

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 Washingtonville

Local Law No. 1 of the year 20 13

A local law Amendment to Dogs and Other Animals Code

(Insert Title)

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

County City Town Village

(Select one.)

of Washingtonville

as follows:

Section 1. Section 74-2, titled "Restraint of Dogs," of Chapter 74, titled "Dogs and Other Animals," of the Code of the Village of Washingtonville is amended to read as follows:

§ 74-2. Restraint of Dogs.

A. An owner shall restrain his dog at all times by leash, rope, chain, cage or motor vehicle while the dog is off premises owned or occupied by such person, whether or not the dog is tagged or licensed.

B. The use of a buried electric fence system (i.e. an invisible fence) shall not be a defense or otherwise limit a dog owner's liability under this chapter.

C. Any dog not restrained and found off its owner's premises shall be seized, held and dealt with in accordance with New York State Agriculture and Markets Law, as may be amended.

D. Any dog that attacks or threatens to attack humans, companion animals, farm animals or domestic animals shall be subject to a dangerous dog proceeding in accordance with New York Agriculture and Markets Law.

E. Any person who uses a buried electric fence system to restrain a dog on the premises shall post signs clearly stating "Electric Fence". Such sign shall be posted at each corner of the premises fronting the street, and shall not exceed two square feet in size.

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

Section 2. Section 74-4, titled "Penalties for Offenses," of Chapter 74, titled "Dogs and Other Animals," of the Code of the Village of Washingtonville is amended to read as follows:

§ 74-4. Penalties for Offenses

A. Any person who is convicted of or pleads guilty to violating § 74-2(A) or § 74-3 of this chapter shall be subject to a fine as set forth below:

- (1) First violation: not less than twenty-five dollars (\$25.00).
- (2) Second violation within five (5) years of the first violation: not less than fifty dollars (\$50).
- (3) Third violation and each subsequent violation within five (5) years of the first violation: not less than one hundred fifty dollars (\$150) or imprisonment for not more than 15 days or both.

B. Any person who owns a dog that attacks a person or another dog shall be subject to the following:

- (1) The owner of a dog who, through any act or omission, negligently permits his dog to bite a person, service dog, guide dog, or hearing dog causing physical injury shall be subject to a civil penalty not to exceed four hundred dollars (\$400) in addition to any other applicable penalties.
- (2) The owner of a dog who, through any act or omission, negligently permits his dog to bite a person causing serious physical injury shall be subject to a civil penalty not to exceed one thousand five hundred dollars (\$1,500) in addition to any other applicable penalties. Any such penalty may be reduced by any amount which is paid as restitution by the owner of the dog to the person or persons suffering serious physical injury as compensation for unreimbursed medical expenses, lost earnings and other damages resulting from such injury.
- (3) The owner of a dog who, through any act or omission, negligently permits his or her dog, which had previously been determined to be dangerous pursuant to 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 three thousand dollars (\$3,000), or by a period of imprisonment not to exceed ninety days, or by both such fine and imprisonment in addition to any other applicable penalties. Any such fine may be reduced by any amount which is paid as restitution by the owner of the dog to the person or persons suffering serious physical injury as compensation for unreimbursed medical expenses, lost earnings and other damages resulting from such injury.
- (4) If any dog, which had previously been determined by a judge or justice to be a dangerous dog, as defined in New York State Agriculture and Markets Law, shall without justification kill or cause the death of any person who is peaceably conducting himself or herself in any place where he or she 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.

(5) The owner or lawful custodian of a dangerous dog shall, except where the conduct of the dog is justified as enumerated in § 123 of New York State Agriculture and Markets Law, be strictly liable for medical costs resulting from injury caused by such dog to a person, companion animal, farm animal or domestic animal.

C. Seizure of Dogs

Any dog is subject to seizure under the New York State Agriculture and Markets Law if:

- (1) such dog is not identified and is not on the owner's premises;
- (2) such dog is not licensed, whether on or off the owner's premises;
- (3) such licensed dog 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; or
- (4) such dog poses an immediate threat to the public safety.

Section 3. Section 74-5, titled "Enforcement," of Chapter 74, titled "Dogs and Other Animals," of the Code of the Village of Washingtonville is amended by amending subsection A to read as follows:

A. The Village of Washingtonville may elect to enforce the provisions under this chapter in accordance with New York State Agriculture and Markets Law, Penal Law or Criminal Procedure Law or any other applicable law, statute, ordinance or regulation. An appearance ticket may be issued pursuant to the Criminal Procedure Law for any violation thereof, and an answer to such appearance ticket may be made by registered or certified mail, return receipt requested, within five (5) days of the issuance of the appearance ticket as provided in Subsections B and C of this section in lieu of personal appearance on the return date at the time and court specified in said appearance ticket.

Section 4. Section 74-5, titled "Enforcement," of Chapter 74, titled "Dogs and Other Animals," of the Code of the Village of Washingtonville is amended by adding a new subsection E to read as follows:

E. The Washingtonville Police Department, the Code Enforcement Officer, the Town of Blooming Grove Dog Control Officer, any Village Dog Control Officer, and any other position as designated by resolution of the Board of Trustees are authorized to enforce the provisions of this Chapter.

Section 5. The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

Section 6. 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. 1 of 20 13 of the ~~(County)(City)(Town)~~(Village) of Washingtonville was duly passed by the Board of Trustees on February 19, 20 13, 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 1 above.

Marlene Callis

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

Date: 2/28/13

(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 ORANGE

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.

J. Benjamin Gailey

Signature
J. Benjamin Gailey, Esq, Attorney for Village

Title

County
City of Washingtonville
~~Town~~
Village

Date: February 20, 2013