

TOWN OF CONSTANTIA
MINUTES –PUBLIC HEARING AND TOWN BOARD MEETING–July 21, 2026
6:00 pm Constantia Town Hall

Present: Ronald Chapman Jr. - Supervisor
Michael Donegan, Cory Monroe, Thomas Moran, Daniel Poné, – Council Members
Clare Haynes – Town Clerk
E. John Whitney –Highway Superintendent
James Peck – Chair, Planning and Zoning Boards
Roy Reehil – County Legislator
Erin Zehr – Park and Recreation Commission, Chair
Christene Kieffer - Historian
Heidi Tompkins – Tug Hill Commission

CALL TO ORDER:

At 6:00 pm Mr. Chapman called the public hearing on proposed local law C-2026 Noise Ordinance and D-2026 Dog Control and town board meeting to order with the pledge of allegiance.

PUBLIC COMMENT:

Mr. Chapman asked if there were any questions or concerns about either of the local laws that are proposed tonight. All who spoke are in favor of both the laws, especially when it comes to the noise ordinance, there were no questions pertaining to dog control. The board understands that this is not a perfect law, but it is a start and gives police agencies something to work with.

Of another concern is 4-wheelers, ATV's and minibikes driving up and down the roads, is there anything that can be done about them. The board suggested getting a letter together and sending it to police agencies, this has helped in the past.

WASTEWATER:

CONSTANTIA NORTH SHORE SEWER PROJECT

A. Constantia Sewer Project Progress:

- ✓ Funding agencies have indicated that SOCRIS must have funding and be underway before Constantia's project will be eligible for funding.
- ✓ Project Score on the NYSEFC 2026 Intended Use Plan (IUP) – 126 points.
- ✓ Income Surveys Complete. District MHI reported as \$60,000.
- ✓ EFC PLUS Listing Update submitted on 5/29.
- **Sanitary Survey septic system testing ongoing to support WQIP.**
 - **26 residences inspected;**
 - **23 had visible issues or could smell sewage type odors,**
 - **13 samples taken, all positive for E. Coli and Fecal, some with very high concentrations.**
 - **Final Sanitary Survey Report will be completed by July 31 to support WQIP app.**
- **\$1.75M STAG Grant – Procurement Flexibility Request approved 7/1/2026**
 - **Next step is to set up account on grants.gov to submit application for grant agreement**

Upcoming items:

- **Submit WIIA grant application by July 27 deadline!**
- **Submit DEC WQIP grant application by July 31 deadline!**

B. SOCRIS Progress:

- ✓ IMA approved with Constantia and most recently Hastings
- ✓ County developing Treatment Agreement with the City of Fulton.
- ✓ Meetings with ESD, Governor's office, Senator Ryan, Assemblyman Barclay, DEC and EFC. SOCRIS creates a significant opportunity for Economic Development in the region.
- ✓ Oswego County Water Agency has been formed and holds monthly meetings.
- ✓ SOCRIS Bond Resolution authorized by the County Legislature
- ✓ Oswego County Sewer District No. 1 Sewer District in the process of being formed.
- ✓ **\$12M included in the FY26-27 NYS budget resolution for SOCRIS project!**
- ✓ **SOCRIS design underway! This shows progress and will help support Constantia funding applications!**

Upcoming items:

- Continue progress on County / City of Fulton Treatment Agreement
- Ongoing project promotion

C. Target Funding Opportunities:

- NYSEFC Base WIIA:
 - Project is eligible for up to 25% of net project costs up to \$25M
 - **Applications due July 27, 2026!**
- NYSEFC Base Additional Subsidy:
 - Eligible communities can receive up to 25% of net project costs up to an additional \$2M
- NYSDEC WQIP Grant:
 - Project is eligible for grant up to \$10M

- **Applications due July 31, 2026!**
- Other Grant Opportunities:
 - USDA RD Grant
 - NBRC Grant
 - ESD Grant
 - CDBG Grant
 - STAG/CPF Grant
 - Micron
- D. NEXT STEPS:
 - Submit Grant Agreement with EPA through grants.gov, determine use of grant funds.
 - Submit WIIA grant application by July 27 deadline!
 - Submit DEC WQIP grant application by July 31 deadline!

