

**TOWN OF BEEKMANTOWN
LOCAL LAW NO. 1 OF THE YEAR 2014**

Section 1. Title. A Local Law entitled, "A Local Law Regulating the Control of Dogs in the Town of Beekmantown and Revoking in its Entirety Local Law No. 2 of the year 2011".

Section 2. Purpose. The Town of Beekmantown finds that the running at large and other uncontrolled behavior of dogs have caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well-being of persons and property within the Town. The Town Board of the Town of Beekmantown hereby supplements the provisions of the New York State Agriculture and Markets Law so as to prohibit situations and incidents which are not proscribed by said law, and to impose restrictions and regulations upon the keeping and running at large of dogs and the seizure thereof. The specific intent of this Local Law is to make town-wide the regulation for the control of dogs in the Town of Beekmantown and to revoke in their entirety the following Local Laws: (1) Local Law No. 2 of the year 2001 and Local Law No. 2 of the year 2011.

Section 3. Authority. This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law of the State of New York and the Municipal Home Rule Law of the State of New York.

Section 4. Definition of Terms. As used in this Local Law, the meanings of the respective terms are as follows: All terms not specifically defined herein shall have the meaning assigned to such terms within Section 108 of Article 7 of the Agriculture and Markets Law of the State of New York.

Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Local Law, as amended by this Local Law, and as amended thereafter.

Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

Owner. The party purchasing the license, unless the dog is or has been lost and such loss reported to the Dog Control Officer and reasonable search has been made. If animal is not licensed, the term of "owner" shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any animal which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this Local Law shall be held and deemed to be the owner of such dog for the purpose of this Local Law. In the event any dog found to be in violation of this chapter shall be owned by a minor, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog and violation of this Local Law.

Owner of Record. Means the person in whose name a dog was last licensed pursuant to this chapter.

Person. A person, partnership, corporation, association or other organized group of persons, business entity, municipality, or other legal entity.

At Large. Off the premises of the owner.

Leash. The "dog" is equipped with a collar or harness to which is attached a "leash" constructed of materials of sufficient strength to restrain the "dog" and which "leash" shall be secured, or when being held by a person, have the ability to control and restrain the "dog".

Run at Large. Run at large shall mean to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

Town. Means the Town of Beekmantown, County of Clinton, State of New York.

Harbor. To provide food or shelter to any dog.

Service Animal: Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Section 5. Prohibited Acts. It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to do any of the following acts:

- (a) Damage, deface or destroy property of any kind.
- (b) Chase, attack or otherwise harass any person in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury in any place where such person may lawfully be.
- (c) Engage in habitual loud howling or barking or to conduct itself in such a manner as to habitually annoy any person other than the owner.

(d) Habitually chase or bark at motor vehicles, motorcycles, tricycles, bicycles or baby carriages (strollers), or persons jogging, running or walking.

(e) Upset garbage cans, deposit garbage or trash, or defecate waste upon the premises of another person without consent of the owner of said premises.

(f) Attack, chase, injure or kill any domestic animal, dog or cat of another person when such animal is in a place where it may lawfully be.

(g) Allow a female dog to run at large when in heat. Such dog shall be confined to the owner's premises during such period.

(h) No dog shall be at large within the Town, unless under direct control of and accompanied by the owner or a responsible person able to control the dog.

(i) No dog shall be allowed to run at large within the boundaries of the Town.

(j) Dogs shall be only allowed on designated areas of Town property, and otherwise shall not be permitted in the Beekmantown Recreational Park except when the dog is classified as a "service animal" as hereinabove defined.

For the purposes hereof, when any dog is at large or running at large, contrary to the provisions of this Local Law, and commits any of said acts hereinabove set forth, the owner or person in control of the dog shall be deemed to have permitted or suffered the dog to have committed such acts.

Section 6. Enforcement. The enforcement of this Local Law shall be as follows:

(a) This Local Law shall be enforced by the Dog Control Officer.

