

COPY

E/bb. 3/25/2015

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.ny.gov

**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 MINDEN

Local Law No. 2 of the year 2015

A local law entitled "Town of Minden Dog Law and Dog Licensing"  
*(Insert Title)*

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

County  City  Town  Village  
*(Select one.)*

of Minden as follows:

See the following page.

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

## Town of Minden Dog Law and Dog Licensing

### Article I DEFINITIONS

- “Agent” – Any police officer acting on the behalf of the Town of Minden.
- “Dog Warden” - A person appointed to carry out the duties of dog control.
- “Keeper“ - One who has possession, control, custody or care of a dog.
- “Owner” – When applied to the proprietorship of a dog, includes every person having a right of property in such dog, and every person who keeps such dog or has it in his care, and every person who harbors or otherwise permits such dog to remain on or about any premises occupied by him.
- “Pet Dealer” – Any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public.
- “Pet Breeder” – Any person who breeds and raises animals and then sells or offers them for sale or who breeds and raises animals for a commission or percentage of the profits.
- “Pet Broker” – Any person who deals in regulated animals but does not take physical possession of them.
- “Police Officer” – Any person employed or elected whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes constables and dog, game, fish and forest wardens.
- “Running at Large” – An animal who is not on a chain, leash or confined within the property boundaries or under the control of said owner and/or keeper.

ARTICLE II  
DOG LAW

1. Quarantines:

- A. All quarantines will be determined by either a licensed veterinarian, town Justice, or as provided by the Agriculture and Markets Law of NYS Article 7, Section 123.

2. Dogs in Heat

- A. It shall be unlawful for the owner or keeper of any female dog to permit such female to go beyond the premises of such owner or keeper at any time she is in heat, unless such female dog is properly confined or under the full control of the owner or keeper.

3. Confinement and Housing of dogs

- A. Confinement and Control: It shall be unlawful within any zoning district in the Town of Minden designated Residential, Agricultural or Commercial for any person or group of persons constituting a household to keep, harbor or maintain more than six (6) dogs at any one time on said parcel or on the premises on which said household is located which includes the total number of all other parcels owned. It shall also be unlawful for the owner or keeper of any dog to fail to keep the dog at all times in any of the following manners:
1. Confined within the boundary of the parcel of the owner or keeper;  
or
  2. Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or
  3. Under the reasonable control of some person or by the use of a training or GPS collar when engaged in lawful hunting, exhibition, performance events or field training.
  4. No dogs shall be penned, chained or otherwise confined within fifteen (15) feet of any property line.
- B. Housing:
1. It shall be unlawful for the owner or keeper of a dog to house the dog for any period of time in a drum, barrel, refrigerator or freezer regardless of the material of which the drum, barrel, refrigerator or freezer is constructed.
  2. No person or persons shall keep any dog in any pen, shed or yard without providing for the proper removal and disposal of all feces, filth, rubbish and foul material that accumulates therein and becomes noxious and/or injurious to the public health.
  3. Any pen, shed or yard in which any dog is kept shall at all times be kept in reasonably clean condition.

#### 4. Interference with a Dog Warden or Agent:

- A. It shall be unlawful for any person to interfere with the duties of the Dog Warden or Agent in the enforcement of these laws.
- B. It shall be unlawful for any person to forcibly cut the leash or take the dog away from the Dog Warden or Agent when the officer has the dog in his possession after being found running at large unaccompanied by the owner or keeper.
- C. It shall be unlawful for any person to whom a license has been issued to fail or refuse to produce such license for such dog upon demand by the Dog Warden or Agent.

#### 5. Refusal of Entry

##### A. Violation

It shall be a violation of this law if a person or persons refuses entry to the Dog Warden or other agent acting on behalf of the Town of Minden to enforce this Law.

The term, "refusal of entry", shall include any of the following.

1. Preventing an Agent from entering the premises.
2. Preventing an Agent from inspecting a dog.
3. Hiding a dog from an Agent.
4. An act or omission that prevents an Agent from gaining entry to the premises.

##### B. Order of Inspection / Investigating a Complaint

When the Dog Warden or Agent acting on behalf of the Town of Minden attempts an inspection or investigating a complaint and no person is present to grant him access he may post an order demanding access within 36 hours. Failure to permit an inspection or investigation of a complaint within the 36 hour time period indicated in the order that was posted shall be a violation of this law and shall constitute a refusal of entry for purposes of Subsection A of this Article, unless there are no dogs on the property or the owner and the Dog Warden or Agent who posted the order agree within the 36 hour time period indicated in the order that was posted to permit an inspection or investigation at a time agreed upon by both parties.

##### C. Affirmative Defense

It shall be an affirmative defense to subsection B if there were no dogs On the property at the time the order was posted.

