

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 Town Village
(Select one.)

of Rouses Point

FILED
STATE RECORDS
NOV 30 2023

DEPARTMENT OF STATE

Local Law No. 1 of the year 2023

A local law Amend Chapter 60 Dogs
(Insert Title)

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

County City Town Village
(Select one.)

of Rouses Point as follows:

See attached

(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 2023 of the (County)(City)(Town)(Village) of Rouses Point was duly passed by the Village Board Of Trustees on November 20 2023, 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____.
(Name of Legislative Body)
(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) (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 _____ above.

Christopher W. Lohmore
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 21, 2023

(Seal)



**Village of Rouses Point
Local Law
1 of 2023**

PLEASE TAKE FURTHER NOTICE that a Public Hearing will be held at the regular meeting of the Village of Rouses Point on Monday November 20, 2023, at 7:00PM in Halstead Hall located at the Civic Center, 39 Lake Street, Rouses Point, New York as follows:

Local Law # 1 of 2023 a local law to amend and restate in its entirety Chapter 60 Dogs of the Village Code of the Village of Rouses Point.

All people interested will be given an opportunity to speak, or to offer written options, either for or against the proposed Local Law. Copies of said proposed Law Laws are available for review at the Village Clerk's office. The meeting is opened to the public.

Other business will be taken up at this meeting. By the order of the Trustees of the Village of Rouses Point.

Christopher Latremore
Village Administrator/Clerk

VILLAGE OF ROUSES POINT - LOCAL LAW NO. 1 of 2023

Section 1. Title. Dog Licensing and Control Law of the Code of the Village of Rouses Point.

Section 2. Purpose. The purpose of this Local Law is to provide for the licensing and identification of dogs, the control and protection of the dog population, the protection of persons, property, domestic animals, and deer from dog attacks and damage, and to protect the health, safety, and well-being of persons and property by regulating and controlling the activities of dogs within the Village of Rouses Point.

Section 3. Authority. This Local Law is enforced pursuant to the provisions of Article 7 of the Agriculture- and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 4. Definitions. All terms not specifically defined herein shall have the meaning assigned to such terms within Section 108 of Article 7 of the Agriculture and Markets Law of the State of New York.

1. **Agriculture and Markets Law:** Agriculture and Markets Law of the State of New York in effect as of the effective date of this local law, as amended by this Local Law, and as thereafter amended.
2. **Dangerous Dog:**
 - a. **any dog which:**
 - i. without justification attacks a person, companion animal as defined in Section 350 of Article 26 of the Agriculture and Markets Law, farm animal as defined in Section 350 of Article 26 of the Agriculture and Markets Law, or domestic animal, and causes physical injury or death, or
 - ii. 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, or
 - iii. without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death.
 - b. does not include a police work dog, which acts in the manner described in this paragraph while such a police dog is being used to assist one or more law enforcement officers in the performance of their official duties.
3. **Dog:** Any member of the species *canis familiaris*
4. **Dog Control Officer:** An individual authorized by the Board of Trustees of the Village to assist in the enforcement of the provisions of this local law and Agriculture and Markets Law of the State of New York as may be applicable.
5. **Harbor:** To provide food or shelter to any dog
6. **Identification Tag:** A metal tag issued by the Town Clerk which sets forth the identification number together with the Town of Champlain NY, and any other information deemed necessary by the Town Clerk.
7. **Owner:** Any person who owns, harbors, keeps, or has custody and control of a dog which is kept, brought, or comes within the Village. Any person owning or

harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this Local Law shall be held and deemed to be the owner of such dog. In the event any dog found to be in violation of this Local Law shall be owned by a minor, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the dog and violation of this Local Law.