CLOSE PUBLIC HEARING:

At 6:25pm Mr. Donegan made the motion to close the public hearing on Local Law C-2026 Noise Ordinance and D-2026 Dog Control, seconded by Mr. Poné.

Carried: Ayes: Moran, Monroe, Poné, Donegan, Chapman

PARK AND RECREATION:

Mrs. Zehr reported the following:

- To date there are 199 children signed up for the rec program, 31 are from West Monroe, the average per day is 85-90. 100 children are signed up for swimming lessons; this is more than usual. The park has passed all inspections.
- Lots of beach closings for algae, it seems to be moving in and out of the swimming area. On one of these days, the Constantia and Cleveland Fire Departments came and sprayed their hoses for the kids. It was awesome and the kids loved it, the Commission is very thankful.
- Met with a rep from a national company that does splash pads, a representative visited the park for placement, waiting for some more information.
- Some fun events coming up: foam party, and a kids version of tough mudder.
- Family Night is scheduled for August 2nd, there will be live music by Ron Hurne, as well as a bounce house. Sunshine Treats & Eats will be there for food purchase. The Commission is hoping this is well attended as it is an expensive night.
- Annual military band and fireworks are on August 8th.

TUG HILL COMMISSION:

Mrs. Tompkins gave his monthly report for the North Shore & Salmon Rivers Council of Governments report, please go to www.norcog.org for more information.

HIGHWAY:

Mr. Whitney reported:

- Roadwork has started, paving, oil and stone is about halfway complete, hope to restart next week as a few employees are on vacation. Unfortunately, our jointly owned paver with West Monroe broke the first day. It was necessary to rent a paver to finish the work. Mr. Whitney believes there needs to be conversation with West Monroe to possibly sell the paver and just rent as needed going forward.
- National Grid cut some trees on Frederick St, the trees have all been cleaned up, also the trees on State Route 49 around Redfield St have been cut back, this really helps the line of sight at the intersection.
- New boiler should be installed by the middle of August.
- Our new dump/snow plow truck should be received this week.

COUNTY LEGISLATOR:

Mr. Reehil wanted to add that the County has passed a bi-partisan agreement for the required bond resolution that is needed for the County to apply for grants.

HISTORIAN:

Mrs. Kieffer gave the following report:

- I have had a very busy few months as I have reported in past board meetings. As of today, I am at \$942.18 of my \$1,250 budget. I have a bill due in November for ancestry.com which is about \$250, so that will bring me to \$1,192.18 leaving \$57.82 left for the remainder of the year.
- I currently have two more scheduled events (one at the Cicero Historical Society and the other at the Baldwinsville Chapter of the Daughters of the American Revolution, where they have invited me to present about Constantia).
- Plus, I have three historical markers on the way for American Revolutionary War Veterans that are buried in three local cemeteries. I've already been working on planning dedications for them.
- And of course, I have monthly Oswego County Historians meetings.
- Finally, I've been also scheduling visits with longtime residents of town and having them share their stories, pictures, and documents so I can preserve them.

- Having said all that, I would like to ask for additional funds to at least carry out these scheduled events. An additional \$500 could get me through the year comfortably. If I have to cancel some of these events, I could possibly do it with \$300.

Mr. Chapman and Mr. Donegan told Mrs. Kieffer to put her request in writing for additional funding.

Mr. Chapman asked how the history hop went last Saturday, Mrs. Kieffer was happy with the turnout and people seemed to enjoy the event.

VOUCHERS:

Mr. Monroe made the motion to accept the following vouchers as listed on Abstract #7 Dated July 21, 2026:

▪ General	235-275	\$ 30,906.46	Trust & Agency	7	\$18,627.73
▪ Highway	105-127	\$264,017.93	Sewer	9-10	\$23,694.31

Seconded by Mr. Moran.

Carried: Ayes: Moran, Monroe, Poné, Donegan, Chapman

SUPERVISOR:

Mr. Moran made the motion to accept the June 30th supervisor’s report as received, seconded by Mr. Poné.

Carried: Ayes: Moran, Monroe, Poné, Donegan, Chapman

APPROVAL OF DEPARTMENT REPORTS AND BOARD MINUTES:

Mr. Donegan made a motion to accept the following reports and minutes as received:

- Code Enforcement, Justice Simpson, Town Clerk
- June 16th town board meeting

seconded by Mr. Moran.

