

TOWN OF CLARKSON  
TOWN BOARD MEETING  
November 23, 2010

The Town Board of the Town of Clarkson held its regular meeting on Tuesday, November 23, 2010 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00pm.

PRESENT:

	Paul Kimball	Supervisor
	Allan Hoy	Councilperson
**	Christa Filipowicz	Councilperson
	Patrick Didas	Councilperson
	Sheldon Meyers	Councilperson
**	Sharon Mattison	Town Clerk
	David Goodwin	Highway Supt.
	Richard Olson	Attorney for the Town

ALSO:

	William Ey	Ass't to Supervisor
	Christopher Lyon	Assessor
	Chad Fabry	Building Insp/Code Enf.

\*\*excused

Supervisor Kimball opened the meeting, and Kristin Coon, Deputy Town Clerk led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military. Supervisor Kimball recognized the return of late Staff Sergeant Ortiz-Rivera to Rochester this week.

**OPEN FORUM**

Michael Cunningham of Gilmore Road requested volunteer assistance for the Salmon Creek Snowmobile Club's upcoming Winterfest on January 22 at Hafner Park. Supervisor Kimball suggested he contact Dave Scott at the Sweden Clarkson Recreation Center and also suggested writing a letter to the editor to find interested persons. Cunningham described the day's planned events which include snowmobile rides, vehicle demonstrations, and a 5K cross-country ski race along the Erie Canal path from the canal bridge at Rt 19 to Sansouci Park. Supervisor Kimball and Councilperson Meyers asked questions and offered assistance.

Samantha Golden of 47 Tearose Meadow requested the use of the Hafner Park lodge on Sunday January 30, 2011 for a fundraiser to benefit the Lakeside Memorial Hospital Twig Association. The event is a cooking competition called the Super Bowl Cookoff and is being organized by the Prairie Fire Twig. Supervisor Kimball stated he had no problem with donating the use of the Lodge but suggested Golden contact Lakeside Hospital to use their kitchen facilities instead because the hospital cafeteria is closed on weekends and would be the ideal venue for a food-related event which would benefit the hospital. Councilperson Meyers offered his assistance in contacting the food service director at the cafeteria. The event is "penciled in" at the lodge but Golden will discuss the matter with Lakeside Hospital to possibly hold it there instead.

**MOTION TO WAIVE THE LODGE RENTAL FEE ON JANUARY 30, 2011 FOR THE SUPERBOWL COOKOFF FUNDRAISER EVENT**

Motion by Councilperson Didas

Seconded by Councilperson Hoy

To waive the lodge fee on January 30, 2011 for a Twig fundraiser to benefit Lakeside Hospital.

Unanimously carried

**11.23.10****PUBLIC HEARING ON INTRODUCTORY LOCAL LAW#4-2010; "DOG LICENSING AND CONTROL LAW OF THE TOWN OF CLARKSON"**

Supervisor Kimball opened the public hearing at 7:10pm.

Tim Burgio of 44 Woodstock Lane questioned the reason for the law. Supervisor Kimball explained that the Law was necessary because the State of New York will no longer be involved in dog licensing as of January 1, 2011 so the Town of Clarkson is required to take over those responsibilities. Kimball also explained the electronic fence section of the law.

Supervisor Kimball closed the public hearing at 7:12pm.

**RESOLUTION TO ADOPT SEQRA NEGATIVE DECLARATION; LOCAL LAW #4-2010****TOWN OF CLARKSON**

November 23, 2010

New York State Environmental Quality Review Act ("SEQRA")-  
Determination of Nonsignificance  
(Negative Declaration)

**Local Law #4-2010**

**WHEREAS**, the in accordance with a change in the New York State Agricultural and Markets Act, the Town Board of the Town of Clarkson is required to revise the law regarding dog control to provide for local licensing and the Town Board has also chosen to add a provision regarding electronic pet containment; and

**WHEREAS**, the Town Board has determined that this is an **unlisted action** pursuant to SEQRA regulations; and

**WHEREAS**, the board has reviewed the Short Environment Assessment Form on file in the Town Office; and

**WHEREAS**, on this date, November 23, 2010, at a regular meeting, the Town Board conducted the required SEQRA review process by reviewing said Short Environment Assessment Form.

**NOW THEREFORE, BE IT RESOLVED:**

1. Based on its review of all of the evidence submitted and reviewed, and based upon the Town Board's deliberations and its review of the short Environmental Assessment Form for the proposed project, it is hereby determined that the proposed action will not have a significant impact on the environment and that a negative declaration is hereby issued.

