



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
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99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

5 _____ of the year 20 25 _____

Local Law Title: A LOCAL LAW AMENDING CHAPTER 75 & CHAPTER 250 OF THE TOWN CODE OF THE TOWN OF MOUNT HOPE

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

County City Town Village
(Select one)

of Mount Hope _____ as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ of the year 20 _____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(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 ascribed as local law number 5 of 2025 of the (County)(City)(Town)(Village) of Town of Mount Hope was duly passed by the Town Board on September 15 2025 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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. 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.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

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, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(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.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* 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.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

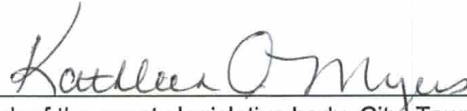
I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors 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 thereto, ascribed as local law number _____ 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 the paragraph 1 above.



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

September 16, 2025

(Date)

(Seal)

LOCAL LAW 5 OF 2025

A LOCAL LAW AMENDING CHAPTER 75 AND CHAPTER 250 OF THE TOWN CODE OF THE TOWN OF MOUNT HOPE

Be it enacted by the Town Board of the Town of Mount Hope, as follows:

Section 1. Authority

This Local Law is enacted pursuant to Section 10 of the New York Municipal Home Rule Law.

Section 2. Purpose of this Enactment.

The purpose of this enactment is to provide regulations concerning dangerous dogs in the Town of Mount Hope.

Section 3. Chapter 75, Article I, of the Town Code of the Town of Mount Hope is hereby amended by replacing Section 75-9 to read in its entirety as follows:

§ 75-9 **Dangerous Dogs.**

A. Legislative intent. The Town Board has determined that there exists a need to address the situation of dangerous dogs in the Town of Mount Hope by supplementing the provisions of § 123 of the Agriculture and Markets Law of the State of New York.

B. Applicability. The provisions of this Section shall be deemed to supplement applicable state and local laws, ordinances, codes or regulations, and nothing in this Section shall be deemed to abolish, impair, supersede or replace existing remedies, rights or requirements of any other applicable state and local laws, ordinances, codes or regulations.

C. Definitions. As used in this Section, the following terms shall have the meaning indicated:

DANGEROUS DOG

1. Includes:

- a. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to menace or to otherwise endanger the safety of human beings;
- b. Any dog which attacks a human being without provocation;
- c. Any dog which attacks another dog/cat on the latter's own

premises without provocation and which inflicts serious physical injury upon such other dog/cat;

d. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

e. Any dog designated as dangerous by any police officer, animal control officer, code enforcement officer or other employee of the Town designated by the Town Board or the Chief of Police.

2. No dog shall be deemed dangerous if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

SERIOUS PHYSICAL INJURY. Death, dismemberment, fracture or any injury to a dog/cat which in the opinion of a licensed veterinarian threatens the life of such dog/cat.

D. Confinement and care of dangerous dogs.

1. No person owning or harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of such person. A dangerous dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of said person. Such pen or dog run area must also have either sides six feet high or a secure top, must be at least 10 feet from the property line of any adjoining premises, and must comply with Chapter 250, Zoning. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot.

2. No person owning or harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

3. No person shall possess with intent to sell, offer for sale, breed, or buy or attempt to buy within the Town of Mount Hope any dangerous dog.

4. All persons owning or harboring or having the care or custody of a dangerous dog shall post their premises with a clearly visible warning sign that there is a dangerous dog on the property.

5. All persons owning or harboring or having the care or custody of a dangerous dog shall procure and maintain a liability policy with limits not less than \$100,000, combined single limit bodily injury and property damage, for injury or damage caused by the dog.

6. The owner or custodian of any dangerous dog shall immediately notify the Mount Hope Police Department if said dangerous dog is unconfined or has bitten a human being, domestic animal, dog or cat.

7. The owner or custodian of any dangerous dog shall give 72 hours' notice to the Mount Hope Police Department prior to the giving away or transfer of ownership

of any dangerous dog. Said notice must provide the Police Department with the name, address and telephone number of the new or proposed owner or custodian of the dangerous dog.

E. Illegal training of dogs. No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings, domestic animals, dogs or cats.

F. Enforcement.

1. In the event that a police officer, animal control officer, code enforcement officer or other employee of the Town designated by the Town Board or the Chief of Police has probable cause to believe that a dog is being harbored or cared for in violation of this section, the officer or employee may petition the Mount Hope Town Court to order the seizure and impoundment of the dog pending a hearing. In the event that an officer or employee has probable cause to believe that a dangerous dog is being harbored in violation of Subsection D(1), above, that any dog is being harbored in violation of Subsection E, above, or that any dog has attacked a human being, the officer or employee may seize and impound the dog pending a hearing.

2. Any person may make a complaint under oath or affirmation to the Mount Hope Town Court of any violation of this Section.

3. The owner or custodian of any dog seized and impounded pursuant to this Section shall be afforded a hearing upon appropriate notice within five days of said seizure to determine if in fact a violation of this Section has occurred.

G. Penalties. A violation of any provisions of this Section shall constitute an offense within the meaning of the Penal Law of the State of New York punishable as provided for herein.

