

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

Deerfield

FILED
STATE RECORDS

NOV 19 2018

DEPARTMENT OF STATE

Local Law No.

3

of the year 20

18

A local law

(Insert Title)

Amending "The Town of Deerfield
Dog Control Law"
(Local Law #2 of 2010)

Be it enacted by the

Town Board
(Name of Legislative Body)

of the

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of

Deerfield

as follows:

See attached

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

TOWN OF DEERFIELD, NEW YORK

LOCAL LAW #3 OF 2018

A LOCAL LAW AMENDING "THE TOWN OF DEERFIELD DOG CONTROL LAW"

(LOCAL LAW #2 OF 2010)

**BE IT ENACTED BY THE TOWN BOARD OF THE
TOWN OF DEERFIELD AS FOLLOWS:**

SECTION I: Purpose:

The purpose of this Local Law is to address humane dog control within the Town, so as to include protection for dogs who are subject to excessive control or poor treatment at the hands of those who own or harbor them. Specifically, the amendments to the Dog Control Law are to be enacted to protect dogs who are left outdoors without means to protect themselves from the elements. It is believed that the humane treatment of dogs not only provides the animals with a better quality of life, but may also reduce the likelihood of dogs having harmful behaviors towards other animals and people.

SECTION II: Amendments to the Town of Deerfield Dog Control Law:

The following amendments are hereby adopted with respect to The Town of Deerfield Dog Control Law (Local Law No. 5 of 2010).

(A) "Section 3: Definitions" is hereby amended so as to include the following additional definitions:

- (i) "Extreme weather conditions" shall include inclement weather, being weather conditions that are likely to adversely affect the health or safety of the dog, including but not limited to rain, sleet, ice snow, wind, or extreme heat and cold, and otherwise consistent with the provisions of New York State Agriculture and Markets Law Section 353-b (1) (b), as may be amended from time to time.
- (ii) "Weather alert" shall mean a broadcast of the National Weather Service regarding one of the following weather-related events, reasonably construed to be affecting the region in which the dog was left outdoors: blizzard warning, severe thunderstorm (watch or warning), severe weather statement, tornado (watch or warning), winter storm (watch or warning).
- (iii) "Outdoors" shall mean a location outside a permanent structure capable of habitation or occupancy by people during an extreme weather event or period of time with temperatures falling below 32 ° Fahrenheit or greater than 90 ° Fahrenheit (depending on the applicable weather conditions), such as a house, apartment building, or office building. Examples of non-suitable outdoor structures include, without limitation, wire cages and non-insulated structures, including those made of plastic (e.g., calf hutch).
- (iv) "Tether" shall include the actions of leashing, fastening, securing, chaining, tying, or otherwise restraining a dog to any stationary object outdoors.
- (v) "Working dog" shall mean any dog that is trained to herd and/or protect livestock, control bird and/or wildlife populations, or otherwise is actually or has been used in connection with farming or agricultural purposes.
- (vi) "Hunting dog" shall mean any dog that is trained to aid in taking of wildlife and is actually or has been used for such purposes, consistent with applicable law or regulation, including Environmental Conservation Law Section 11-0923, and local permits.
- (B) "Section 5. Prohibited Acts" is hereby amended so as to include an additional

prohibited act as follows:

"8." To remain tethered outdoors for longer than a period of 2 continuous hours at such time as when either (1) the actual air temperature is lower than 32° Fahrenheit (not accounting for wind chill), (2) the actual air temperature is greater than 90 ° Fahrenheit (no accounting for humidity levels), or (3) during such period of time as extreme weather conditions exist, where any such condition in (1), (2), or (3) above is actually known to such persons or reasonably should have been known to such person. Actual harm or injury need not be shown to prove a violation of the prohibition in this subsection.

(a) Rebuttable Presumptions.

Extreme weather conditions shall be presumed to have been present in the event that a weather alert was in effect for a region reasonably construed and commonly understood to be affecting the region in which the dog was left outdoors and during such time as the dog was left outdoors.

A dog exhibiting signs of frostbite shall be presumed to have been left outdoors for longer than a period of 2 continuous hours at such time as when the actual air temperatures was lower than 32° Fahrenheit.

A dog exhibiting signs of heatstroke shall be presumed to have been left outdoors for longer than a period of 2 continuous hours at such time as when the actual air temperatures was greater than 90° Fahrenheit.

(b) Exceptions.

This prohibition shall not apply:

- (i) to working dogs;
- (ii) to hunting dogs;
- (iii) to dogs on a leash or other restraint under direct supervision or control of persons actively engaged in recreational activities, including walking, jogging, or running; and
- (iv) to dogs required to be tethered under an applicable law, rule, regulation, or court order.

(c) "Section 5. Prohibited Acts" at subsection "7" is amended so as to reference in addition to "domestic animal", "companion animal" and "farm animal".

SECTION III: Effective Date

This Local Law shall be effective after its filing in the office of 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. 3 of 20 18 of the (County)(City)(Town)(Village) of Deerfield was duly passed by the Town Board on November 12 20 18, 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.

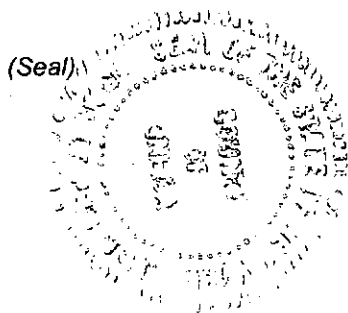
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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.

Tracy J. Lubis

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

Date: November 12, 2018



LOCAL LAW #3- DOG CONTROL LAW
(LOCAL LAW #2 OF 2010)

BE IT RESOLVED that the Town Board of the Town of Deerfield does hereby approve amending the Dog Control Law (Local Law #2 of 2010) as per the attached expansion of definitions. This local law will become effective once filed with the Secretary of the State of New York.

This resolution was offered by Councilperson Collins at the regular meeting of the Town Board of Deerfield, 6329 Walker Road, Deerfield, NY 13502, held at 6:30pm Eastern Standard Time on November 12, 2018.

SECONDED BY: Councilperson Dommer

OFFICE/NAME

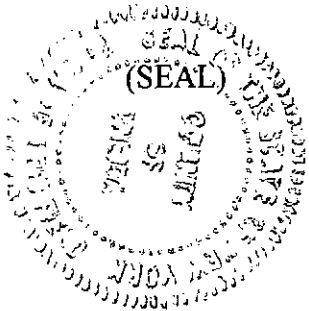
Supervisor	Scott P. Mahardy
Councilperson	Phil Domser
Councilperson	Candace Oczkowski
Councilperson	Michael Collins
Councilperson	David Barone

VOTE RECORDED (circle one)

☒ yes	☐ no	☐ abstain	☐ absent
☒ yes	☐ no	☐ abstain	☐ absent
☒ yes	☐ no	☐ abstain	☐ absent
☒ yes	☐ no	☐ abstain	☐ absent
☒ yes	☐ no	☐ abstain	☐ absent

Approved:

IN TESTIMONY HEROF, I have hereunto set my hand and affixed the seal of the Town of Deerfield this 12th day of November 2018.



Tracy J. Jubis
Tracy J Jubis
Deerfield Town Clerk