Carried: Ayes: Moran, Monroe, Poné, Donegan, Chapman

CORRESPONDENCE:

Mr. Chapman read an email supporting both the proposed local laws on the agenda for tonight.

BOARD INITIATIVES AND COMMENTS:

Before moving forward with the laws, Mr. Poné wanted to answer a question that was asked of him, where did these laws come from. These laws are from our attorneys; they work with other municipalities and have done the necessary research.

**TOWN OF CONSTANTIA
TOWN BOARD RESOLUTION**

July 21, 2026

**TOWN OF CONSTANTIA LOCAL LAW NO. C OF 2026
 (“A Local Law Establishing a Noise Control Ordinance Within the Town of Constantia”)**

The following resolution was offered by Councilor Donegan, who moved its adoption, seconded by Councilor Monroe, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2026, “A Local Law Establishing a Noise Control Ordinance Within the Town of Constantia,” was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on June 16, 2026; and

WHEREAS, a public hearing was held on such proposed local law on July 21, 2026, by the Town Board of the Town of Constantia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Constantia in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on June 16, 2026, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. C-2026 is an unlisted action and will have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, it is in the public interest to enact said proposed Local Law No. C-2026.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact proposed Local Law No. C-2026 as Local Law No. 3-2026 as follows:

**“TOWN OF CONSTANTIA
LOCAL LAW NO. 3 OF 2026**

**A LOCAL LAW ESTABLISHING A NOISE CONTROL ORDINANCE
WITHIN THE TOWN OF CONSTANTIA**

Be it enacted by the Town Board of the Town of Constantia as follows:

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

It is the purpose of this Local Law to establish a policy of the Town of Constantia to prevent unreasonably loud, disturbing and unnecessary noise and to reduce noise levels within the Town so as to preserve, protect and promote the public health, safety, and welfare and to foster convenience, peace and quiet within the Town. The Town Board finds that every person is entitled to have maintained noise levels which are not detrimental to life, health and the enjoyment of property and that it is the purpose of this Local Law to establish standards, enforcement procedures, and penalties to prevent such unnecessary noise.

SECTION 2. AUTHORITY.

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3. DEFINITIONS.

For the purposes of this law, the terms used herein are defined as follows:

CONSTANT NOISE – Excessive Noise that occurs constantly or frequently (occurs five (5) times or more during a period of one (1) minute in duration).

CONSTRUCTION – Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, highways, roads, utility lines or other property.

DECIBEL (dB) – The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

DEVICE – Any mechanism which is intended to or which actually produces sound when operated or handled.

EMERGENCY – A public calamity or an exposure of any person or property to imminent danger.

EXCESSIVE NOISE – Constant Noise or Intermittent Noise, as such terms are defined in this Local Law, emanating from any source, other than a sound or sounds emanating from any natural source, which is excessive or unusually loud and which either annoys, disturbs, injures or endangers the comfort, health, peace or safety of a reasonable person or which causes injury to animal life or damage to property or businesses or which exceeds the permitted Decibel levels set forth in this Local law, unless specifically exempt.

INTERMITTENT NOISE – Excessive Noise that occurs five (5) or more times in any thirty (30) minute period.

PERSON – Any individual or group of individuals, partnership, company, corporation, trust, association, firm, organization, syndicate, administration, bureau or department.

PROPERTY LINE – Either the boundary, including its vertical extension, that separates one parcel from another or the vertical and horizontal boundaries of a dwelling unit located within a multi-dwelling-unit building.

UNNECESSARY NOISE – Any excessive or unusually loud sound or any sound which either disturbs, injures or endangers the comfort, health, peace or safety of a reasonable person, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary noise exists in a given situation include but are not limited to the following:

- A. The intensity of the noise.
- B. Whether the nature of the noise is usual or unusual.

- C. Whether the origin of the noise is natural or unnatural.
- D. The time of the day or night the noise occurs.
- E. The duration of the noise [any duration of noise restricted herein lasting more than 15 minutes (either sustained or intermittent) shall be deemed to violate this Local Law].
- F. Whether the sound source is temporary.
- G. Whether the noise is continuous or intermittent.
- H. Whether alternate methods are available to achieve the objectives of the sound producing activity.