8. **Owner of Record:** The person in whose name a dog was last licensed pursuant to this Local Law. If it cannot be determined in whose name any dog was last licensed, the owner shall be deemed to be the owner of record of such dog, except that if the owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.
9. **Person:** An individual, partnership, corporation, association, or other organized group of persons, business entity, municipality, or other legal entity.
10. **Police Work Dog:** Any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.
11. **Run at Large:** to be in a public place or on private land without the knowledge, consent, and approval of the owner.
12. **Pet Dealer:** A person who raises pets for sale, purchases pets for other than their personal use or enjoyment or sells pets acquired in any manner; includes pet stores, pet brokers, breeders, and non-incorporated rescues.
13. **Village:** The Village of Rouses Point, Clinton County, State of New York.
14. **Town:** The Town of Champlain, Clinton County, State of New.

Section 5. Restrictions.

1. No dog, whether licensed or unlicensed, shall be allowed to run at large in any street, sidewalk, lane, or public place unless said dog is effectively restrained by a leash not exceeding six (6) feet in length, affixed to the collar or harness of the dog held by a person of sufficient strength and ability to adequately restrain the dog, or alternatively, unless said dog is in the immediate custody and control the owner or a responsible person who is over twelve (12) years of age. For the purpose of this local law, a dog or dogs hunting in the company of a hunter or hunters or being trained to hunt shall be considered as accompanied by its owner.
2. It shall be unlawful for any owner of any dog in the Village to permit or allow such dog to:
 - a. Engage in habitual loud howling, barking, crying, or whining, or conduct itself in such-a manner as to disturb the comfort or repose of any person other than the owner.(Pursuant to Noise Ordinance – Local Law No. 2 of 2023; Section 3, Subsection B. Unreasonable Excessive Noise Acts includes: “Noise from a dog or other pet animal that is continuous and exceeds 15 minutes”)
 - b. Cause damage or destruction to lawns, flowers, garden beds, or any other property without the consent and approval of the owner of such property;
 - c. Create a nuisance by defecating, urinating, or scavenging through refuse on public property or upon private property without the consent or

- approval of the owner of such property;
- d. Chase, jump on or at, or otherwise harass any person in such a manner as would reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury in any place where such person may lawfully be;
 - e. Habitually chase or run alongside of or bark at motor vehicles, motorcycles, tricycles, bicycles, strollers, or persons running, jogging, or walking while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property;
 - f. If an intact female, be off the owner's premises during the period when it is in heat;
 - g. Attack, chase, injure, or bite any dog, cat, or other domestic animal belonging to another person when such animal is in any place where it may lawfully be.
3. Pursuant to New York State Law requiring any person who owns or has custody or control of a dog that is left outdoors shall provide it with shelter appropriate to its breed, physical conditions and the climate. The determination of "shelter appropriate to its breed, physical conditions and the climate" will be at the discretion of the Town of Champlain's Dog Control Officer.
 4. The Village of Rouses Point requires dog owners that utilize invisible fencing seek a permit issued by the Village of Rouses Point. All dog owners, whenever possible due to property lot size, should not be permitted to tether their dog or permit invisible fencing to be nearer than 10 feet from any public sidewalk/road, or property line.

Section 6. Licensing of Dogs.

1. Requirement. All dogs in the Village of Rouses Point must be licensed with the Champlain Town Clerk at the age of four (4) months. No license shall be required for any dog which is under the age of four (4) months and which is not at-large. Any person applying for or renewing a license is required to present a current Certificate of Rabies Vaccination or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required.
2. Expiration of License: All dog licenses will be for a period of one year and licenses will expire at the end of the month of the date of issue that appears on License Renewal form. It is the obligation of the dog owner to renew the dog license prior to the end of the month of their License Renewal's issue date. No license shall be issued or renewed later than the common renewal date prior to the expiration date of the rabies certificate for the dog being licensed. Two and three-year licenses are available provided that the rabies vaccination expiration allows for such multiple-year licenses.
3. Fees for Licensing of Dogs:
 - a. The license fee for a spayed or neutered dog shall be \$9.00, which includes a \$1.00 surcharge mandated by New York State for the purpose of carrying out a program of animal population control.
 - b. The licensing fee for an unspayed or unneutered (intact) dog shall be \$18.00, which includes a \$3.00 surcharge mandated by New York State for the purpose of carrying out a program of animal population control.
 - c. The above licensing fees shall be reviewed periodically by the Champlain Town Board and may be changed by a resolution of the Champlain Town

Board if deemed necessary.

