



received
12/24/10

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

RUTH NOEMÍ COLÓN
ACTING SECRETARY OF STATE

December 22, 2010

ATTN: BRIAN S. STEWART
HUGHES STEWART ET'AL
31 ELM ST. - PO BOX #788
MALONE NY 12953

RE: TOWN of BURKE, Local Law No. #1, 2010, filed on 12/20/10

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

COPY

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

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.

**FILED
STATE RECORDS**

DEC 20 2010

DEPARTMENT OF STATE

County _____
City of BURKE
Town _____
Village _____

Local Law No. 1 of the year 20 10

A local law _____ entitled THE DOG LICENSING AND CONTROL LAW OF THE TOWN OF BURKE,
(Insert Title)
FRANKLIN COUNTY

Be it enacted by the TOWN BOARD of the _____
(Name of Legislative Body)

County _____
City of BURKE as follows:
Town _____
Village _____

SEE ATTACHED

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

Local Law Filing

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County
City of
Town
Village

BURKE

Local Law No. 1 of the year 2010

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(Insert Title)
FRANKLIN COUNTY

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County
City of
Town
Village

BURKE

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. 10/18/2000 of 20 10 of the ~~(County)~~(City)(Town)(Village) of BURKE was duly passed by the TOWN BOARD on NOVEMBER 16 20 10, 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 1/3, above.

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

Date: 16 NOVEMBER, 2010

(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 FRANKLIN COUNTY

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

Brian Stewart
Signature

BRIAN STEWART, ATTORNEY FOR TOWN
Title

~~County~~
City of BURKE
Town
~~Village~~

Date: 11/18/2010

1. Title: The title of this Law shall be The Dog Licensing and Control Law of the Town of Burke, County of Franklin.
2. Authority: This Local Law is enacted pursuant to the provisions of Chapter 59; Part T of the Laws of 2010, Article 7 of the Agriculture and Markets Law and the Municipal Home rule Law of the State of New York.
3. Purpose: The Town Board of the Town of Burke, County of Franklin hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs.
4. Definitions: All terms not specifically defined herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New York. As used in this chapter, the following terms shall have the meanings indicated:
 - a. AGRICULTURE AND MARKETS LAW: The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.
 - b. IDENTIFICATION TAG – a tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.
 - c. OWNER – means any person who harbors or keeps any dog or other animal.
 - d. OWNER OF RECORD – means the person in whose name a dog was last licensed pursuant to this chapter.
 - e. PERSON – A person, partnership, corporation, association or other organized group of persons, business entity, municipality or other legal entity.
 - f. RESIDENT -- [A person] An individual who maintains a residence within the Town of Burke, County of Franklin, State of New York.
 - g. TOWN – means the Town of Burke, County of Franklin, State of New York
 - h. RUN AT LARGE means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.
5. Licensing of Dogs
 - a. No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and laws of the Town.
 - b. All dogs within the Town that are four (4) months of age or older, unless otherwise exempted, shall be licensed. No license shall be required for any dog which is under the age of four months and which is not at large.
 - c. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of the Town a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town.

6. Licenses issued by Animal Shelters and Pounds
 - a. The Town does not allow the licensing of dogs by a shelter. The shelter **MUST** send the adoptive dog owners to the Town Clerk of the Town in which the dog will be harbored for licensing **OR** to the Town Clerk of the Town, where the Shelter is located for the purchase of the license for adoption purposes.
7. Proof of Vaccination against Rabies 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.
8. Term of License and Renewals
 - a. **Option 1**
 - i. Each license issued pursuant to this local law, shall be valid for a period of one year and shall expire on the last day of the last month of the period for which it was issued. No license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed.
9. Fees: Fees shall be established by the Town Board from time to time.
10. Issuance of license; identification tag.
 - a. Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.
 - b. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.
 - c. Change of Ownership, Lost or Stolen Dogs
 - i. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.
 - ii. In the event of a change in ownership of any dog which has been assigned an official identification number or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.
 - iii. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Town Clerk.
 - iv. In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.
 - d. Identification tag.
 - i. The Town Clerk shall assign a Town permanent official identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the

- collar of the dog at all times.
- ii. An identification tag is not required to be worn while the dog is participating in a dog show.
- iii. The official permanent identification number 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 during the lifetime of the dog to which it is assigned.
- iv. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned

11. Purebred Dog License and Fee

- a. There will not be distinct purebred licenses as previously provided for by the State. Any and all existing purebred licenses will now be required to comply with this local law.

12. Penalties

- a. Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

13. Repeal of Inconsistent Local Laws or Ordinances:

- a. This Local Law shall supersede all prior inconsistent Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the Town. All prior inconsistent Local Laws, Ordinances, Rules and Regulations shall be, upon the effectiveness of this Local Law, null and void.

14. Severability Clause

- a. The provision of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance..

15. Effective Date

- a. This local law shall be effective January 1, 2011 after filing with the Secretary of State.