

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~
~~City~~ of Wayland
Town
~~Village~~
Local Law No. 1 of the year 19 80

A local law Dog Control Local Law of the Town of Wayland
(Insert title)

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

~~County~~
~~City~~ of Wayland as follows:
Town
~~Village~~

Section 1. Purpose. The Town of Wayland, New York finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

Section 2. Authority. This local law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law.

Section 3. Title. The title of this local law shall be "Dog Control Local Law of the Town of Wayland.

Section 4. Definitions.

(a) "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of this local law shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).

(b) "Harbor" means to provide food or shelter to any dog.

(c) "At large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (a) accompanied by and under the immediate supervision and control of the owner or other responsible person; (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

Section 5. Restrictions. It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Wayland, to:

(a) be at large;

(b) engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person;

(c) cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such dog.

(d) chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or

(e) habitually chase, run alongside of or bark at motor vehicles or bicycles.

Section 6. Enforcement. This local law shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Wayland.

Section 7. Seizure, Impoundment, Redemption and Adoption.

(a) Any dog found in violation of the provisions of Section 5 of this local law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

(b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law.

(c) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in Section 118 of said Article.

(d) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (c) of this section whether or not such owner chooses to redeem his or her dog.

(e) Any dog unredeemed at the expiration of the appropriate redemption period, shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.

Section 8. Complaint.

Any person who observes a dog in violation of this local law may file a complaint under oath with a justice of the Town of Wayland 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 complaint may serve as the basis for enforcing the provisions of this local law.

Section 9. Appearance Ticket.

Any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Wayland, having reasonable cause to believe that a person has violated this local law, shall issue and serve upon such person an appearance ticket for such violation.

Section 10. Penalties.

Any person convicted of a violation of this local law shall be deemed to have committed a petty offense and shall be subject to a fine of \$10.00 for the first violation, \$20.00 for the second offense and \$30.00 for each subsequent violation.

Section 11. 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 12. Repealer.

This local law, together with Article 7 of the Agriculture and Markets Law of the State of New York shall supercede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Wayland, and the Village of Wayland, and they shall be, upon the effective date of this ordinance, null and void.

Section 13. Effective date. This ordinance shall take effect November 1, 1980.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by
Village (Name of Legislative Body)
on 19..... in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. 1..... of 1980..
County
City
of the Town of Wayland was duly passed by Town Board
Village (Name of Legislative Body)
on October 6 1980. and was approved by the Supervisor
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on October 13, 1980, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
Village (Name of Legislative Body)
on 19..... and was approved by the
repassed after disapproval Elective Chief Executive Officer
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the on
Village (Name of Legislative Body)
..... 19..... and was approved by the on
repassed after disapproval Elective Chief Executive Officer
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., 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 chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinance ..

JOHN V. MALTER, Supervisor
ETHEL M. SCHILLER, Town Clerk
RAYMOND THIELGES, SR., Highway Supt.

TOWN of WAYLAND

17 Main Street
WAYLAND, N. Y. 14572

Phone 716-728-5660

GORDON SICK, Councilman
MARTIN KIMMEL, JR., Councilman
VICTOR PIRRUNG, Councilman
TIMOTHY MARK, Councilman

RESOLUTION

TITLE: FIRST IMPOUNDMENTS ON LICENSED DOGS

LOCAL LAW No. 1, 1980

Re: Section 7
Paragraph (c)

Introduced by: Councilman Martin Kimmel Jr.
Seconded by : Councilman Victor Pirrung

Section 10
Penalties

RESOLVED: No impoundment fee to be charged on Licensed Dogs, for first seizure, if owner can be found. If taken to Dog Pound, current Boarding Rate must be charged. Rest of Local Dog Law to remain in tack.

ROLL CALL VOTE:	<u>John V. Malter</u> Supervisor	Aye
	<u>Gordon Sick</u> Councilman	Aye
	<u>Timothy Mark</u> Councilman	Aye
ADOPTED	<u>Martin Kimmel Jr.</u> Councilman	Aye
	<u>Victor Pirrung</u> Councilman	Aye

Dated:
December 15, 1982

Ethel M. Schiller
Wayland Town Clerk

John V. Malter Supervisor
Ethelyn Shetler Town Clerk
Richard J. Carney Highway Supt.

TOWN of WAYLAND
17 Main Street
Wayland, New York 14572
Phone 716 - 728 - 5660

Martin Kimmel Jr. Councilman
Victor Pirrung Councilman
Lynn Shaver Councilman
James Wager Councilman

RESOLUTION

SUBJECT: IMPOUNDMENT FEES FOR LICENSED DOGS AND PENALTIES FOR VIOLATION
OF LOCAL LAW NO. 1, 1980.

Introduced by: Martin J. Kimmel, Jr.
Seconded by: Victor Pirrung

RESOLVED:

Section 7, Subdivision (c) of Local Law No. 1, 1980 is hereby amended to read as follows;

"Seized dogs may be redeemed by producing proof of license and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in Section 118 of said Article."

Section 10. Penalties, is hereby amended to read as follows:

"Any person convicted of a violation of this local law shall be deemed to have committed a petty offense and shall be subject to a fine of \$10.00 for the first violation, \$20.00 for the second offense and \$30.00 for each subsequent violation".

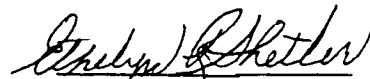
All sections, amendments or resolutions not in conformance herewith are hereby repealed.

Effective Date: August 08, 1988

Roll Call Vote:

Supervisor:	John V. Malter	Aye
Councilman:	James Wager	Aye
Councilman:	Lynn Shaver	Aye
Councilman:	Victor Pirrung	Aye
Councilman:	Martin J. Kimmel, Jr.	Aye

Adopted:
August 08, 1988


Town Clerk