SECTION 4. MAXIMUM PERMITTED SOUND LEVELS.

No person shall cause, suffer allow or permit the emanation of any source of sound from any real property, or on any public property, municipal highway, road or Right-of-Way, in such a manner as to create a sound level that exceeds sound level limits set forth below (hereinafter the “Maximum Permitted Sound Levels” unless specifically exempted from restriction and prohibitions contained in this Local Law.

- A. Between the hours of 7:00 a.m. and 9:00 p.m.: 70 dB when measured at a Property Line adjoining the property from which a sound originates.
- B. Between the hours of 9:00 p.m. and 7:00 a.m. of the following day: 50 dB when measured at a Property Line adjoining the property from which a sound originates.

SECTION 5. PROHIBITED NOISES.

No person shall make, continue or cause or permit any “unnecessary noise” to be made. The following acts are declared to be prima facie evidence of a violation of this Local Law and are prohibited, but said enumeration shall not be deemed to be exclusive.

- A. Television, radio, phonograph or musical instruments: the operation of any television, radio, phonograph, loudspeaker or use of any musical instrument in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, apartment or other type of residence.
- B. Exhaust of engines: the discharge into the open air of the exhaust of any stationary internal-combustion engine or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- C. Motor vehicles. No person shall use or cause to be used any automobile, motorcycle, bus or other motor vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other unnecessary noise.
- D. Horn or signal. No person shall sound or permit the sounding of any horn or signal on any car, motorcycle, bus or other vehicle, except as a warning signal pursuant to the provisions of the [Vehicle and Traffic Law](#) of the State of New York.
- E. Loading and unloading vehicles: the creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- F. Construction and operation of machinery. No person shall conduct or permit to be conducted construction and/or the operation of machinery, equipment and/or domestic power tools, including lawn mowers, sanders, grinders, and leaf blowers between the hours of 9:00 p.m. the preceding night and 7:00 a.m. on Monday through Saturday, and between the hours of 9:00 p.m. the preceding night and 9:00 a.m. on Sundays and federal holidays, so as to cause unnecessary noise across a real property line.
- G. Animals and birds: owning, possessing or harboring any animal or bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential property line.
- H. Vocal disturbances. No person shall cause or permit to be caused any unnecessary noise by shouting, yelling, whistling, singing or other vocal exclamations.
- I. Noise exceeding maximum permitted sounds levels. No person shall generate, or allow the generation of Constant Noise or Intermittent Noise which constitutes Excessive Noise within the Town of Constantia exceeding the Maximum Permitted Sound Levels set forth in Section 4.

SECTION 6. EXCEPTIONS.

Nothing in this Local Law shall be construed to prevent the following:

- A. Sounds connected with municipality sponsored celebrations or events, including lawful firework displays, parades, carnivals and the like held in accordance with Town laws, ordinances and

regulations and that such sounds shall be reduced between the hours of 12:00 midnight to 7:00 a.m.

- B. Use of organ, bell, chimes or any other similar device by any church, synagogue or school on or within its own premises in connection with religious rights or ceremonies of such church or synagogue or in connection with a school education program.
- C. Sounds created by any governmental agency by the use of public warning devices, including but not limited to police cars, fire engines, ambulances and other emergency vehicles when used in connection with an emergency, drill or test procedure.
- D. Sounds connected with athletic, recreational, or sporting events of any public organization or private school, provided that such sounds shall be reduced between the hours of 12:00 midnight and 7:00 a.m.
- E. Sounds connected with organized activities sponsored by any school district or fire district or department within the Town, provided that such sounds shall be reduced between the hours of 12:00 midnight and 7:00 a.m.
- F. Sounds created by snow blowers, chain saw, lawn mowers and other domestic tools and equipment when used to clear driveways, streets or walkways during and after snowfalls, rainstorms, ice storms, windstorms or other similar emergencies.
- G. Emergency construction or repair work authorized or performed by the Town of Constantia, the County of Oswego, the State of New York or any recognized utility serving the area.
- H. Sounds created by agricultural activities.
- I. Sounds connected with the lawful hunting of animals or game during the appropriate hunting or gaming season.
- J. Sounds created by the exercise of commercial activities to the extent that such sounds are already controlled by the Town of Constantia through site plan approval, special permit or otherwise.
- K. Sounds connected with activities open to the public or sounds where proper authorization has been obtained from the Town Board or any other designated authority of the Town of Constantia.

