

Joseph P. Wilson Jr, Supervisor  
Robert M. Biesemeyer, Deputy Supervisor  
Regular Town Board Meeting  
October 11, 2022  
6 pm  
Keene Valley Library

Call to order

Approve Minutes: Sept. 20 Special Board meeting  
Sept. 27 Bi-Monthly Board meeting

Privilege of the Floor:

Keene Diversity Committee presentation of upcoming events

Town Discussion of Old Business:

- Covid Updates:
- Budget Updates
- Water Districts Projects
  - Financial Advisor contract
  - WD#1;
  - WD#2; Hydrology & Engineering
- Water Law amendment/Petition
- Town Clerk Updates
- Bulky Days

New Business:

- Resolution authorizing the acceptance of the lowest bid under \$50,000 for a new tractor for field mowing.
- Resolution to establish a reserve account in the General Fund for the Safety Path construction project.
- Introduce leash law

Executive Session: Personnel & Legal Advice

Budget Resolutions

Resolution to transfer funds:

Resolution to amend the 2022 budget:

Supervisor's Report: July & August 2022

Audit Bills:

Resolution to audit Vouchers #2022-768 through #2022-816 from previous meeting

Resolution to audit Vouchers #2022-818 through #2022-

**TOWN OF KEENE  
LOCAL LAW #1 FOR 1998**

A Local Law relating to the keeping or running at large of dogs and the seizure thereof within the Town of Keene.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF KEENE as follows:

**SECTION 1            PURPOSE**

The Town of Keene, New York finds that the running at large and other uncontrolled behavior of dogs has 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 by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

**SECTION 2.            AUTHORITY**

This Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of the Agriculture and Markets Law.

**SECTION 3.            TITLE**

The title of this Local Law shall be "Dog Control Local Law, of the Town of Keene."

**SECTION 4.            DEFINITIONS**

- (a) "Owner" means any person who harbors or keeps any dog. In the event any dog found in violation of this ordinance shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides).
- (b) "Harbor" means to provide food or shelter to any dog.
- (c) "At large" means any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the

dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is: (a) accompanied by and under the immediate supervision and control of the owner or other responsible person; (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

- (d) "Town" means the area within the unincorporated village limits of the Town of Keene and shall apply to all those areas of Town of Keene.
- (e) "Recreational Area" means any real property owned by the Town of Keene which is used for recreational purposes by the public including, but not limited to, parks or play grounds.
- (f) "School Premises" means any real property situate within the Town of Keene which is used for educational purposes or purposes incidental thereto.
- (g) "Dog Control Officer" means any person authorized by the Town of Keene or the Town Board of the Town of Keene from time to time to enforce the provisions of this Local Law or the provisions of the Agriculture and Markets Law.

#### SECTION 5. RESTRICTIONS

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Keene, to:

- (a) be at large;
- (b) cause damage or destruction to property;
- (c) chase or harass any person in such a manner as reasonable to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury;
- (d) Habitually chase or run along side of motor vehicles or bicycles;
- (e) deposit waste or commit a nuisance on the private property of a person, corporation or other entity other than that of the owner of the dog, save instances where the same is done with the consent of the owner of said property; or

- (f) be at large on any school premises or recreational areas, or the sidewalks adjacent thereto.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by section 5 of this Local Law shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine or control his dog.

**SECTION 6.            ENFORCEMENT**

The Local Law shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employer under contract to the Town of Keene.

**SECTION 7.            SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION**

- (a) Any dog found in violation of the provisions of section 5 of this Local Law may be seized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- (b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law. Impoundment fees are \$25.00 for 1st offense, \$35.00 for 2nd offense and \$50.00 for the 3rd offense.
- (c) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in Section 118 of said Article.
- (d) Any dog unredeemed at the expiration of the appropriate redemption period, shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- (e) No action shall be maintained against the Town of Keene, any dog control officer or peace officer when acting pursuant to his special duties, or any other agent or officer of the Town or person under contract to said Town of Keene, 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.

- (f) The seizure of any dog or its redemption shall not relieve any person from any violation of this law or penalty described herein.

**SECTION 8. COMPLAINT**

- (a) Any person who observes a dog in violation of this Local Law may file a complaint with any dog control officer of the Town of Keene specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.
- (b) Upon receipt by the Town Justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such Hearing, the Town Justice decides that further action is warranted, he may order:
1. The dog to be declared a vicious or dangerous dog to be restrained by collar and leash at all times whether on or off the owner's property.
  2. The dog to be confined to the premises of the owner.
  3. Such other remedy as may be warranted by the circumstances in such case.
- (c) A violation of any Order issued by the Town Justice under the provisions of this Section 6 shall be an offense punishable, upon conviction thereof, as provided in Section 10 of this Local Law.