4. **Late Fee.** Late fees will be assessed and collected by the Champlain Town Clerk at a rate of \$5.00 per month beginning immediately after the renewal date. If a renewal has not been made within four months of the renewal date, the violator will be liable for civil penalties as laid out in Section 10 of this law.
5. **Enumeration Fee.** When the Champlain Town Board determines the need for a dog enumeration, a fee of \$25.00 will be assessed on all dogs found unlicensed or for which the license has not yet been renewed at the time the enumeration is conducted.
6. The Town of Champlain shall exempt any licensing fees for a guide dog, hearing dog, service dog, war dog, work search dog, detection dog, police work dog, or therapy dog as defined in Article 7 of the Agriculture and Markets Law of the State of New York. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog", as may be appropriate, by the clerk or authorized dog control officer.
7. The Village of Rouses Point shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated herein.
8. No License shall be transferable to a new owner. Upon the transfer of ownership of a dog, the new owner shall immediately apply for a new license for the dog. No license can be transferred to another dog.
9. **Identification Tag.**
 - a. The Champlain Town Clerk shall assign a Town identification number to a dog when it is first licensed under this law. Such identification number shall be carried by the dog on a Town of Champlain identification tag which shall be affixed to the collar of the dog at all times.
 - b. The official permanent Town of Champlain identification numbers shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog.
 - c. No tag carrying a Town identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.
 - d. In the event an official tag is lost, a replacement tag may be purchased from the Champlain Town Clerk for a fee of \$5.00.
10. The Town of Champlain does not allow the licensing of dogs by a shelter. The shelter shall be required to send adoptive dog owners to the Clerk of the municipality in which the dog will be harbored for licensing, or to Town Clerk of the Town of Champlain if the dog is to be harbored in the Town of Champlain.
11. All dog licenses may be purchased in person at the Town offices or by regular mail. If licensing or renewing by mail, the appropriate fee must accompany the forms. There shall be NO refund of fees.
12. All fees will be used in funding the administration of the Dog Control and Licensing Law of the Town of Champlain with the exception of the required New York State surcharges.
13. In addition to the other requirements for licensing of dogs contained in this Section, the owner of a dog which has previously been determined to be a "dangerous dog" under Section 8 of this local Law or under Article 7 of the New York State Agriculture and Markets Law must, upon application for licensure or license renewal, present the Village of Rouses Point with proof that said owner has maintained a liability insurance policy in the minimum amount of one hundred thousand dollars (\$100,000.00) for personal injury or death resulting from an

attack by such dangerous dog.

Section 7. Seizure of Dogs, Redemption, and impoundment Fees.

1. The Dog Control officer or any peace officer may seize:
 - a. Any dog which is not identified and which is not on the owner's premises;
 - b. Any dog which is not licensed, whether on or off the owner's premises;
 - c. Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous;
 - d. Any dog which poses an immediate threat to the public safety.
2. Each dog which is not identified, whether or not licensed, shall be held for a period of seven days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified as pursuant to the provisions of this local law and further provided that the owner pays the following impoundment fees:
 - a. A \$25.00 fee plus the same impoundment and veterinarian fees as are charged to the Town of Champlain for such service for the first impoundment of any dog owned by that person;
 - b. A \$50.00 fee plus the same impoundment and veterinarian fees as are charged to the Town of Champlain for such service for the second impoundment within one (1) year of the first impoundment of any dog owned by that person;
 - c. A \$100.00 fee plus the same impoundment and veterinarian fees as are charged to the Town of Champlain for such service for the third and any subsequent impoundment within one (1) year of the most recent impoundment of any dog owned by that person.
3. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such a dog shall be held for a period of seven days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such a dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such a dog upon payment of the impoundment fees prescribed by subdivision two of this section and by producing proof that the dog has been licensed.
4. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period. Any unredeemed dog at the expiration of the appropriate redemption period shall be made available for adoption or euthanasia subject to the provisions of Section 117 of the Agriculture and Markets Law.
5. Any person who observes a dog in violation of this local law may file a complaint under oath with Town Justice of the Town of Champlain or with the Dog Control Officer, or any police officer, specifying the nature of the violation, the date thereof, a description of the dog, and the name and residence, if known, of the owner of such dog. Such a complaint may serve as a basis for enforcing the provisions of this Local Law, the complainant will be asked to testify in court.
6. The Dog Control Officer observing a violation of this Local Law in their presence