SECTION 7. ENFORCEMENT AND PENALTIES.

- A. The provisions of this Local Law shall be enforced by the New York State Police, Oswego County Sheriff’s Department and/or the Code Enforcement Officer of the Town of Constantia, who shall have the power to issue warnings and bring complaints returnable before the Justice Court of the Town of Constantia or such other Court of complete jurisdiction for violating this Local Law.
- B. Any person found to have violated the provisions of this Local Law shall, upon conviction thereof, be subject to a fine not exceeding \$250 for a first offense. For a second offense within a six-month period, the penalty shall be a fine not exceeding \$375. For any subsequent offenses of this Local Law, the penalty shall be a fine not exceeding \$500 or by imprisonment not exceeding 15 days, or both.

SECTION 8. SEVERABILITY.

If the provisions of any 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 section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 9. EFFECTIVE DATE.

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

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Thomas Moran	Councilor	Voted	Yes
Michael Donegan	Councilor	Voted	Yes
Cory Monroe	Councilor	Voted	Yes
Daniel Pone	Councilor	Voted	Yes
Ronald Chapman	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

July 21, 2026

TOWN OF CONSTANTIA LOCAL LAW NO. D OF 2026
(“A Local Law To Repeal and Replace Local Law 3 of 2010 with
a New Dog Control Law for the Town of Constantia”)

The following resolution was offered by Councilor Poné, who moved its adoption, seconded by Councilor Moran, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. D-2026, “A Local Law To Repeal and Replace Local Law 3 of 2010 With a New Dog Control Law for the Town of Constantia,” was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held on June 16, 2026; and

WHEREAS, a public hearing was held on such proposed local law on July 21, 2026, by the Town Board of the Town of Constantia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Constantia in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on June 16, 2026, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. D-2026 is an unlisted action and will have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, it is in the public interest to enact said proposed Local Law No. D-2026.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact Proposed Local Law No. D-2026 as Local Law No. 4-2026 as follows:

**“TOWN OF CONSTANTIA
LOCAL LAW NO. 4 OF 2026**

**A LOCAL LAW TO REPEAL AND REPLACE LOCAL LAW 3 OF 2010
WITH A NEW DOG CONTROL LAW FOR THE TOWN OF CONSTANTIA**

Be it enacted by the Town Board of the Town of Constantia as follows:

SECTION 1. PURPOSE AND INTENT

The purpose and intent of this Local Law is to repeal and replace Town of Constantia Local Law 3 of 2010 and to enact new regulations related to the control of dogs in the Town including provisions related to the adoption of a fee schedule by the Town Board of the Town of Constantia.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law §10 and Article 7 of the New York State Agriculture and Markets Law.

SECTION 3. REPEAL OF LOCAL LAW 3 OF 2010

Town of Constantia Local Law 3 of 2010 is hereby repealed in its entirety and replaced with the provisions and regulations set forth in this Local Law.

SECTION 4. DOG CONTROL

“DOG CONTROL

A. Purpose.

It is the purpose of this Local Law to protect the health, safety and general welfare of the inhabitants

of the Town of Constantia by regulating the actions and behavior of dogs in the Town of Constantia, New York, so as to afford consistent protection of the rights and privileges of dogs or the owners thereof and the rights and privileges of other citizens in the Town of Constantia, New York. This Local Law is enacted pursuant to Article 7 of the Agriculture and Markets Law of the State of New York and is enacted for the purpose of supplementing the provisions contained in said law.

B. Definitions.

Unless the context otherwise indicates, the terms, phrases and words used in this Local Law shall have the same meaning as those defined in §108 of the Agriculture and Markets Law. As used in this Local Law, the

following terms shall have the meanings indicated:

ADOPTION: The delivery to any natural person 18 years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered.

AT LARGE: Standing, running, walking or otherwise roaming about without being restricted or restrained by a leash, rope, cord or chain attached to a fixed, immovable object or held by a person of sufficient size, strength and ability to effectively control and restrict the movements of such dog. No dog shall be deemed to be at large if it is:

1. Upon property owned or leased by the owner or other person having custody of the dog;
2. Upon property owned or leased by any other person with the consent of such person;
3. A guide dog actually leading a blind person; or
4. Accompanied by and under the control of its owner or other responsible person and actively engaged in hunting during hunting season or training for hunting on unposted land or on posted land with the permission of the owner of the land.