(b) The Dog Control Officer observing a violation of this Local Law in his/her presence shall issue and serve on the owner an appearance ticket for such violation, which appearance ticket shall be in the form prescribed by the Criminal Procedure Law of this State and returnable before a Town Justice of the Town.

(c) Any person who observes a violation of this Local Law may file a sworn statement or simplified information alleging a violation of this Local Law with the Dog Control Officer of the Town specifying the conduct of the dog which violates this Local Law, the date and place thereof, a description of the dog and the name and residence, if known, of the owner or other person who had control of said dog.

(d) Upon receipt of any written complaint alleging a violation of this Local Law, the Town Court may summon the alleged owner to appear before him or her; if the summons is disregarded, the Town Court may issue a warrant for the arrest of the alleged owner.

The said written complaint presented to the Town Court shall serve as a basis for enforcing the provisions of this Local Law

Section 7. Warnings. The Dog Control Officer empowered to enforce this Local Law shall have the authority, in his or her sole discretion, to issue only a warning at the time of a first offense rather than enforcement as provided for in Section 6. The warning shall be in writing and in form similar to an appearance ticket and shall be issued to the owner of the dog.

Section 8. Seizure, Impoundment, Redemption and Adoption.

(a) Any dog found in violation of this Local Law may be seized pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time, by the Dog Control Officer of the Town pursuant to his or her required duties.

(b) Any dog so seized may be held subject to redemption by the owner, all pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time.

(c) The owner of a seized dog may redeem the dog upon payment to the Clerk of the Town the following impoundment fees:

(i) **Twenty five (\$25.00) Dollars** for the first impoundment of any dog owner by that person;

(ii) **Fifty (\$50.00) Dollars** for the first twenty-four (24) hours or part thereof, and thereafter additional boarding fees and veterinarian fees as applicable for the **second** impoundment within one (1) year of the first impoundment of any dog owned by that person; or

(iii) **Seventy-five (\$75.00) Dollars** for the first twenty-four (24) hours or part thereof, and thereafter additional boarding fees and veterinarian fees as applicable for the **third** and subsequent impoundment within one (1) year of the first impoundment of any dog owned by that person.

(d) Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanasia subject to the provisions Section 118 of the Agriculture and Markets Law. The adoption fee is a flat fee of **Fifty (\$50.00) Dollars** per dog payable to the Town Clerk.

(e) The seizure of any dog or its redemption shall not relieve any person from any violation of this Local Law or penalty prescribed by Section 12. hereof.

(f) No action shall be maintained against the Town, any Dog Control Officer or Peace Officer when acting pursuant to his or her special duties, or any other agent or officer of the Town or person under contract to said Town to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or the Agriculture and Markets Law.

Section 9. Appearance Ticket. The Dog Control Officer acting pursuant to his or her special duties and when observing a violation of this Local Law in his or her presence, may issue and serve an appearance ticket for such violation.

Section 10. Complaint.

(a) Any person who observes a dog in violation of this Local Law may file a complaint with the Dog Control Officer specifying the nature of this violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog.

(b) Upon receipt by the Town Court of a complaint from the Dog Control Officer, the Court shall summon the alleged owner to appear in person to answer the charge, at which time if a not guilty plea is entered a trial will be scheduled.

(c) A violation of any order issued by a Town Justice under the provisions of this Section shall be an offense punishable, upon conviction thereof, as provided in Section 12. of this Local Law.

Section 11. Compensation for Dogs Destroyed. The owner, possessor or harbinger of any dog destroyed under the provisions of this Local Law shall not be entitled to compensation, and no action shall be maintained thereafter to recover the value of the dog.

Section 12. Penalties.

(a) Any person who violates this Local Law or knowingly permits the violation of this Local Law or any of the provisions thereof shall be deemed to have committed an offense under this Local Law, and any person convicted of any such violation shall be punishable by a penalty of not more than **Two Hundred Fifty Dollars (\$250.00)**, and/or imprisonment for a period not exceeding **fifteen (15)** days for each violation.

(b) In addition to the fines above provided, any judge or justice may also, if the circumstances in his discretion so warrant, order the permanent confinement of a dog by the owner thereof.

