

## Local Law Filing

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(Use this form to file a local law with the Secretary of State.)

- County  
 City of Marathon:  
 Town  
 Village

FILED  
STATE RECORDS

OCT 13 2017

Local Law No. 1 of the year 2017

DEPARTMENT OF STATE

Local Law No. of 2017, Town of Marathon, Providing for the Control of Dogs in the Town of Marathon  
(Insert title)

Be it enacted by the Town Board of the Town of Marathon as follows:  
(Name of Legislative Body)

### **Section 1: TITLE:**

The title of this Local Law shall be, "Dog Control Law for the Town of Marathon."

### **Section 2: AUTHORIZATION:**

This Local Law is adopted pursuant to Article 7 of Agriculture and Markets Law of the State of New York.

### **Section 3: PURPOSE:**

The purpose of this Local Law is to promote the health, protection, order, conduct, safety and general welfare of the people and property of the Town of Marathon by adopting and enforcing certain regulations and restrictions upon the keeping and running at large of dogs in the Town.

### **Section 4: DEFINITIONS:**

As used in this Local Law, the following terms shall have the meanings as indicated:

**AT LARGE:** 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 guide dog actually leading a blind person; a police work dog in use for police work; or 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

**CONTROL BY COMMAND:** That the dog is within hearing distance and visible to the owner or person then exercising control over the dog and shall mean that the dog shall immediately respond to vocal commands by the owner or person having control of the dog.

**DOG:** Any member of the species canis familiaris.

**DOG CONTROL OFFICER:** Any individual appointed by the Town of Marathon to assist in the enforcement of this Local Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town of Marathon to assist in the enforcement of this Local Law.

**LEASHED or RESTRAINED BY A LEASH:** That the dog is equipped with a collar of sufficient strength attached to a leash not more than eight feet long, which leash shall be held by a person having the ability to control and restrain the dog by means of the collar and leash.

**OWNER:** Any person who harbors or keeps any dog.

**Section 5: REGULATIONS AND RESTRICTIONS:**

- A. No person shall permit a dog owned by him or her to be at large within the Town unless the dog is restrained by a leash or unless the dog is accompanied by its owner or a responsible person able to control the dog by command.
- B. No person shall keep, suffer or permit to be kept on the premises occupied by such person any dog which by its continual barking, howling, or whining or other frequent or long continued noises unreasonably disturbs the comfort or repose of other persons.
- C. No person shall permit any dog to uproot, dig or otherwise damage any vegetables, lawns, flower beds or other property not belonging to the owner of such dog.
- D. No person shall permit any dog to chase, jump upon or at or otherwise harass a person in such a manner to cause intimidation or fear or to put any person in reasonable apprehension of bodily harm or injury.
- E. No person shall permit any dog to habitually chase, run alongside of or bark at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harbinger of said dog.
- F. No person shall permit any dog to defecate, urinate or dig on public property or private property other than the property of the owner or harbinger of said dog.

**Section 6: DOG CONTROL OFFICER:**

- A. The Town Board shall appoint a Dog Control Officer or shall, in lieu of the appointment of a Dog Control Officer, contract for Dog Control Officer services with any other municipality or with any incorporated humane society or similar incorporated dog protective agency, or shall appoint, jointly with one or more other municipalities, one or more Dog Control Officers having jurisdiction in each of the cooperating municipalities.
- B. Every Dog Control Officer shall have all the powers of a peace officer in enforcing the provisions of this Local Law. In addition, every Dog Control Officer may serve any process relating to any proceeding, whether criminal or civil in nature, and including an appearance ticket.
- C. Every Dog Control Officer shall be responsible for the enforcement of this Local Law.

- D. Every Dog Control Officer or peace officer shall promptly make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include but not be limited to, a description of the dog, the date and hour of seizure, the official identification number of such dog, if any, location where seized, the reason for seizure and the owner's name and address, if known.

**Section 7: SEIZURE OF DOGS:**

The Dog Control Officer shall seize any dog which is found at large within the Town of Marathon, whether licensed or unlicensed, and shall be seize any dog which is in violation of any the provisions of this Local Law, whether licensed or unlicensed.

**Section 8: ENFORCEMENT:**

The Dog Control Officer shall issue an appearance ticket, pursuant to the Criminal Procedure Law, for any violation of this Local Law.

**Section 9: REDEMPTION OF DOGS:**

- A. Each dog seized in accordance with this Local Law shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.
- B. Each dog which is not identified, whether or not licensed, shall be held for a period of five 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 pursuant to the provisions of this Local Law and further provided that the owner pays the impoundment fees established by the Town of Marathon from time to time by resolution of the Town Board.
- C. Promptly upon seizure of any dog whose owner is identified, notice shall be provided to the owner of record of such, dog personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven days after day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such 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.
- D. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be available for adoption or euthanized.

**Section 10: JURISDICTION:**

- A. The Town Justice shall have jurisdiction to hear all complaints filed as hereinafter provided, and all actions and proceedings hereunder, and of all prosecutions for any violation of this Local Law. Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice shall summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Town Justice may permit the filing of an information and issue a warrant for the arrest of such person.
- B. Any person who observes a dog causing damage or destruction to property of a person other than its owner or violating any section of this Local Law may file a signed complaint, under oath, with the Town Justice of the Town of Marathon, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

**Section 11: PENALTIES FOR OFFENSES:**

Any person, firm, association, corporation or partnership convicted of violating any provision of this Local Law shall be guilty of a violation punishable by a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.

**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 licensing of dogs within the Town of Marathon, and they shall be upon the effectiveness of this Local Law, null and void.

**Section 14: EFFECTIVE DATE:**

This Local Law shall take effect upon its adoption and filing with the Secretary of State.

By Order of the Town Board

Dated: \_\_\_\_\_, 2017

\_\_\_\_\_  
Doris Adams, Town Clerk

(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 2017 of the Town of Marathon was duly passed by the Marathon Town Board on September 12, 2017, 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)

(Name of legislative body)

(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted

(Elective Chief Executive Officer\*)

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)

(Name of legislative body)

(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

(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)

(Name of legislative body)

(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local

(Elective Chief Executive Officer\*)

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 Office 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.)

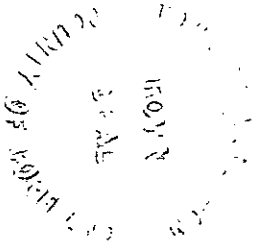
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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.



(Seal)

*Boris Adams*

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

Date: Sept. 12, 2017

(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 Cortland

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.

*Donald C. Armstrong*

Signature: Donald C. Armstrong

*Town Attorney*

Title: Town Attorney

Town Of Marathon

Date: 9/12/17