DETECTION DOG: Any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosive, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DOG: Any member of the species *canis familiaris*.

DOG CONTROL OFFICER: Any individual appointed by the Town of Constantia to assist in the enforcement of this Local Law and Article 7 of the New York State Agriculture and Markets Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town of Constantia to assist in the enforcement of this Local Law.

GUIDE DOG: Any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located with the state during the period such dog is being trained or bred for such purpose.

HARBOR: To provide food or shelter to any dog.

HEARING DOG: Any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

IDENTIFICATION TAG: A tag which sets forth an official identification number, as required by the provisions of this Local Law.

IDENTIFIED DOG: Any dog carrying an identification tag, as provided in Article 7 of the Agriculture and Markets Law.

OFFICIAL IDENTIFICATION NUMBER: A series or combination of letters, numbers or symbols approved and furnished by the Town of Constantia.

OWNER: Any person who keeps, harbors, or is in lawful custody, of any dog.

OWNER OF RECORD: The person in whose name any dog was last licensed pursuant to this Local Law and/or Article 7 of the Agriculture and Markets Law, except that if any license is issued on application of a person under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.

PERSON: Any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

PERSON WITH A DISABILITY: Any person with a disability as that term is defined in Subdivision 21 of §292 of the Executive Law.

POLICE WORK DOG: Any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work.

RECOGNIZED REGISTRY ASSOCIATION: Any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of the Department of Agriculture and Markets.

SERVICE DOG: Any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that

person's parent, guardian or other legal representative.

TOWN CLERK: Town of Constantia Town Clerk.

WAR DOG: Any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG: Any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the Department of Agriculture and Markets; provided, however, that such services are rendered by said dog without charge or fee.

C. Acts prohibited.

1. It shall be unlawful for the owner of any dog to permit or allow it to run at large within the Town of Constantia. The fact that a dog is at large shall be presumptive evidence that the owner permitted or allowed said dog to run at large in violation of this Local Law.
2. Barking and other noise.
 - a. It shall be unlawful for the owner of any dog to permit or allow said dog to bark, yelp, howl, cry or emit any other unreasonable noise for a continuous period of time so that such unreasonable noise causes or creates the risk of inconvenience, annoyance or alarm to the public or to others in the neighborhood, after first having had notice that said dog was making such unreasonable noise and failed to stop or prevent the same or made such unreasonable noise on a prior occasion.
 - b. An owner shall be deemed to have received notice under Subsection 2a. herein when he or she has been advised by a Town official or any police or peace officer that said dog has barked, yelped, howled, cried or emitted any other unreasonable noise for a continuous period of time so that such unreasonable noise has caused or created the risk of inconvenience, annoyance or alarm to the public or to others in the neighborhood, or when he or she has been previously charged with a violation of this Subsection 2.
 - c. It shall be a violation of this Local Law for the owner of any dog to allow, permit or fail to stop or prevent said dog from making unreasonable noise in accordance with **Subsection 2a.** herein after having been given notice in accordance with **Subsection 2b.** herein.
3. Dog Waste and Damage. It shall be unlawful for the owner of any dog, even though it may be leashed, to permit said dog to:
 - a. Damage or destroy property not belonging to the owner or the person in control of the dog.
 - b. Deposit waste (feces) on the property of another without prior approval unless such waste is immediately removed for suitable and proper disposal.
 - c. Deposit waste (feces) on public property unless such waste is immediately removed for suitable and proper disposal.
4. No owner shall keep or suffer to be kept any animal which commits a nuisance in a public highway, public building, public park or on any private property except with the consent of the owner of the property thereof.
5. No owner shall permit the premises, structure or enclosure in which such animal is kept to be unclean or unsanitary.
6. No owner shall permit an unspayed female dog when in heat to be outside a building or a fenced enclosure unless confined on a leash.

D. Seizure of dog; impoundment fees.

1. The dog control officer of the Town of Constantia shall seize any dog running at large in violation of this Local Law. Such seizure shall be carried out in addition to the commencement of proceedings to prosecute violations of this Local Law.
2. Notice of the seizure of any identified dog shall be given in the manner required by §117 of the Agriculture and Markets Law.
3. Each dog seized in accordance with the provisions of this Local Law shall be impounded for the period of time and in the manner prescribed by §117 of the Agriculture and Markets Law.