6. Notice requiring examination of dog:

- A. The Dog Warden may issue a written notice requiring the dog to be examined by a licensed doctor of veterinary medicine within a maximum of 72 hours if,
  - 1. The dog warden personally observes the condition of the dog in the course of inspection or investigation on the premises at which the dog is kept:  
and/or,
  - 2. The dog exhibits signs of illness, injury or neglect.
- B. Contents of written notice:
  - 1. Information to the identity of the owner or keeper.
  - 2. Information to identify the dog to be examined.
  - 3. Signs of illness or injury of the dog that is observed by the dog warden.
  - 4. The date and time by which a veterinary examination of the dog must be conducted.
  - 5. That a report of an examination must be delivered to the Dog Warden by the veterinarian.
- C. Issuance and service of notice:
  - 1. The written notice requiring that a dog be examined may be left with the owner or keeper or another responsible person on the premises.
- D. Illegal to fail to respond to notice:
  - 1. It shall be unlawful of the owner or keeper of the dog to fail to comply with a written notice issued under authority of this section.

7. Dangerous Dogs

- A. It is unlawful for an owner or keeper of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal or from destroying property with its teeth.
- B. Except as otherwise set forth above in A., Dangerous Dogs, including dog bites, detention and isolation of dogs shall be handled in accordance with Article C. Section 123 of the NYS Agriculture & Markets Law.

8. Theft, poisoning, and abandonment of dogs

- A. All dogs are hereby declared personal property and therefore are considered a potential object of theft.
- B. Intentional poisoning or baiting of dogs is unlawful.
- C. Intentional harming of dogs is unlawful.
- D. Abandonment of dogs is unlawful.

9. Public Nuisance;

A. Restrictions:

1. No owner or person having custody of any dog within the legal limits of the Town of Minden shall allow such dog to unnecessarily annoy or disturb any person by continued or repeated barking, howling or yelping, or any other loud or unusual noises or
2. Allow such dog to chase, jump upon or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury when such dog is off the premises of the owner or premises under the control of a person who has authorized such dog to be on the premises.

B. Complaint;

1. Upon written complaint by the person or persons disturbed, signed and sworn to, the Town Dog Warden or any duly qualified law enforcement officer may investigate and may give written notice to the owner or keeper of such dog, that such annoyance or disturbance must cease. The warning shall be made part of the complaint.

10. Commercial Breeding of Dogs;

- A. The Commercial Breeding of dogs will be done in accordance with the Town of Minden Zoning Regulations.

11. Parent or Guardian responsible for Under Age Owners;

- A. If a person who owns a dog is under the age of 18 then the parent or guardian of the youth will be held responsible in the event of an issue or complaint.

12. Penalties for Violations of Article II – Dog Law

- A. The penalties of the Town of Minden's Dog Law will be as set forth by resolution of the Town Board.
- B. The Town Board from time to time may increase the fines as deemed appropriate by resolution.

ARTICLE III  
DOG LICENSING

1. All dogs in the Town of Minden unless otherwise exempted by New York State Agriculture & Markets Laws, must be licensed by the Town Clerk of the Town of Minden by the age of four (4) months.

2. Application

- A. The owner of each dog required to be licensed shall, for new applications and renewal applications, obtain, complete and return to the Town Clerk the following:
1. A dog license application;
  2. The license application fee;
  3. Any applicable license surcharges;
  4. Such additional fees as may be established by the Town Board of the Town of Minden;
  5. 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;
  6. In the case of a spayed or neutered dog, a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that, because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case the license fee for the dog shall be the same as for a spayed or neutered dog.

3. Identification Tag;

- A. Each dog licensed pursuant to this local law shall be assigned, at the same time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. 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.

4. License Terms;

- A. All dog licenses will be for a period of at least one year but no greater than three years and will expire, at a minimum, at the end of the month one year from the date of issue, or for licenses issued for a term greater than one year, on the last day of the month of the period for which they are issued.

- B. Any one with more than six (6) dogs as defined in Article II, Section 3A shall have One Year from the date of the license being issued to comply with this Local Law.

5. Licenses Non-Transferable

- A. Any license issued pursuant to this local law shall not be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make an application for a new license for such dog.

6. Purebred Licenses;

- A. The Town of Minden will not issue any purebred licenses.

7. Service Dog

- A. The Town of Minden will not issue a special tag for identifying any service dog as defined by the Americans with Disabilities Act.

8. Fees and Surcharges:

- A. The fees and surcharges for issuing dog licenses shall be fixed by the Town Board. Such fees and surcharges may be revised from time to time by resolution of the Town Board. These fees and surcharges may include;
  - 1. The license fee for a spayed or neutered dog;
  - 2. The license fee for an unspayed or unneutered dog ( such fee having to exceed the fee for a license for a spayed or neutered dog by such amount as mandated by the New York State Agricultural and Markets Law);
  - 3. In addition to the license fee authorized by this law and established by the Town Board of the Town of Minden, a surcharge if the dog to be licensed is spayed or neutered ( such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture & Markets Law);
  - 4. In addition to the license fee authorized by this local law and established by the Town Board of the Town of Minden, a surcharge if the dog to be licensed is unspayed or unneutered ( such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law);
  - 5. In addition to the license fee authorized by this local law and established by the Town Board of the Town of Minden, a surcharge to recover and defray the cost of an enumeration of dogs living within the Town of Minden.