2. This notice of this determination of non-significance shall be filed as required by SEQRA.

Moved by: Councilperson Hoy

Seconded by: Councilperson Didas

The foregoing resolution was approved as follows:

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Meyers

NAYS: None

ABSENT: Councilperson Filipowicz

**\*see attached Short Environmental Assessment form at end of minutes**

**11.23.10****RESOLUTION TO ADOPT LOCAL LAW #4 -2010 “DOG LICENSING AND CONTROL LAW OF THE TOWN OF CLARKSON”**

At a regular meeting of the Town Board of the Town of Clarkson held at the Town Hall, 3710 Lake Road, Clarkson, New York on November 23, 2010

Present: Supervisor Kimball Councilpersons, Hoy, Didas and Meyers  
Absent: Councilperson Filipowicz,

Introduced by: Councilperson Hoy  
Seconded by: Councilperson Meyers

**RESOLUTION ADOPTING LOCAL LAW**

**Whereas**, the Town Board has before it a Local Law entitled " Local Law #4-2010 " “Dog Licensing and Control Law of the Town of Clarkson” which, if adopted, will provide for local licensing of dogs and provide for the regulation and control of dogs; and

**Whereas**, the Town Board has, pursuant to law, held public hearings to consider said proposed Local Law; and

**Whereas**, this action is a unlisted action under the State Environmental Quality Review Act and this board, as lead agency, has adopted a Negative Declaration on this date; and

**Whereas**, the notice of this hearing was duly published and posted as required by law;

**Now, therefore, be it resolved:**

**Section 1.** That the Town Board of the Town of Clarkson hereby enacts Local Law #4-2010 “Dog Licensing and Control Law of the Town of Clarkson”.

**Section 2.** That the Town Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

**Section 3.** That this Local Law shall take effect immediately.

Vote of the Board

Ayes: Supervisor Kimball, Councilpersons, Hoy, Didas and Meyers

Nays: None

Absent: Councilperson Filipowicz

Discussion: Councilperson Hoy asked whether notice given by the dog control office must be written. Attorney for the Town Olson stated that first notice can be verbal, followed up with a letter. An appearance ticket would be a final resort.

Tim Burgio asked what protection the law provides to owners and dogs who have been victimized by trespassers and Attorney for the Town Olson replied that would be a criminal matter to be handled by the appropriate law enforcement agency. Councilperson Hoy suggested it could also be handled as a civil matter. Burgio inquired if the fees would be increasing and Supervisor Kimball replied that there will be a small increase because this is an unfunded mandate; the Town is required to assume the cost of issuing tags, licenses, mail reminders, etc. with no financial assistance from the State. The new fees will be \$10 per year for each altered dog and \$20 per year for each unaltered dog. Councilperson Meyers questioned whether the law’s requirement of a minimum 15’ setback for electronic fences from the front property line was too restrictive to those people with small front yards. Attorney for the Town Olson suggested that those dog owners could fence their dogs in the back yard for safety reasons.

**\*see attached adopted local law at end of minutes**

**11.23.10****RESOLUTION TO PURSUE THE CREATION OF A FIRE DISTRICT**

WHEREAS, the Town Board of the Town of Clarkson has reviewed the recommendations of the Sweden/Clarkson Fire Protection District Study Committee; and

WHEREAS, the Town Board of the Town of Clarkson plans to pursue the formation of a Fire District with the Town of Sweden.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Clarkson will begin the process of forming a joint Fire District with the Town of Sweden.

Sec.2. That the Supervisor is authorized to sign grant applications in relation to the formation of a Fire District.

Sec. 3. That funds will be appropriated as needed to pay necessary expenses.

Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Hoy  
Seconded by Supervisor Kimball, Councilpersons Didas and Meyers

Discussion: Supervisor Kimball stated there is a meeting scheduled for December 13 with the committee members, the Supervisors of the Towns of Sweden and Clarkson, and two attorneys as a follow up.

**VOTE BY ROLL CALL AND RECORD:**

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Meyers

NAYS: None

**INTERVIEWS FOR BOARD VACANCIES**

Town Clerk Sharon S. Mattison will schedule support board interviews for Tuesday December 7, 2010 at the Clarkson Courthouse beginning at 5:30pm.

**RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN THE SNOW AND ICE AMENDATORY AGREEMENT WITH MONROE COUNTY**

Motion by Councilperson Didas

Seconded by Councilperson Hoy

For Supervisor Kimball to sign the Amendatory Snow and Ice agreement with Monroe County for 2010/2011.