shall issue and serve on the owner an appearance ticket for such violation, which appearance ticket shall be in the form prescribed by the Criminal Procedure Law of this state and returnable before a Town Justice of the Town of Champlain.

Section 8. Dangerous Dogs

1. The Board of Trustees has determined that the regulation and control of "dangerous dogs" is a matter of grave concern and that these dogs pose a serious danger to the health, safety, morals, and general welfare of the Village of Rouses Point residents and their real and personal property. It is the intent of the Board of Trustees in the enactment of this Section to impose restrictions on owners of "dangerous dogs" in addition to those penalties provided by the New York State Agriculture and Markets Law to safeguard public health and protect public and personal property and generally maintain peace and good order within the Village of Rouses Point.
 - a. Any dog which has attacked or bitten any human being or which habitually attacks other dogs or domestic animals, or which behaves in a manner in which imposes a threat of serious bodily injury or death to any person or any domestic animal or which has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attack upon persons or domestic animals is hereby presumed to be a dangerous dog for the purposes of this section, until further determination of facts are made as hereinafter provided.
 - b. The Dog Control Officer shall provide the Village Clerk with a list of dogs determined to be "dangerous" under this Section or under Article VII of the New York State Agriculture and Markets Law.
2. Dangerous Dog Complaints.
 - a. Any person may make a complaint of an attack, chasing, or harassment upon a person or of an attack, chasing, or harassment of a companion, farm, or domestic animal, or service, guide, or hearing dog to the Town of Champlain Dog Control Officer using the Complaint Form available for such purposes. Such officer shall immediately inform the complainant of their right to commence a proceeding as provided below, and, if there is reason to believe the dog is a dangerous dog, the officer shall forthwith commence such proceeding him or herself.
 - b. Any person may, and any Dog Control Officer shall, make a complaint under oath or affirmation to any Town Justice of such attack, chasing, or harassment. Thereupon, the Town Justice shall immediately determine if there is probable cause to believe the dog is a "dangerous dog", and, if so, shall issue an order to any Dog Control Officer or police officer directing such officer to immediately seize such dog and hold the same pending judicial determination as herein provided. Whether or not the Town Justice finds there is probable cause for such seizure, they shall, within five days and upon written notice of not less than two days to the owner of this dog, hold a hearing on the complaint. Pending the disposition of said complaint, the Dog Control Officer or such other authorized person may order the dog to be muzzled and leashed while it is being walked and to be confined at the other times. If satisfied that the dog is a dangerous dog, the Town Justice shall then order, at the owner's expense, neutering or spaying of the dog, microchipping of the dog, maintenance of a liability insurance policy in a minimum amount of one

hundred thousand dollars (\$100,000.00) for personal liability or death resulting from an attack by such dangerous dog, and one or more of the following as deemed appropriate under the circumstances and as deemed necessary for the protection of the public:

- i. Evaluation of the dog by a certified applied behaviorist, a board-certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by such expert;
 - ii. Secure, humane confinement of the dog for a period of time and in a manner deemed appropriate by the court but in all instances in a manner designed to prevent escape of the dog, and to protect the public from unauthorized contact with the dog, and to protect the dog from the natural elements. Such confinement shall not include tying or chaining;
 - iii. Restraint of the dog on a leash by an adult of at least twenty-one years of age whenever the dog is on public premises such leash to be non-retractable and no more than four feet in length, and/or;
 - iv. Muzzling the dog whenever it is in public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.
- c. Upon a finding that a dog is dangerous, the Town Justice may order, at the expense of the owner, humane euthanasia or permanent confinement of the dog if one of the following aggravating circumstances is established at the judicial hearing held pursuant to subsection 2(b) of this section:
- i. The dog without justification, attacked a person, causing serious physical injury or death; or
 - ii. The dog, has a known vicious propensity as evidenced by a previous unjustified attack on a person, which caused serious physical injury or death; or
 - iii. The dog, without justification, caused serious physical injury to a companion animal, farm animal, or domestic animal, and has, in the past two years, caused unjustified physical injury or death to a companion or farm animal as evidenced by a "dangerous dog" finding pursuant to the provisions of this section.
- d. An order of humane euthanasia shall not be carried out until expiration of a thirty-day period for filing a notice of appeal, unless the owner of the dog has indicated to the Town Justice in writing, their intention to waive their right to appeal. Upon filing of a notice of appeal, the order shall be automatically stayed pending the outcome of the appeal.
- e. A dog shall not be declared dangerous if the court determines that the conduct of the dog:
- i. Was justified because the threat, injury, or damage was sustained by a person who at the time was committing a crime or offense upon the owner or custodian or upon the property of the owner or custodian of the dog; or
 - ii. Was justified because the injured person was tormenting, abusing, or assaulting the dog or has in the past tormented, abused, or assaulted the dog; or
 - iii. Was responding to pain or injury or was protecting itself, its kennels, or its offspring.

3. Penalties for Offenses.

- a. The owner or harbinger of a dog who, through any act or omission, negligently permits their dog to bite a person, causing physical injury, shall be subject to a civil penalty not to exceed \$400.00, in addition to any other applicable penalties.
- b. The owner or harbinger of a dog who, through any act or omission, negligently permits their dog to bite a person, causing serious physical injury, shall be subject to a civil penalty not to exceed \$800.00, in addition to any other applicable penalties.
- c. The owner or harbinger of a dog who, through any act or omission, negligently permits their dog, which had previously been determined to be "dangerous" pursuant to this Section or Article 7 of the New York State Agriculture and Markets Law, to bite a person, causing serious physical injury, shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or a period of imprisonment not to exceed 90 days, or by both such fine and imprisonment, in addition to any other applicable penalties.
- d. If any dog, which had previously been determined by a judge or justice to be a "dangerous" dog, shall with justification kill or cause the death of any person who is peaceably conducting themselves in any place where they may lawfully be, regardless of whether such dog escapes without fault of the owner, the owner shall be guilty of a Class A misdemeanor, in addition to any other penalties.
- e. The owner or harbinger shall not be liable pursuant to paragraph a, b, c, or d of this Subsection if the dog was coming to the aid or defense of a person during the commission or attempted commission of a murder, robbery, burglary, arson, rape in the first degree, sodomy in the first degree, or kidnapping within the dwelling or upon the real property of the owner of the dog and dog injured or killed the person committing such criminal activity.
- f. No dog which has been so determined to be a dangerous dog under this Section or Article 7 of the New York State Agriculture and Markets Law shall be permitted to run at large or to be upon any street or public place in the Town except while securely muzzled and under leash, and the owner or person harboring any such "dangerous dog" who shall suffer or permit such dog to be upon any street, public place, or private property in the Town of Champlain, other than the property of the owner or person harboring such dog, while not securely muzzled and under leash, shall be guilty of a violation of this section.
- g. No permit to use any future public dog park within the Village of Rouses Point shall be issued with respect to any dog which has been so determined to be a "dangerous dog" under this Section or Article 7 of the New York State Agriculture and Markets Law. Such prohibition shall apply to both resident and non-resident dogs.
- h. No dog which has been determined to be a "dangerous dog" under this Section or Article 7 of the New York State Agriculture and Markets Law shall be permitted to participate in any program, event, seminar, or any other occasion sponsored by the Village of Rouses Point and/or any of its departments which takes place on or in any park or facility owned, operated, and/or any park or facility owned, operated and/or controlled by the Village of Rouses Point. Such prohibition shall apply to both resident and non-resident dogs.

