

# 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 BRANT  
Town  
Village

FILED  
STATE RECORDS

DEC 21 2010

DEPARTMENT OF STATE

Local Law No. 4 of the year 2010

A local law  
(Insert Title)

A local law regulating the licensing and control of dogs in the Town of Brant

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

County  
City of Brant  
Town  
Village as follows:

(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. 4 of 20      of the (County)(City)(Town)(Village) of Brant was duly passed by the Brant Town Board on 14 2010, 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) (repassed after disapproval) by the      and was deemed duly adopted on      20     , 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 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.  
(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 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.  
(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 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.

*Shea A. Ellis*

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

Date: 12/14/10

(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 \_\_\_\_\_ Erie \_\_\_\_\_

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.

*William J. ...*  
Signature

Brant Town Attorney  
Title

County  
City of Brant  
Town  
Village

Date: 12/14/2010

**TOWN OF BRANT**  
**LOCAL LAW # 4 of 2010**

A local law regulating the licensing and control of dogs in the Town of Brant.

Be it enacted by the Town Board of the Town of Brant, County of Erie, State of New York as follows:

1. Chapter 79 Article I of the Code of the Town of Brant is hereby amended by changing its title to “Dog Control”, and said Article I shall be further amended as follows:
  2. §79-1 shall be amended to read as follows: “Purpose and Applicability”
    - A. Purpose. The purpose of this chapter is to promote the public health, safety and welfare of the residents of the Town of Brant by providing for:
      1. the licensing and identification of dogs;
      2. the control and protection of the dog population;
      3. the protection of he persons, property, domestic animals and deer from dog attacks and damage; and
      4. the control of noise by dogs.
3. §79-2 shall be amended to read as follows: “Definitions”
  - A. The definitions of terms as set forth in Chapter 59, Part T, of the Laws of 2010 of the State of New York, as further contained in Article 7 of the Agriculture and Markets Law of the State of New York, effective January 1, 2011, shall be applicable to such terms contained in this chapter.
  - B. “Town Clerk” shall mean the Town Clerk of the Town of Brant.
  - C. “Purebred Dog” – A dog registered by a recognized registry association including, but not limited to, the American Kennel Club.
  - D. “Town” shall mean the Town of Brant.
  - E. “Dog Control Officer” shall mean the person or persons appointed by the Town Board for the purpose of enforcing this Article.
4. Current §79-3 entitled “Unlawful Acts” shall now be titled “Seizure of Unleashed Dogs Off Owner’s Premises” and shall be amended to read as follows:
  - A. All dogs, while off the owner’s premises, whether or not tagged or licensed, shall be kept in the control of the owner at all times, and any peace officer or Dog Control Officer shall seize any dog not kept in the owner’s control while off the owner’s premises. The peace officer or Dog Control Officer, who shall have seized any dog pursuant to the provisions of this article, shall provide for the feeding and caring of the dog and its disposition pursuant to the applicable provisions of this chapter.

5. Current §79-6 entitled “Seizures” shall now be titled “Noise by Dogs” and shall be amended to read as follows:
  - A. No person, firm or corporation shall keep, or allow to be kept, on premises owned by such person, firm or corporation, any dog which by its frequent barking, howling or whining or other noise shall unreasonably disturb the comfort or repose of any person.
  
6. Current §79-8 entitled “Filing of Complaints” shall now be titled “Nuisances” and shall be amended to read as follows:
  - A. No person owning, harboring, keeping, walking or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any sidewalk, gutter, street, play area, park or other public area nor on any private property without the permission of the owner of such property. The prohibition in this section shall not apply to that portion of the street lying between the curb lines, which portion may be used to curb such dog under the following conditions: any person who so curbs a dog shall immediately remove all feces left by such dog as follows:
    1. Feces shall be picked up with a scoop, shovel, broom, tong or similar implement and shall be placed directly in an airtight container, plastic or otherwise and then deposited in a container used for the disposal of refuse.
    2. In no event shall any feces be deposited in any storm sewer or drainage ditch.
  - B. Exclusion.
    1. The provisions of this section shall not apply to a guide dog accompanying any blind person.
  
7. Current §79-12 entitled “Penalties for offenses” is hereby amended to read as follows:
  - A. Any violation of any of the provisions of this article shall be deemed an offense and any person found guilty of such violation shall be liable for a fine of not less than \$50.00 nor more than \$500.00.
  
8. All other provisions of Chapter 79, Article I of the Code of the Town of Brant not specifically amended by the preceding provisions shall remain in full force and effect.
  
9. There is hereby added to Chapter 79 of the Code of the Town of Brant a new Article II entitled “Dog Licensing, Identification, Fees and Surcharges” which shall read as follows:

§79-13. Licensing and Identification of Dogs.

A. Licensing of dogs.

All dogs within the Town of Brant being four (4) months of age or older shall be licensed by the Town Clerk’s office. The owner of each dog

required to be licensed shall obtain, complete and return to the Town Clerk's office a dog license application, together with a license application fee, any applicable license surcharges and such additional fees as may be established by the Town Board of the Town of Brant. 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 shall be valid for a period of one (1) year and shall not be transferable.

**B. Purebred Licenses.**

The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

The application shall state the name, address and telephone number of the owner; the county and city, town or village where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

The application shall be accompanied by the license fee which shall be determined by the Brant Town Board by resolution from time to time and accompanied by a certificate of rabies vaccination or veterinary statement in lieu thereof.

(e) Upon receipt of the foregoing items, the clerk shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund shall be made.

(f) No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of this section, except when the new owner already holds a valid purebred license within the Town of Brant.

(g) The clerk, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of old age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The clerk shall make or cause to be made from such statement a record of such information as may be required by the commissioner and shall file such record with a copy of the license.

**C. License Fees and Surcharges.**

1. The Town Board shall, by resolution, from time to time establish the schedule of fees it shall deem necessary and appropriate for the proper administration of its dog licensing and dog control program, and hereby authorizes the Town Clerk to collect and remit such fees consistent with the requirements of Article 7 of the Agriculture and Markets Law of the State of New York
2. In the event that an owner of a dog which is licensed by a another municipality in Erie County moves into the Town of Brant, he/she must obtain an identification tag from the Town Clerk's office. In such instance, there will be no additional fee owing to the Town of Brant until such time as the license from the other municipality expires.

D. Identification of Dogs.

1. Each dog licensed by the Town shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. The Town may exempt dogs participating in a dog show during such participation from this requirement.
2. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

E. Impoundment Fees.

1. The owner of any dog impounded by the Town of Brant shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and pays the fees as prescribed by the Town Board from time-to-time by resolution.

F. Enumeration Fees.

In addition to the normal dog licensing fees, the Town of Brant shall assess an additional surcharge to the licensing of dogs found unlicensed during any dog census conducted by the Town of Brant. These fees shall be used to enforce this article and recover costs of the tags used for licensing of dogs.

10. Current Article II of Chapter 79 of the Code of the Town of Brant entitled "Removal of Feces" is hereby redesignated "Article III" with the same title and content.

11. §79-14. Severability.

- A. If any clause, sentence, paragraph or part of this local law or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof or the application thereof to other persons or circumstances, but shall be confined in its operation to

the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

- B. This local law shall be affective upon the later of the filing of this local law with the Office of the Secretary of State or January 1, 2011.