog control officer.

A dog dealer shall neither be appointed as a dog control officer by a municipality, nor provide dog control officer services pursuant to a contract between a municipality and an incorporated humane society or similar incorporated dog protective association. For the purposes of this section, the term dog dealer shall mean any person who buys, sells, leases or otherwise deals in dog as a business enterprise.

**Section 12.** Abandonment of certain dogs.

A dog is deemed to be abandoned when it is placed in the custody of a veterinarian, veterinary hospital, boarding kennel owner or operator, stable owner or operator, or any person for treatment, board or care and:

1. Having been placed in such custody for a specified period and notice to remove the dog within ten days thereafter has been given to the person who placed the dog in such custody, by means of registered letter mailed to the last known address of such person, or
2. Having been placed in such custody for an unspecified period of time the dog is not removed within twenty days after notice to remove the dog has been given to the person who placed the dog in such custody, by means of registered letter mailed to the last known address of such periods.
3. The giving of notice as prescribed in this section shall be deemed a waiver of any lien on the dog for the treatment, board or care of the dog but shall not relieve the owner of the dog removed of his contractual liability for such treatment, board or care furnished.

**Section 13.** Disposition.

Any person having in his care, custody, or control any abandoned dog, may deliver such dog to any humane society or society for the prevention of cruelty to animals having facilities for care and eventual disposition of such dogs, to any pound maintained by or under contract or agreement with any county, city, town, or village within which such dog was abandoned. The person with whom the dog was abandoned shall, however, on the day of divesting himself of possession thereof, notify the person who had placed such dog in his custody of the name and address of the animal society or pound to which the dog has been delivered, such notice to be by registered letter mailed to the last known address of the person intended to be so notified. If an animal is not claimed by its owner within five days after being so delivered to such humane society or society for prevention of cruelty to animals, or pound, such animal may at any time thereafter be placed for adoption in a suitable home or euthanized. In no event, however, shall the use of a decompression chamber or decompression device of any kind be used for the purpose of destroying or disposing of such animal.

**Section 14.** Licensing of all dogs

- a. The Town Clerk or Deputy Town Clerk are solely authorized to issue licenses for the Town of Hannibal. All dogs 4 months or over are required to be licensed.
- b. The annual fee for each dog license issued shall be determined by the Town Board, providing that the total fee for unsprayed or unneutered shall be at least \$10.00 more than the fee for

spayed or neutered dog. In addition, the Town Board is hereby authorized to charge a late fee of no more than \$10.00 for renewals of licenses which have been expired for more than thirty (30) days.

- c. The following dogs are exempt from licensing fees; guide dog, hearing dog, service dog, war dog, and police work dog.
- d. Service dog as defined in Section 4 of this law, and guide dog, hearing dog, war dog, and police work dog as defined by Section 108 of the Agriculture and Markets Law. The owner of a dog seeking exemption from licensing fees must provide proof of eligibility for such exemption as required by the Dog Control Officer.
- e. After such notification, the Town Zoning Officer or Dog Control Officer shall investigate to determine whether there is a dog breeding facility in operation at said premises, and shall take appropriate enforcement actions as set forth in the Town Zoning Law.
- f. After such notification, the Town Dog Control Officer shall investigate to determine whether other provision of this local law are being complied with and shall take appropriate enforcement action as set forth herein.

#### **Section 15.** Appearance Tickets

Any Dog Control Officer ,Zoning Codes Officer or Constable when acting pursuant to his special duties, observing a violation of this Local Law, shall issue and serve an appearance ticket for such violation.

#### **Section 16.** Penalties

Any person convicted of a violation of this local law of licensing of dogs shall be liable to a penalty not exceeding \$25.00 for first violation, not exceeding \$50.00 for second violation and not exceeding \$100.00 for each subsequent violation and could be subject to incarceration not to exceed a period of fifteen days.

#### **Section 17.** A. Dog Facilities

##### **Definition:**

I. Dog Breeding Facility: Any building or lot on which one of the following occurs:

1. At least three or more dogs at any one time are bred or sold for commercial purposes.
2. Any adult female dog is bred more than once in any twelve month period with the intent of selling or giving away the offspring of said dog.
3. More than 2 litters of puppies are sold or given away in any twelve month period.
4. Three or more unsprayed female dogs are housed on the property.

II. Dog Kennel Facility

Any building or lot on which at least three or more dogs not owned by the property owner are trained or boarded (but not bred or sold) for commercial purposes.

III. Dog Sheltering Facility

Any building or lot where three or more dogs are provided with temporary shelter for the purpose of finding new homes and/or owners for said dogs but not for commercial purposes. This definition shall apply whether or not said dogs have been registered in the property owner's name. It shall not apply to: any facility operated by or under contract for the state, a county, a municipal corporation or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs; or to any veterinary hospital or clinic owned by a veterinarian or veterinarians which is operated for such purpose in addition to its customary purposes.

B. Standards – Dog Facilities

Dog breeding, dog sheltering and dog kennel facilities shall be annually permitted by special use permit. All standards are to be met pursuant to the Town of Hannibal Zoning Law Article 18 of dog facilities sections 1800, 1801 and 1802.

C. Penalties

Pursuant to Section 10 of Municipal Home Rule Law and Section 268 of Town Law, any person, firm or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law pertaining to dog facilities shall, upon conviction, be deemed guilty of a misdemeanor and subject to fine and/or imprisonment as specified below. Each week an offense is continued shall be deemed a separate violation of this law.

1. A violation of this Dog Control Law shall be deemed a misdemeanor offense, punishable by a fine not to exceed \$100.00 or imprisonment for a period not to exceed 15 days, or both for a conviction for a first offense.

2. A fine not to be less than \$100.00 nor more than \$250.00 or imprisonment for a period not to exceed 30 days, or both for a conviction for a second offense within a period of five years from the date of the commission of the first offense.

3. A fine not to be less than \$250.00 nor more than \$500.00 or imprisonment for a period not to exceed 60 days, or both for a conviction for a third offense within a period of five years from the date of the commission of the first offense.

4. A fine not to be less than \$500.00 nor more than \$1000.00 or imprisonment for a period not to exceed one year for a fourth or subsequent offense.

D. The Hannibal Town Board may maintain a civil action or proceeding in the name of the Town of Hannibal in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.



**Section 18.** Separability

Each separate provision of this local law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**Section 19.** Repealer

This Local Law shall supersede all prior Local Laws relative to Dog Control within the Town of Hannibal, which shall be, upon the effectiveness of this local law, null and void.

**Section 20.** Effective Date

This Local Law shall take effect upon filing with the Secretary of State,

**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 \_\_\_\_\_, above.

Denise J. Slapner  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: 8-12-16

**(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 OSWEGO

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.

D. Hawthorn  
Signature  
ATTORNEY FOR THE TOWN  
Title

County  
City of HANNIBAL, NEW YORK  
Town  
Village

Date: AUGUST 16, 2016