**SECTION 9. APPEARANCE TICKET**

Any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Keene, having reasonable cause to believe that a person has violated this Local Law or observing a violation of this Local Law in his presence shall issue and serve upon such person an appearance ticket for such violation. The exception would be a dog at large that has not violated Section 5, items (B) and (C).

**SECTION 10. PENALTIES**

Any person convicted of a violation of this Local law shall be deemed to have committed a violation and shall be subject to a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not exceeding fifteen (15) days.

SECTION 11      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.

SECTION 12.      REPEALER

This Local Law shall superseded all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Keene and they shall be, upon the effective date of this Local Law, null and void.

SECTION 13.      EFFECTIVE DATE

This Local Law shall take effect immediately upon the filing of the same in the office of the Secretary of State of the State of New York.

TOWN OF KEENE  
DOG LICENSING AND CONTROL LAW  
LOCAL LAW # 3 OF 2010

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK, AS FOLLOWS:

**SECTION 1: TITLE:**

Title: The Title of this Law shall be Dog Licensing and Control Law of the Town of Keene, County of Essex.

**SECTION 2: AUTHORITY:**

This Local Law is enacted pursuant to the provisions of (Chapter 59; Part T of the Laws of 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

**SECTION 3: PURPOSE:**

The Town Board of the Town of Keene, County of Essex hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs.

**SECTION 4: DEFINITIONS**

All terms not specifically defined herein shall have the meaning assigned to such terms with Section 108 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 Chapter, as amended by this Chapter, and as thereafter amended.

**IDENTIFICATION TAG:** A tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, and the telephone number of the Town Clerk.

**OWNER:** Any person who harbors or keeps any dog or other animal.

**OWNER OF RECORD:** 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.

**RESIDENT:** A person or individual who maintains a residence within the Town of Keene, County of Essex, State of New York.

**TOWN:** means the Town of Keene, County of Essex, State of New York.

**RUN AT LARGE:** means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.

#### **SECTION 5: LICENSING OF DOGS**

No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and laws of the Town.

All dogs within the Town that are four (4) months of age or older, unless otherwise exempted, shall be licensed. No license shall be required for any dog which is under the age of four months and which is not a large.

The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of the Town 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.

#### **SECTION 6: LICENSES ISSUED BY ANIMAL SHELTERS AND POUNDS**

The Town does not allow the licensing of dogs by a shelter. The shelter **MUST** send the adoptive dog owners to the Town Clerk of the Town in which the dog will be harbored for licensing **OR** to the Town Clerk of the Town, where the Shelter is located for the purchase of the license for adoption purposes.

#### **SECTION 7: PROOF OF VACCINATION AGAINST RABIES**

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.

#### **SECTION 8: TERM OF LICENSE AND RENEWALS**

Each license issued pursuant to this local law, shall be valid for a period of one (1) year and shall expire on the last day of the month for which it was issued. No license shall be issued for a period expiring after the last day of the eleventh

month following the expiration date of the current rabies certificate for the dog being licensed.

## **SECTION 9: FEES**

### **(A) Individual Dog License Fee**

\$ 5.00 for a spayed or neutered dog

\$10.00 for an unspayed or un-neutered dog

### **(B) State Mandated Animal Population Control Surcharge**

Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$1.00 payable at the time the dog license application is filed.

Each individual dog license for an unspayed or un-neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$3.00 payable at the time the dog license application is filed.

### **(C) REPLACEMENT TAG FEE**

A replacement tag fee of \$10.00 will be assessed to offset the costs associated with the replacement of a dog's lifetime identification tag number or a fee of \$5.00 will be assessed to offset the costs of acquiring a new number supplied by the Town Clerk.

### **(D) FEE EXEMPTIONS**

There shall be no fee for any license issued for the following:

- guide dog,
- hearing dog,
- service dog,
- war dog,
- working search dog,
- detection dog,
- police work dog,
- therapy dog

(all as defined in article 7 of the State Agriculture and Markets Law).

Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog", as may be appropriate, by the clerk.

## SECTION 10: ISSUANCE OF LICENSE; IDENTIFICATION TAG

- (A) Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.
- (B) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

### (C) Change of Ownership, Lost or Stolen Dogs

Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The identification tag on record in the Town Clerk's office shall remain the same for the life of the dog.

In the event of a change in ownership of any dog which has been assigned an official identification number or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.

If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Town Clerk.

In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.

### (D) Identification Tag

- The Town Clerk shall assign a Town permanent official identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.
- An identification tag is not required to be worn while the dog is participating in a dog show.
- The official permanent identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- 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.