4. The owner of a seized dog shall pay a fee to the Town Clerk. The amount of such fee shall be established from time to time by resolution of the Town Board. In addition to the foregoing fees, the owner shall pay a fee, to be established by the Town Board, for each day or part thereof that the seized dog is boarded at facilities owned or operated by the Town of Constantia. All of the foregoing fees shall be paid in addition to any penalty imposed for a violation of this Local Law.
5. Where the Town of Constantia contracts with a third-party for boarding, sheltering, and impound services, the owner shall be responsible for paying said third-party contractor for the applicable shelter/impound fees as well as any applicable veterinary or vaccination expenses incurred by the third-party contractor during the redemption period.

E. Licensing; rabies vaccination requirement.

1. Licensing of dogs.
 - a. The owner of any dog reaching the age of four months shall immediately make application to the Town Clerk for a dog license pursuant to Article 7 of the Agriculture and Markets Law.
 - b. The application shall state the sex, age, breed, color, official identification number, and identification marks, if any, of the dog and the name, address and telephone number of the owner.
 - c. The application shall be accompanied by a fee, as set forth in Section 4F of this Local Law, and a current certificate of rabies vaccination or statement in lieu thereof, as required by Article 7 of the Agriculture and Markets Law. An application for a spayed or neutered dog shall be accompanied by either a certificate, executed by a licensed veterinarian, or an affidavit by the owner, verifying that such dog has been spayed or neutered; a certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu thereof, an owner may submit a statement, certified by a licensed veterinarian, verifying that an examination of the dog reveals that spaying or neutering will endanger the life of the dog. In such a circumstance, the license fee for the dog shall be the same as for a spayed or neutered dog, as set forth in Article 7 of the Agriculture and Markets Law.
 - d. Upon validation by the Town Clerk, no licensing fee shall be refunded, prorated or waived. No license fee is refundable, or partially refundable, in the event the dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.
 - e. The Town Clerk shall provide a copy of the license to the owner. If the application or renewal for a dog license is made by mail, the owner shall provide a stamped, self-addressed envelope for that purpose.
 - f. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license.
 - g. Licenses shall be issued for a period of one year and shall expire on the last day of the month one year from the date of issue unless the owner presents a certificate of rabies vaccination for a duration longer than a one-year period. In such cases, the owner may elect to have the license expire on the last day of the month the license was obtained in the same year as the rabies vaccination expires. Under no circumstances, however, may a license exceed a three-year period. Multiple-year licenses shall be charged a fee for each year of the license term. Renewing early or late does not change the renewal month.
2. Relocation/relicensing.
 - a. The owner of any dog that is currently licensed in another municipality must, upon harboring such dog in the Town of Constantia, obtain a Town of Constantia dog license within 30 days.
 - b. Any dog adopted or redeemed from an animal shelter must be licensed in the Town of Constantia and any applicable fees and expenses shall be paid to the animal shelter prior to the dog being released from such shelter.
3. Vaccination. The Town Clerk shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog has been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that the administration of vaccine will endanger the life of the dog. The Town Clerk shall make, or cause to be made from such statement, a record of such information and shall file such record with a copy of the license.

F. License fees.

1. A fee schedule shall be established by resolution of the Town Board of the Town of Constantia and is available in the office of the Town Clerk. Such fee schedule may thereafter be amended from time to time by resolution of the Town Board. Fees shall be charged and collected prior to the issuance of a license.
2. An additional fee, established and amended from time to time by resolution of the Town Board and on file with the Town Clerk, shall be imposed when a dog is identified as unlicensed during an enumeration period. Such additional fee shall be the property of the Town of Constantia and shall be used to pay the expenses incurred by the Town of Constantia in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the Town of Constantia in conducting an enumeration in any year, such excess fees may be used to enforce this Local Law.
3. In accordance with Article 7 of the Agriculture and Markets Law, each applicant for a dog license shall pay a surcharge, which shall be remitted to the Department of Agriculture and Markets for deposit into the animal population control fund. The amount of such surcharge shall be established and amended from time to time by resolution of the Town Board and shall be on file in the office of the Town Clerk. Pursuant to Article 7 of the Agriculture and Markets Law, guide dogs, hearing dogs, service dogs, war dogs, working search dogs, detection dogs, and police work dogs are not exempt from the surcharge set forth herein.
4. On or before the fifth day of each month, the Town Clerk shall remit all license fees to the Town Supervisor.