**9. Exemptions;**

A. License fees are waived for a dog license for a Service Dog as defined by the Americans with Disabilities Act , provided that written documentation is provided with such application that certifies such dog as being a Service Dog.

B. A dog participating in a dog show within the Town of Minden shall be exempt, during such participation only, from wearing its identification tag.

**10. Penalties for Violations of ARTICLE III – Dog Licensing**

A. The penalties of the Town of Minden dog licensing law will be as set forth by resolution of the Town Board.

B. From time to time the Town Board, by resolution, may increase the fines as deemed appropriate.

ARTICLE IV  
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.

ARTICLE V  
INCONSISTENT LAWS REPEALED

All Ordinances, Local Laws and parts hereof inconsistent with the Local Law are hereby repealed.

ARTICLE VI  
EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Department of State.

ARTICLE VII  
NUMERICAL/LETTERING DESIGNATIONS

The chapter designations and numerical/lettering designations of the section and article(s) included in the Local Law shall be delegated to the discretion of General Code Publishers, which may renumber the chapter, sections and Article(s) included in this Local Law as necessary to accommodate incorporation of this Local Law in the Code of the Town of Minden.

(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. 2 of 2015 of the ~~(County)(City)~~(Town)(~~Village~~) of Minden was duly passed by the Town Board on March 19 2015, 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 \_\_\_\_\_ 2015, 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 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 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.)**

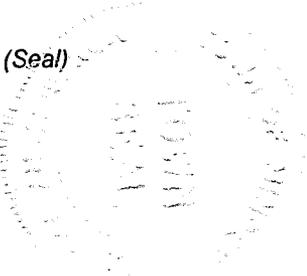
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_<sup>1</sup> above.

*James J. Trumbull*

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

Date: March 19, 2015

(Seal)



Mar. 28. 2015 11:58AM

No. 1630 P. 1

STATE OF NEW YORK  
DEPARTMENT OF STATE

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

March 25, 2015

John L Kirkpatrick  
Kirkpatrick & Kirkpatrick PC  
Attorney and Counselor at Law  
83 Canal St PO Box 350  
Fort Plain NY 13339

**RE: Town of Minden, Local Law #2. 2015, filed on 3/25/2015**

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](http://www.dos.state.ny.us).

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



Department  
of State

# TOWN OF MINDEN

Municipal Building

134 STHWY 80 • FORT PLAIN, N.Y. 13339

www.townofminden.org

TOWN CLERK  
518-993-3443

HIGHWAY SUPERINTENDENT  
518-993-3351

ZONING & CODES  
518-993-3443

SUPERVISOR  
518-993-3966

ASSESSORS  
518-993-4844

COURT  
518-993-3616

RESOLUTION 28 OF 2015

DATED: APRIL 16, 2015

MINDEN, NEW YORK

RESOLUTION BY:-Thomas Yager

SECOND BY: KarolAnn Grimm

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RESOLUTION ESTABLISHING PENALTIES FOR LOCAL LAW NO. 2 OF 2015 ENTITLED  
"TOWN OF MINDEN DOG LAW AND DOG LICENSING"

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**WHEREAS**, on March 19, 2015 the Minden Town Board adopted Local Law No. 2 of 2015 entitled "Town of Minden Dog Law and Dog Licensing", and

**WHEREAS**, such local law provided that penalties were to be set by resolution of the Town Board,

**NOW, THEREFORE**, the following penalties are set for violations under Local Law No. 2 of 2015:

**Penalties for violations of Dog Law**

- A. **First Offense**; A violation of the Local Law shall be an offense punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both such fine and imprisonment.
- B. **Second Offense**; A violation of the Local Law shall be an offense punishable by a fine not to exceed \$500 or by imprisonment for a term not to exceed 30 days, or both such fine and imprisonment.
- C. **Third Offense**; A violation of the Local Law shall be an offense punishable by a fine not to exceed \$1000 or by imprisonment for a term not to exceed 45 days, or both such fine and imprisonment.

**Penalties for Violation of Dog Licensing:**

- A. **First Offense**; A fine of twenty-five dollars (\$25.00) for a first violation.
- B. **Second Offense**; A fine of fifty dollars (\$50.00) for a second violation within five years of the first violation; and
- C. **Third Offense**; Where the person was found to have committed two or more such violations within the preceding five years, either a fine of one hundred dollars (\$100.00) or imprisonment for not more than fifteen days, or both.

Vote on resolution:

Supervisor	Cheryl A. Reese	Aye
Council member	KarolAnn Grimm	Aye
Council member	Stephen Heiser	Aye
Council member	Douglas Simmons	Aye
Council member	Thomas Yager	Aye

  
TOWN CLERK