

THE COUNCIL OF THE CITY OF WATERVLIET

LOCAL LAW NO. 2 FOR THE YEAR 2016

**A LOCAL LAW TO AMEND CHAPTER 108. ANIMALS
OF THE CODE OF THE CITY OF WATERVLIET**

WHEREAS, it is the purpose of this local law is to make amendments to Chapter 108. Animals of the Code of the City of Watervliet; and

WHEREAS, the Council of the City of Watervliet held a public hearing on April 7, 2016. Copies of the minutes of the public hearing are available for inspection at the Office of the City Clerk of the City of Watervliet.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Watervliet as follows:

SECTION I

§108-10B(2) of Chapter 108 of the Code of the City of Watervliet is hereby amended to read as follows:

(2) The owner shall obtain ~~from the City Clerk~~ a conspicuously colored collar identifying the dog as dangerous. Said collar shall remain on the dog at all times.

SECTION II

§108-10B(4) of Chapter 108 of the Code of the City of Watervliet is hereby amended to read as follows:

(4) Registration. The City Clerk or his/her designee shall require the owner of a vicious dog to register such dog with the City Clerk. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and any other identifying marks of the dog, the location where the dog is kept if not at the address of the owner and any other information which the City Clerk or his/her designee shall require. The application for registration pursuant to this subsection shall be accompanied by a registration fee of ~~\$30~~ \$150.00. Each dog registered pursuant hereto shall be assigned an official registration number by the City Clerk. ~~Such registration number shall be tattooed at the owner's expense in the manner prescribed by the City Clerk.~~ The certification of registration shall be of such form and design and shall contain such information as the City Clerk shall prescribe and shall be issued to the owner upon payment of the registration fee and presentment of sufficient evidence that the owner has complied with all of the orders of the City Clerk and as prescribed at the determination hearing.

SECTION III

§108-10B(6) is hereby amended to read as follows:

(6) The owner of the dog shall have the dog sterilized and microchipped.

SECTION IV

§108-10B is hereby amended to add the following and shall read as follows:

(8) Payment of all expenses, including but not limited to shelter, food and veterinary expenses necessitated by the seizure of the dog within 10 days of the Court's determination.

(9) The owner shall obtain an evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by such expert.

(10) Secure, humane confinement of the dog for a period of time and in a manner deemed appropriate by the court but in all instances in a manner designed to prevent escape of the dog, protect the public from unauthorized contact with the dog, and to protect the dog from the elements pursuant to section three hundred fifty-three-b of the Agriculture and Markets Law. Such confinement shall not include lengthy periods of tying or chaining.

SECTION V

§108-10C of Chapter 108 of the Code of the City of Watervliet is hereby amended to read as follows:

C. An animal control officer who has probable cause to believe that a dangerous dog is being possessed in violation of this article or in violation of any conditions imposed by the City Court pursuant to §108-10B shall immediately demand that possession of the dog be forthwith relinquished to said animal control officer, who shall impound said dog. ~~until the article has been complied with and all fines paid~~ A hearing may be requested by the owner as set forth in §108-10A. If it is determined that the owner has failed to comply with the City Court's conditions, the City Court shall order the dog destroyed.

SECTION VI

§108-15 of Chapter 108 of the Code of the City of Watrvliet is hereby amended to add the following and shall read as follows:

C. The owner of any dog found to be vicious under this article shall be required to pay all expenses, including but not limited to shelter, food and veterinary expenses, necessitated by the seizure of the dog and, if the dog is ordered to be destroyed, such expenses as may be required to have the dog destroyed. A dog found to be vicious but not ordered to be destroyed shall not be returned to its owner or any other person unless said expenses are paid within 10 days of the City Court's determination. If it is determined by the City Court that the owner has failed to timely pay said expenses, the City Court shall order the dog destroyed.

SECTION VII

§108-22D of Chapter 108 of the Code of the City of Watervliet is hereby deleted.

~~D. The cost for the replacement of an identification tag shall be \$3.~~

SECTION VIII

§108-25A(3) of Chapter 108 of the Code of the City of Watervliet is hereby amended to read as follows:

(3) Any dog which poses an immediate threat to the public safety. Promptly upon seizure the dog control office shall commence a proceeding as provided in Subdivision 2 of §123 of the Agriculture and Markets Law or pursuant to this Chapter.

SECTION IX

§108-25D of Chapter 108 of the Code of the City of Watervliet is hereby amended to read as follows:

D. The owner of any dog which is not identified and impounded by the City of Watervliet shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and pays a fee of \$67.00 a day for each day the dog is impounded.

SECTION X

§108-25F of Chapter 108 of the Code of the City of Watervliet is hereby amended to read as follows:

F. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified 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. In either case, the owner may redeem such dog upon payment of a fee of \$67.00 a day for each day the dog is impounded and by producing proof that the dog has been licensed.

SECTION XI

Severability

If any section of this local law or the application thereof to any person, circumstance or property shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person, circumstance or property, and to this end, the provisions of each section of this local law are declared severable.

SECTION XII

Supersession and Repeal of other laws

All ordinances, local laws and parts thereof in conflict with the provisions of this local law are hereby repealed to the extent necessary to give this local law full force and effect.

SECTION XIII

Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Approved as to form this 7th day of April, 2016

Yorden C. Huban, Esq.
Corporation Counsel

Attested by the Clerk of the Council this 7th day of April, 2016.

Clerk

I hereby approve the foregoing Local Law of the Council of the City of Watervliet.

Date: April ____, 2016

Michael P. Manning
Mayor