Unanimously carried

Discussion: Sup't Goodwin presented the agreement which is an extension of the current contract, adjusted on a yearly basis. There are 40.46 lane miles of County road that Clarkson plows in the winter and the total estimated payment is \$120,507.48. This is a flat rate lump sum which usually comes close to the actual cost of fuel, equipment and labor, and is based on a ten-year average.

**PARKS MASTER PLAN COMMITTEE UPDATE**

On behalf of Committee Chairperson Filipowicz, Councilperson Didas reported that the committee met for the first time last week with seven people present. The committee plans to meet every other week and will keep the Town Board informed regarding their progress.

**BUILDING INSPECTOR REPORTS**

Inspector Fabry reported on the progress of the new building department software and added that he is currently working on sending letters to residents regarding expired building permits.

**11.23.10**

**ASSESSOR REPORTS**

Assessor Christopher Lyon reported he is working on STAR exemption renewal notices which will be sent to Clarkson residents in December.

**HIGHWAY SUPT. REPORTS**

Sup't Goodwin reported that his crew has commenced snow operations. The damaged cover on the salt building has been repaired. Councilperson Didas asked whether the cost was fully reimbursed to the Town by the trucking firm responsible for the damage and Sup't Goodwin replied that the firm paid for the damage last spring. Goodwin commented further that the fall brush pickup and junk drop off have been completed and the volume of both was less than in prior years. Goodwin also reported that the Emerald Ash Bore has been confirmed in our area by the DEC and it is anticipated that the insect will kill off most of the mature ash trees, which comprise approximately 12% of the total NYS tree population.

**MINUTES**

Motion by Councilperson Didas  
 Seconded by Councilperson Hoy  
 To approve November 9, 2010 minutes.  
 Unanimously carried

**MINUTES**

Motion by Councilperson Didas  
 Seconded by Councilperson Meyers  
 To approve November 16, 2010 intermunicipal meeting minutes.  
 Unanimously carried

**AUDIT**—11-02-2010

Vouchers 20101231-20101352; Total \$143,711.34; Gen. \$84,901.68; Hwy. \$58,648.73;  
 SS \$160.93

Motion by Councilperson Hoy  
 Seconded by Councilperson Didas  
 Unanimously carried

Supervisor Kimball noted that about \$95,000 of that is for the NYS Retirement System and by being in a position to be able to pay that early saves the Town about \$1,100 to \$1,200.

Motion to adjourn at 7:30pm by Councilperson Meyers  
 Seconded by Councilperson Hoy  
 Unanimously carried

Respectfully submitted,

Kristin P. Coon  
 Deputy Town Clerk

APPROVED 12-14-2010

617.20  
**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Town Board - Town of Clarkson	2. PROJECT NAME Local Law #4-2010 Dog Licensing and Control Law
3. PROJECT LOCATION: Municipality <u>Town of Clarkson</u> County <u>Monroe</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>n/a</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Local law to provide for local licensing of dogs. Also provides for dog control and enforcement	
7. AMOUNT OF LAND AFFECTED: Initially <u>n/a</u> acres    Ultimately <u>n/a</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: <u>n/a</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Town of Clarkson</u> Date: <u>11/23/10</u>	
Signature: <u>Paul M. Kimball</u> Paul M. Kimball, Supervisor	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER  
1

Reset

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
C. COULD ACTION RESULT IN <b>ANY</b> ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: no	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: no	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: no	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: no	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: no	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: no	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: no	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly:
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/>	Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.
Town Board, Town of Clakson	11/23/10
_____ Name of Lead Agency	_____ Date
Paul M. Kimball,	Supervisor
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
<i>Paul M Kimball</i> _____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)

Reset

## Local Law #4-2010

### Dog Licensing and Control Law of the Town of Clarkson

Be it enacted by the Town Board of the Town of Clarkson

#### ARTICLE I

##### Authority, Intent, Title and Definitions

##### § 56-1. Authority.

This Local Law is adopted pursuant to the authority granted the Town in Section 10 of the Municipal Home Rule Law, Article 9 of the New York State Town Law and in Article 7 of the New York State Agricultural and Markets Law.

##### § 56-2. Legislative intent.

The purpose of this Local Law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

##### § 56-3 Title.

The title of this Local Law shall be the "Dog Licensing and Control Law of the Town of Clarkson."

##### § 56-4 Definitions.

**A.** Unless otherwise indicated below, the meaning of the words and phrases in this Local Law shall be the same as defined in the New York State Agricultural and Markets Law.

**B.** As used in this Local Law, the following terms shall have the meanings indicated:

##### **CALENDAR DAY**

A calendar day includes the time from midnight to midnight.