G. Identification of dogs.

1. Each dog licensed pursuant to this Local Law shall be assigned, at the time of first licensing, a permanent official identification number which shall be featured on an identification tag affixed to a collar on the dog at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation.
2. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes in ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
3. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official Town of Constantia dog identification tag be lost, a new tag will be issued at a fee prescribed by the Town Board of the Town of Constantia.
4. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number is assigned.
5. The size, shape and form of imprints on identification tags shall be prescribed by resolution of the Town Board of Town of Constantia. Any tag bearing an imprint other than that prescribed shall not constitute valid identification for purposes of this Local Law.
6. Fees received pursuant to this section shall be remitted by the Town Clerk to the Town Supervisor by the fifth day of each month.

H. Change of ownership; lost or stolen dog.

1. In the event of a change in the ownership of any dog which has been assigned an official identification number by the Town Clerk, or a change in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Town Clerk of such change. Such owner or record shall be liable for any violation of this Local Law until such notification is made or until the dog is licensed in the name of the new owner.
2. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Town Clerk of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of Article 7 of the Agriculture and Markets Law committed after notifying the Town Clerk.
3. In the case of a dog's death, the owner of record shall so notify the Town Clerk, in writing, either prior to renewal of licensure or upon the time of such renewal as set forth in Section 4F of this Local Law. Failure to so notify the Town Clerk shall constitute a violation and the owner of record shall be held liable.

I. Seizure of dogs; redemption periods; impoundment fees.

1. The owner of any dog impounded by the Town of Constantia shall be entitled to redeem that dog within five 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, the amount of which shall be established and amended from time to time by resolution of the Town Board and is on file with the Town Clerk's office.
2. As the property of the Town of Constantia, after receipt, all impoundment fees shall be remitted by the Town Clerk to the Town Supervisor on or before the fifth day of each month.
3. Consistent with Section 4D(5), where the Town of Constantia contracts with a third-party for boarding, sheltering, and impound services, the owner shall be responsible for paying said third-party contractor for the applicable shelter/impound fees as well as any applicable veterinary or vaccination expenses incurred by the third-party contractor during the redemption period.

J. Enforcement; Penalties for offenses.

Any violation of this Local Law shall be an offense punishable, upon conviction thereof, by a maximum fine of \$250.00, the minimum of which shall be a fine of \$50.00 for the first offense, \$100.00 for the second offense, and \$150.00 for the third or more offenses. This Local Law shall be enforced by the Dog Control Officer of the Town of Constantia or by any police officer or peace officer; said officers are hereby authorized to issue and serve an appearance ticket with respect to any violation thereof; said enforcement shall be undertaken upon a written complaint signed by the person making the complaint and filed with the officer and other appropriate authorities or upon the officer's personal observation of any violation. Each day that the violation continues shall constitute a separate violation.

K. Dangerous Dogs.

In the event that the Dog Control Officer or a law enforcement officer has probable cause to believe that a dog is dangerous or receives a complaint regarding the same, the Dog Control Officer or law enforcement officer may proceed under Article 7 of the Agriculture and Markets Law of the State of New York for a determination by the Town of Constantia Justice Court as to the dangerous nature of the dog. If the Court shall find such dog to be a dangerous dog under the Agriculture and Markets Law, the Court may impose such restrictions and penalties on said dog and the owner thereof as are provided for in the Agriculture and Markets Law."

SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State."

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Thomas Moran	Councilor	Voted	Yes
Michael Donegan	Councilor	Voted	Yes
Cory Monroe	Councilor	Voted	Yes
Daniel Poné	Councilor	Voted	Yes
Ronald Chapman	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

ADJOURN:

At 6:56 pm Mr. Donegan made the motion to adjourn, seconded by Mr. Poné.
Carried: Ayes: Moran, Monroe, Poné, Donegan, Chapman

Respectfully submitted:
Clare Haynes
Town Clerk