

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. Do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

SEP 30 2004

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~^x of Franklin
~~Town~~
Village

Local Law No. 1 of the year 2004

A local law FOR CONTROLLING ANIMALS IN THE VILLAGE OF FRANKLIN

Be it enacted by the Board of Trustees of the

~~County~~
~~City~~^x of Franklin as follows:
~~Town~~
Village

Section 1. Purpose

The purpose of this local law is to preserve the public peace and promote the health, safety and welfare of the citizens of the Village of Franklin, consistent with the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, by the imposition of regulations to control domestic animals (as defined by Section 108 of the above-reference law); and also dogs, cats, and other household pets.

Section 2 - Definitions

- A. Domestic animals, dogs, cats, and other household pets mean any animal that is kept, harbored, or consistently fed by an owner.
- B. "Owner" means any person who harbors, keeps, or feeds an animal.
- C. "At large" means any domestic animal, dog, cat, or other household pet that is unleashed and on property open to the public or is on private property not owned or leased by the owner if any such animal unless permission for such presence has been obtained. No animal shall be deemed to be at large if it is: (1) a service animal, in training or working, assisting a person with special needs; or (2) a police work dog in use for police work.
- D. "Leashed" means restrained by a rope, strap, chain or other restraining device, attached to a collar or harness of sufficient strength to restrain the animal which shall be held by a person having the ability to control said animal.
- E. "Animal Control Officer" means any individual appointed by the Village of Franklin to assist in the enforcement of this Article, or any authorized officer, agent or employee of any incorporated humane society or similar incorporated animal protective association under contract with the Village of Franklin to assist in the enforcement of this Local Law.

Section 3 - Habitually, Noisy Animals Prohibited

No owner of any animal shall allow such animal to engage in habitual loud barking, howling, whining or otherwise to conduct itself in such a manner as to habitually annoy or disturb another person. Such barking, howling, or whining if it continues for one (1) hour or more shall be a violation of this Local Law. First offense - a warning by telephone. Second offense - visit by Animal Control Officer, which is considered a first violation.

Section 4 - Restraint Required

No owner of a domestic animal, dog, cat, or other household pet shall permit such animal to run at large.

Section 5 - Seizure of Animals

- A. An Animal Control Officer or Peace Officer is required to seize:
 - 1) Any animal not having an identification tag or tattoo, and not on the owner's property
 - 2) Any unlicensed dog
 - 3) Any animal running at large
 - 4) Any dog not confined as required by a deer depredation order
 - 5) Any animal which a judge or justice has determined there is probable cause to believe is dangerous where such judge or justice has issued an order to seize and hold the animal pending judicial determination
- B. An Animal Control Officer or Peace Officer may destroy any dog not confined as required by a night quarantine order.

Section 6 - Proper Disposal of ^{Feces} ~~Eees~~

No owner of any animal shall permit such animal to defecate on any street in the Village of Franklin, or any property other than that of the owner without picking up feces and disposing of it properly.

Section 7 - Penalties

Any person who shall violate any of the provisions of this law, shall, in addition to the remedies of Sec.5 herein upon conviction, be punished by the imposition of a fine not more than Twenty Five Dollars (\$25.00) plus mileage for a first violation, Fifty Dollars (\$50.00) plus mileage for the second violation, and One Hundred Dollars (\$100.00) plus mileage for the third or any additional violation within one (1) year. ("Mileage" is defined as payment for documented mileage of the Animal Control Officer at a rate not to exceed the allowable IRS amount.)

Section 8 - Procedure

An Animal Control Officer may in a proper case issue an appearance ticket for any violation hereof, which appearance ticket shall be returnable before the Town Justice of the Town of Franklin.

Section 9 - Effectiveness

This Local Law repeals and supersedes any and all Local Laws heretofore adopted by the Village of Franklin relating to the keeping and control of domestic animals, dogs, cats or other household pets within the Village limits.

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

(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 2004 of the ~~(County)~~(City)(Town)(Village) of Franklin was duly passed by the ~~Board of Trustees~~ on 9/13 2004, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 19____ 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 _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

Edmund J. Barlow

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 9/13/04

(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 DELAWARE

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.

Marilyn Hilderbrand
Signature

Village Attorney
Title

~~County~~
~~City~~ of Franklin
~~Town~~
Village

Date: 9/28/04

