

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.

~~XXXX~~

~~City~~

Town

~~Village~~

of Lockport

Local Law No. 7 of the year 2004

A local law amending Chapter 80 of the Town Code of Lockport
(Insert Title)

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

~~XXXX~~

~~City~~

Town

~~Village~~

of Lockport as follows:

The Town Code of the Town of Lockport is hereby amended as follows:

Chapter 80, Article I, Sections 80-1 through 80-6 inclusive, are hereby repealed, and the following Chapter 80, Article I, is hereby adopted in its place:

Article I

LICENSING, IDENTIFICATION AND CONTROL OF DOGS

Section 80-1. Purpose.

The purpose of this Article is to assure and preserve the public peace and good order in the Town of Lockport by declaring and enforcing certain regulations and restrictions on the actions of dogs and dog owners within the Town, pursuant to the authority conferred upon the Town by the Agriculture and Markets Law and its police power.

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

Section 80-2. Definitions.

A. The terms used herein shall have the same meaning as such terms have under the provisions of the Agriculture and Markets Law of the State of New York, and, in addition, shall have the following definitions for purpose of this Local Law:

- a. "OWNER", in addition to its ordinary meaning, shall mean any person designated as an "Owner" on any dog license application filed with any Town Clerk.
- b. "RUNNING AT LARGE" shall mean the presence of a dog:
 - i) Off of the premises either owned or occupied by the owner, or
 - ii) In the right of way of any public highway or street

Section 80-3. Running at large prohibited.

No person owning, harboring or having care, custody or charge of any dog shall allow or permit such dog to run at large in the Town of Lockport unless effectively restricted or controlled by a person by means of a leash not exceeding fifteen (15) feet in length.

Section 80-4. Licensing and Identification.

Any person owning, harboring or having care, custody or charge of any dog shall, at all times, be in full compliance with the obligations established pursuant to Agriculture and Markets Law, Sections 109 relating to licensing and 112 relating to identification of dogs.

Section 80-5. Seizure and impounding of dogs.

Any dog running at large in the Town of Lockport in violation of this Local Law may be seized and impounded by any police officer or dog control officer in accordance with the provisions of the Agriculture and Markets Law.

Section 80-6. Exceptions.

A dog accompanied by a person actually present, who is engaged in field training or hunting, or exercising a dog, provided that the person has visual and/or voice control over the dog shall not be deemed "running at large" in violation of this law, except that if such dog shall challenge, attack, intimidate or worry any person, other dog or domestic animal, it shall be deemed "running at large" in violation of this law.

Section 80-6.1. Penalties for offenses.

Any person convicted of a violation of any provision of this Local Law shall be guilty of an offense and shall be punished by a fine of not more than \$250.00, or by imprisonment for a period not in excess of fifteen days or by both such fine and

Except as provided for herein, by more restrictive provisions or more stringent penalties, all provisions of the Agricultural and Markets Law shall remain in full force and effect and the penalty provisions set forth in Subdivision 2(a) of Section 119 of the Agricultural and Markets Law shall govern violations thereof.

Section 80.6.2.

Any dog control officer or police officer may issue an appearance ticket or a uniform appearance ticket for any violation of this Chapter, and violations of this Chapter may be prosecuted in any manner allowed by the Agriculture and Markets Law or the Penal Law of the State of New York.

The Town Code of the Town of Lockport is hereby further amended as follows:

Chapter 80, Article III (Section 80-10) of the Town Code is hereby repealed.

This Local Law shall take effect immediately upon filing with the 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. 7 of 20 04 of the ~~(County)(City)~~(Town)(Village) of Lockport was duly passed by the Town Board on September 8 20 04, 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 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) (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.

* 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 1, above.

Nancy G. Brooks
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9-8-04

(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 Niagara

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]
Signature

Town Attorney
Title

~~County~~
~~City~~ of Lockport
Town
~~Village~~

Date: 09/08/04