1. A fine of no less than \$150 and no greater than \$500 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment, for a first offense.

2. A fine of no less than \$350 and no greater than \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment, for a second or subsequent offense.

3. Any person violating Subsection E, above, Illegal training of dogs, shall be subject to penalties as prescribed in § 351 of the Agriculture and Markets Law.

4. Any person violating the provisions of this Section may be required in the court's discretion to pay restitution to:

a. Any person who incurs medical or veterinarian expenses as the result of an attack by the violator's dangerous dog; or

b. The Town of Mount Hope for any expenses associated with the seizure, impoundment, shelter, care or destruction of the violator's dangerous dog.

5. A Judge of the Mount Hope Town Court may in his or her discretion order the destruction of any dangerous dog owned or harbored in violation of the provisions of this Section when the court determines that such dog represents a continuing threat of serious harm to human beings.

6. A Judge of the Mount Hope Town Court may, in his or her discretion, order the removal from the Town of Mount Hope of any dangerous dog owned or harbored in violation of the provisions of this Section when the court determines that such dog represents a continuing threat of serious harm to human beings or other animals.

H. Contesting determination of dangerous dog. The owner or custodian of any dog determined by any officer or employee of the Town of Mount Hope to be dangerous within the meaning of this section may contest such designation by commencing an action as provided in Article 78 of the Civil Practice Law and Rules within 30 days of the mailing of the written notice provided for in Subsection I, below.

I. Records; written notice. The Town Clerk of the Town of Mount Hope shall keep records identifying by name and address the owners or custodians of all dogs determined to be dangerous by any officer or employee of the Town of Mount Hope. Upon any such determination, the officer or employee shall provide all owners and custodians of dangerous dogs with written notice of the provisions of this Section.

J. Inspections. Any police officer, animal control officer, code enforcement officer or other employee of the Town designated by the Town Board or the Chief of Police are/is hereby authorized to make appropriate and reasonable inspections and inquiries to ensure compliance with this Section.

Section 4. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 5. **Amend and Chapter 75, Article I, Section 75-14(A)(3)(b) of the Town Code of the Town of Mount Hope.**

Chapter 75, Article I, Section 75-14(A)(3)(b) is hereby amended to read as follows:

- b) Engage in habitual loud barking or howling or to conduct itself in a such a manner so as to produce an unreasonable noise or noise of a type or volume that a reasonable person under the circumstances would find offensive and/or which creates or causes a public nuisance. Additionally, no person shall permit his or her dog to how or bark at any time of the day or night for a period in excess of 15 minutes continuously.

Section 6. **Amend and Replace Chapter 75, Article I, Section 75-14(E) of the Town Code of the Town of Mount Hope.**

Chapter 75, Article I, Section 75-14(E) is hereby amended to read as follows:

- E. Except as provided in Section 75-9(G) of this Article, any person who violates or

assists in the violation of any provision of this Article shall, upon conviction, be guilty of an offense within the meaning of the Penal Law of the State of New York punishable by a fine of not less than \$100 nor more than \$750 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 7. Amend and Replace Chapter 250, Article XIII, Section 250-77 of the Town Code of the Town of Mount Hope.

Chapter 250, Article XIII, Section 250-77 is hereby amended to read as follows:

§250-77. Penalties for Offenses.

- A. Notice. Whenever a Town of Mount Hope official or employee determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, he or she shall give notice of such violation to the person(s) or entity(ies) responsible for such violation. Such notice shall be in writing and shall specify the alleged violation and shall provide a stated time for compliance and shall be served upon the owner, agent, operator, or occupant, as the case may require. Such notice may contain an outline of remedial action which, if taken, will affect compliance with the Zoning Code. Such notice shall be deemed to be properly served upon such owner, agent, operator, or occupant if:
1. A copy thereof is served upon him or her personally; or
 2. A copy thereof is sent by regular mail to the last known address of such person; or
 3. In the event an address is not available, a copy thereof is posted in a conspicuous place in or about the building affected by the notice.
- B. Notice not Required. The aforesaid notice shall not be required if:
1. The owner, agent, operator, or occupant caused or allowed the subject violation to exist; or
 2. The owner, agent, operator, or occupant has verbal or other actual notice from the Town of Mount Hope or any other source of the subject violation; or
 3. The owner, agent, operator, or occupant has constructive notice of the alleged violation; or
 4. The alleged violation constitutes an imminent threat to the health, safety, or welfare of the occupants of the subject premises or the occupants of nearby premises or the public.
- C. Any person who violates or assists in the violation of this Chapter or any person

who fails to comply with a notice of violation issued pursuant to Subsection B, above, shall, upon conviction, be guilty of an offense within the Penal Code of the State of New York punishable by a fine of not less than \$250 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The term "person," as used in this section, shall include the owner, occupant, mortgagee, vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm, or corporation directly or indirectly in control of a premises or part thereof.

- D. The imposition of penalties herein prescribed shall not preclude the Town of Mount Hope or any person from instituting appropriate legal action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, structure, or premises.

Section 8. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this Local Law.

Section 9. Effective Date.

This Local Law shall be effective immediately upon filing with the Secretary of State.