##### **DANGEROUS DOG**

In addition to the definitions set forth in §108, Subdivision 24, of the Agriculture and Markets Law, a dog shall be considered a dangerous dog and subject to the provisions of § 123, Subdivision 3 et seq. of the Agriculture and Markets Law if such dog, without justification, attacks a dog or cat and causes physical injury or death to such dog or cat.

##### **DOG CONTROL OFFICER**

The person authorized by the Town Board to enforce the provisions of this Local Law.

##### **ELECTRONIC PET CONTAINMENT SYSTEM**

A system which serves as a non-physical means of controlling animals, primarily dogs, on residential property through negative response mechanisms such as static shock, high-frequency sound, or citronella spray when the animal nears a boundary which has been established by the property owner sometimes with a buried wire.

## OWNER

Any person who is a licensed owner of a dog, and any person who keeps, feeds or harbors a dog for over one week. The owner need not be a resident of the Town of Clarkson, but for a violation to occur, the dog must be in the Town limits of the Town of Clarkson. Dogs owned by minors shall be deemed to be in the custody and control of such minor's parents or other head of the household where the minor resides.

## ARTICLE II

### Licensing of Dogs

#### **§56-5. License Required.**

**A.** All dogs within the Town of Clarkson four (4) months of age or older, unless otherwise exempted shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk 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 of Clarkson. 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. Each license issued shall be valid for a period of one year and shall not be transferable.

**B.** In accordance with §111 of the New York State Agricultural and Markets Law, dogs shall be required to carry the identification tag provided by the Town of Clarkson except that a dog participating in a dog show shall be exempt from the identification requirement during such participation.”

#### **§56-6. Fees and Surcharges.**

**A.** The Town of Clarkson hereby establishes the fee for a dog license issued pursuant to this Local Law at \$9.00 to which amount shall be added \$8.00 if the dog for which the license application is made is unspayed or unneutered.

**B.** Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs

**C.** In addition to the license fee established by §56-6A of this law, each applicant for a dog license shall pay a surcharge of \$1.00 if the dog to be licensed is altered, or a fee of \$3.00 if the dog sought to be licensed is unaltered.

**D.** In addition to the fees and surcharges imposed above, each applicant for a dog license shall pay a surcharge which shall be retained by the Town of Clarkson and used to defray the cost of an enumeration of dogs living within the Town of Clarkson and the cost of providing replacement identification tags. This surcharge shall be determined by resolution of the Town Board from time to time.

## ARTICLE III

### Restrictions

**§ 56-7. Restrictions.** It shall be unlawful for any owner of or any person harboring any dog to permit or allow such dog while in the Town of Clarkson to:

**A.** Run at large unless said dog is restrained by an adequate collar and leash, on said owner's premises or upon the premises of another with the knowledge, consent and approval of the owner of such premises. For the purpose of this article, a dog or dogs hunting in company with a hunter or hunters shall be considered as accompanied by its owner.

**B.** Engage in habitual loud howling or barking or to conduct itself in such a manner so as to habitually annoy any person other than the owner or person harboring such dog.

**C.** Cause damage or destruction to property or other animals or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.

**D.** Chase or otherwise harass any person in such manner as to cause reasonable intimidation or to put such person in reasonable apprehension of bodily harm or injury.

**E.** Habitually chase or bark at moving vehicles.

**F.** Run at large with a pack of other dogs or chase children, deer or other animals.

**G.** Remain within the Town of Clarkson unless cared for in accordance with the provisions of the New York State Agriculture and Markets Law.

#### **§ 56-8. Female dogs.**

It shall be unlawful for the owner or person harboring any female dog to permit such dog to run at large when in heat, and such dog shall be confined within a building on the premises of such person during such period.

### **ARTICLE IV**

#### **Electronic Pet Containment Systems**

**§56- 9. Purpose.** Electronic pet containment systems can be an effective way of controlling dogs. Because most of these systems are not apparent to people approaching the area where the dog is contained with such a system, a dog's presence could be misconstrued. Further, because they are a non-physical way of restraint, they are not always effective. As a result, the Town of Clarkson has chosen to establish the following regulations for the installation of these systems.

**A.** Electronic pet containment systems installed after the effective date of this Local Law shall be installed so that the perimeter or the containment line is as follows:

1. A setback of at least fifteen feet (15') from the front property line.
2. A setback of at least three feet (3') from the side and rear property line.
3. Electronic Pet Containment Systems shall not be installed in any public easement or right of way.

**B.** It is the responsibility of the owner of the dog to provide for appropriate training and be aware of the appropriate level of correction necessary to contain the dog.