In the event of a failure of the owner to contain a dog, such dog may, upon order of any judge or justice, be euthanized subject to the provisions of Subdivision 374 of the Agriculture and Markets Law.

Section 13. Separability. If any one or more of the provisions of this Local Law is held to be invalid or unenforceable, all other provisions shall nevertheless continue in full force and effect.

Section 14. License Fees. This Local Law shall not revoke, amend or otherwise apply to dog license fees in the Town as presently existing or hereafter established.

Section 15. Repealer. This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Beekmantown that are in conflict with the provisions of this Local Law.

Section 16. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.



Service Animals

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Overview

This publication provides guidance on the term "service animal" and the service animal provisions in the Department's new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

How "Service Animal" Is Defined

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general's office.

Where Service Animals Are Allowed

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn

units where the animal's presence may compromise a sterile environment.

Service Animals Must Be Under Control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

Miniature Horses

In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website

www.ADA.gov

To receive e-mail notifications when new ADA information is available,

Service Dog Central

Home > Definitions

How was the definition of "service animal" changed July 23, 2010?

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On July 23, 2010, Attorney General Eric Holder signed final regulations revising the Department's ADA regulations, including a revised definition of "service animal." This final rule was published in the Federal Register September 15, 2010, and the effective date is six months after that publication.

Effective March 15, 2011, "Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition."

Key changes include the following:

1. Only dogs will be recognized as service animals.
2. Service animals are required to be leashed or harnessed except when performing work or tasks where such tethering would interfere with the dog's ability to perform.
3. Service animals are exempt from breed bans as well as size and weight limitations.
4. Though not considered service animals, businesses are generally required to accommodate the use of miniature horses under specific conditions.

Until the effective date, existing service animals of all species will continue to be covered under the ADA regulations.

Existing policies that were clarified or formalized include the following:

1. Dogs whose sole function is "the provision of emotional support, well-being, comfort, or companionship" are not considered service dogs under the ADA.
2. The use of service dogs for psychiatric and neurological disabilities is explicitly protected under the ADA.
3. "The crime deterrent effects of an animal's presence" do not qualify that animal as a service animal and "an animal individually trained to provide aggressive protection, such as an attack dog, is not appropriately considered a service animal."

These previously existing policies are already in effect.

For further reading, consult:

Final Rule for Title II: http://www.ada.gov/regs2010/titleII_2010/reg2_2010.html

Title II Fact Sheet: http://www.ada.gov/regs2010/factsheets/title2_factsheet.html

Text of Revised Title II Regulation: http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withhold.htm

Final Rule for Title III: http://www.ada.gov/regs2010/titleIII_2010/reg3_2010.html

Title III Fact Sheet: http://www.ada.gov/regs2010/factsheets/title3_factsheet.html

Text of Revised Title III Regulation: http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_withhold.htm

Note: The term "handler" was replaced with "individual" on March 11, 2011.

"Additionally, the final rule contains an error in wording that may cause confusion over the interpretation of the rule. Specifically, on page 56250, in § 36.104 ("Definitions"), the "service animal" definition includes the following language: "The work or tasks performed by a service animal must be directly related to the handler's disability." Because a service animal is not always controlled by the individual with a disability, the service animal's "handler" is not necessarily the individual with a disability. To clear up any confusion, the word "handler's" should be replaced with the word "individual's" in that sentence. Similar use of the word "handler" in the section-by-section analysis contained in Appendix A to part 36 also needs to be changed to "individual" so it is clear that the individual with a disability does not necessarily need to be the animal's handler in order to be covered by the rule's provisions."

Attachment	Size
new-definition-law-cards.pdf	72.12 KB
new-definition-law-cards-12.pdf	49.63 KB

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Final Rule, published July 23, 2010

New Section Regarding Service Animals Added (In addition to change in definition)

Notice of Proposed Rule Making 2008, as published in the Federal Register

Text of Title II Regulation to Be Published in the Federal Register in August

Text of Title III Regulation to Be Published in the Federal Register in August

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