- i. Upon the determination, under this Section and/or Article 7 of the New York State Department of Agriculture and Markets Law, that a dog is dangerous, all emergency service providers of the Village of Rouses Point shall be notified that said dangerous dog resides at the premises.
 - j. Nothing contained herein shall limit or abrogate any claim or cause of action which any person who is injured by a dog with a vicious disposition or a vicious propensity may have under common law or by statute. The provisions of this Section shall be in addition to such common law and statutory remedies.
 - k. As pursuant to Local Law # 4 of the Year 2009, dated October 5, 2009, any fines or fees accompanied by cruelty or dangerous dogs become the responsibility of the owner or new owner of the dog.
4. Pursuant to New York Agriculture and Market Laws relating to the control of dogs, any dogs deemed as a "dangerous dog" or with a history of escaping their invisible fencing, not be allowed to be tethered with a light-weight tether or contained by invisible fencing and alternatives such as a physical fence or strong-weighted tether must be used when the dog is outside.

Section 9. Feces Disposal

Any owner or custodian of a dog whose dog has deposited its feces upon any Village property or upon the property of another, shall immediately remove such feces and cause it to be disposed of in a safe and sanitary manner. A person will be considered to have disposed of feces in a safe and sanitary manner if such feces are immediately collected and placed in a suitable bag and placed in a suitable container for the collection of garbage and refuse.

For purposes of this section, "village property" shall mean any property owned, occupied, or controlled by the Village of Rouses Point, including but not limited to parks, streets, sidewalks, and grassy areas adjacent to town streets and sidewalks, and "property of another" shall mean all property within the Village boundaries which is not owned by the Village, including, but not limited to, all residential and commercial property, private streets, sidewalks, and grassy areas located adjacent to such streets and sidewalks, rights-of-way, and any common area of a condominium or cooperative.

Section 10. Penalties. Any person convicted of a violation of this local law shall be liable for a civil penalty of \$25.00 for a first violation, \$50.00 for a second violation, and \$75.00 for each subsequent violation

Section 11. Non-Liability of Village. The owner or harbinger of any dog so destroyed under the provisions of this Local Law, whether destroyed by the Dog Control Officer, Police Officer, or released to an authorized SPCA, humane society, or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

Section 12. 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 13. Repealer. This local law shall supersede all prior local laws, ordinances, rules, and regulations relative to the control and licensing of dogs within the Village of

Rouses Point, and they shall be upon the effectiveness of this local law, null and void.

Section 14. Pet Dealers. Pursuant to the New York State Pet Dealer Licensing Law effective July 1, 2002, anyone that sells or offers to sell nine or more dogs per year must be licensed as a pet dealer. Also, you must be licensed if you engage in the sale of more than 25 dogs born or raised on your premises per year to the public. Anyone providing acceptable proof that they are engaged in the business of being a dog dealer and are licensed as a "pet dealer" pursuant to § 26-A of the New York Agriculture and Markets Law will be subject to an annual inspection by the Town of Champlain's Dog Control Officer.

Section 15. Effective Date. This local law shall be effective immediately upon filing with the New York State Secretary of State.

Section 16. Town Of Champlain Dog Control duties

The Town of Champlain Dog Control Officer is responsible for the enforcement of the regulations of Article 7 of the New York State Agriculture and Markets laws.

A list of duties include:

- Enforce licensing
- Seize and Impound dogs
- File and maintain records of the seizure and disposition of dogs
- Bring an action against any person who has committed any violation of Article 7 within the Village of Rouses Point
- Receive complaints of dangerous dogs and commence dangerous dog proceedings.
- Responsible for investigating, impounding, and caring of animals in accordance with State, County, Village & Town laws, and regulations.
- Investigates animal bites and quarantines dogs; transports to the animal shelter/kennel.
- Timely reporting to all pursuant to this Local Law No. 1 of 2023, Section 8 – Dangerous Dogs, Subsection 3 – Penalties for Offenses, Letter i, shall notify all emergency service providers of the Town of Champlain that said dangerous dog resides at the premises.