**C.** It is the responsibility of the owner to account for the temperament of their animal in relying on a non-physical system for animal control. Pets that are not effectively contained within the defined confinement area, or those that have attacked other people or animals, shall be physically restrained by other means.

**D.** After investigation, the Dog Control Officer may determine that the Electronic Pet Containment System is not appropriate for a given animal and, by written notice, may direct that the animal shall be physically restrained by other means.

## ARTICLE V

### Enforcement, Impoundment, Seizure and Penalties

#### § 56-10. Enforcement.

Except for the provisions in §56-9A relating setbacks for electronic pet containment systems, this Local Law article shall be enforced by the, Dog Control Officer or Deputy Dog Control Officer or by any other law enforcement officer. The Dog Control Officer or Deputy Dog Control Officer shall be authorized to prepare informations and obtain supporting affidavits for submission to the Town Justice Court. The setback provisions in §56-9A shall be enforced by the Code Enforcement Officer in the same manner as a zoning violation.

#### § 56-11. Impoundment.

Any dog which violates § [56-7](#) or §[56-8](#) or which does not have a license may be impounded and taken to a place of detention and shall there be properly fed and cared for at the expense of the Town until disposition thereof shall have been made in accordance with the provisions of this article.

#### § 56-12. Seizure of licensed and unlicensed dogs.

**A.** In the event that the dog seized bears a license tag, the authorized person seizing the dog shall, within three days thereafter, ascertain the name of the owner and give the owner immediate notice by serving upon the owner an instrument in writing stating that the dog has been seized, indicating when, where and why the dog was seized and stating that the dog will be disposed of unless it is redeemed or a trial is demanded within 12 days of the impounding of the dog.

**B.** In the event that the dog seized does not bear a license tag and the owner is unknown, the Control Officer or other law enforcement officer shall be authorized to destroy the dog seven days after impounding or to dispose of the dog by sale or other means unless the owner redeems the dog, if permitted, or unless a trial is demanded by the owner within seven days of seizure.

#### § 56-13. Redemption of impounded dogs.

The owner of any dog impounded by the Town of Clarkson shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee as follows:

- A.** First Impoundment - \$20.00 plus \$20.00 for each calendar day (or part of a calendar day) period of impoundment.
- B.** Second Impoundment within five years - \$30.00 plus \$20.00 for each calendar day (or part of a calendar day) period of impoundment.
- C.** Third Impoundment within five years - \$40.00 plus \$20.00 for each calendar day (or part of a calendar day) period of impoundment.

#### § 56-14. Trial procedure.

In the event that the owner of the dog desires a trial, the owner shall post bail as may be set by the court, pay for the care of the dog while impounded and demand, in writing, a trial. The Dog Control Officer or other law enforcement officer shall immediately proceed to file an information with a Town Justice so that the matter will appear on the docket of the Town Justice as soon as possible. The rules of procedure and as to proof applicable in criminal actions shall apply.

**§ 56-15. Failure to claim dog.**

If an impounded dog is not redeemed or a trial demanded within the time hereinbefore set forth, the owner shall forfeit title to the dog, and it may thereafter be sold by the Town or destroyed by the appropriate official as hereinafter provided.

**§ 56-16. Destruction of dogs; report; compensation for dogs destroyed.**

**A.** In the event that it becomes necessary to destroy a dog, the Dog Control Officer or other law enforcement officer shall arrange through a veterinarian for the destruction of the dog, cause the carcass to be disposed of and make a report in writing of such destruction to the Town Clerk. The Town Clerk shall keep a record of the destruction for one year. Said authorized personnel also shall have the authority to place dogs with the Monroe County Humane Society.

**B.** The owner, possessor or harbinger of any dog destroyed under the provisions of this article shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of the dog.

**§ 56-17. Penalties for offenses.**

Any person who violates or knowingly permits violation of this article shall be subject to a fine of not more than \$75, except that, where the person was found to have violated this article or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may not be more than \$150; where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than \$300 or imprisonment for not more than 15 days, or both. Nothing contained in this section is intended to eliminate, reduce, diminish or replace the provisions set forth in § 123 of the Agriculture and Markets Law with respect to fines, civil penalties, imprisonment or other remedies with respect to dangerous dog violations.

**§56-18. Severability.**

If any clause, sentence, paragraph or part of this Local Law or the application thereof to any person or circumstances shall be adjudged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered

**§56-19. Repealer.**

Upon this Local Law taking effect, the Dog Control Law of the Town of Clarkson adopted May 14, 1974 and amended from time to time thereafter, is superseded and therefore repealed.