- At the time a dog is first licensed, one identification tag shall be furnished to the owner at no additional charge. Any replacement tag shall be obtained by the owner at the owner's expense. Any person wishing to replace a tag previously issued shall pay the sum of \$10.00 to keep the same identification number or \$5.00 to replace this number with a new number, to be determined by the Town Clerk.

#### **SECTION 11: PUREBRED DOG LICENSE AND FEE**

There will not be distinct purebred licenses as previously provided for by the State. Any and all existing purebred licenses will not be required to comply with this local law.

#### **SECTION 12: PENALTIES**

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

#### **SECTION 13: REPEAL OF INCONSISTENT LOCAL LAWS OR ORDINANCES**

This Local Law shall supersede all prior inconsistent Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the Town. All prior inconsistent Local Laws, Ordinances, Rules and Regulations shall be, upon the effectiveness of this Local Law, null and void.

#### **SECTION 14: SEVERABILITY CLAUSE**

The provision of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining section, subsections, sentences, clauses or part of this ordinance.

#### **SECTION 15: EFFECTIVE DATE**

This local law shall be effective January 1, 2011, after filing with the Secretary of State.

## Leash Law Draft

Sept. 15, 2022

### Leash Law:

No owner, custodian, or person who keeps, harbors, or otherwise has charge of any dog shall cause or permit such dog to be on any street or other public place in the Town of Keene unless such dog is held on a leash not exceeding (8) feet in length; nor shall any dog be allowed or caused to run at large in the Town of Keene, except on the premises of the person who owns, keeps, or harbors or otherwise has the care or custody of such dog, or except on the premises of another person with the knowledge and consent of such other person. 2. No person shall remove or cause to be removed from any dog, its harness or leash or entice any dog out of any enclosed, house or grounds of the owner or harbinger, or harbor or release such dog to run at large. 3. Any dog control officer, peace officer, constable, police officer, or other authorized individual acting pursuant to special duties, in the employ of or under contract of the Town of Keene having reasonable cause to believe that a person has violated this ordinance shall issue and serve upon such person an appearance ticket for such violation. 4. Any person convicted of a violation of this Town Law shall be subject to a fine not exceeding two hundred fifty dollars (\$250.00) Each specific violation of this ordinance shall constitute a separate violation pursuant to the Penal Law of the State of New York. 5. In addition to the penalties provided for Paragraph (4) of this Town law, any person retrieving a dog from the pound must pay to the Town Clerk of the Town of Keene the fee provided for in Sec. 118 of the New York State Agriculture and Markets Law. All other provisions of Sec. 118 of said law are hereby adopted and made a part of this local law.

### Barking Dog –

No person shall harbor, own, keep or permit a dog or dogs that howl, bark, cry or make other audible sounds in a unreasonable manner within the limits of the Town of Keene so that the peace and quiet of the neighbor or nearby property owner or occupant is disturbed or the peace, quiet and order of a neighborhood or the public with the Town of Keene is disturbed. Howling, barking, crying or other audible sounds made by a dog or dogs shall be considered unreasonable if it persists on an intermittent or continuous basis for more than thirty (30) minutes at a time without complete interruption of a least ten (10) minutes continuous duration or if it continues over a period of two (2) hours or more regardless of any interruption time. Violation of this Town Law shall constitute an offense and shall be subject to a fine not to

exceed twenty-five dollars (\$150.00) for any offense, and any violation of said Town Law shall constitute disorderly conduct, and any person violating the same shall be declared a disorderly person. 3. Any dog control officer, peace officer, constable, police officer, or other authorized individual acting pursuant to special duties, in the employ of or under contract of the Town of Keene having reasonable cause to believe that a person has violated this ordinance shall issue and serve upon such person an appearance ticket for such violation. Curbing dog-

1. It shall be the duty of each dog owner or person having possession, custody or control of a dog to remove any feces left by his dog on any sidewalk, gutter, street or other public area in the Town of Keene. 2. The provisions of this Town Law shall not apply to a guide dog, hearing dog, or service dog accompanying any person with a disability as defined in subdivision twenty-two hundred and ninety-two (292 - 22) of the Executive Law of the State of New York. 3. This town Law shall be construed and operate in the same manner as 1310 of the Public Health Law of the State of New York. 4. The Town Board reserves the right and shall have the authority to promulgate and adopt rules and regulations to carry out the intent and purpose of this Town Law. Said rules and regulations may supplement, modify and/or amend the express provisions hereof.

5. Any person violating this Local Law shall, upon conviction, be subject to a fine not exceeding two hundred fifty dollars (\$250.00). The continuation of a violation of this Town Law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder. 6. Any dog control officer, peace officer, constable, police officer, or other authorized individual acting pursuant to special duties, in the employ of or under contract of the Town of Keene having reasonable cause to believe that a person has violated this ordinance shall issue and serve upon such person an appearance ticket for such violation.