

**TOWN OF BETHANY**

**REGULAR TOWN BOARD MEETING**

**13 MAY 2024**

Supervisor Hyde opened the May 13, 2024 Town Board Meeting at 7:02 p.m. with the Pledge of Allegiance followed by a prayer lead by Councilman Emt.

Town Officials in Attendance were:

Carl Hyde, Jr., Supervisor	Jeffrey Fluker, Councilman
Timothy Emt, Councilman	Steve Wells, Councilman
Shauna Klump, Town Clerk	Adam Miller, Historian
Barbara Czworka, Highway Superintendent	Gerry Wood, ZEO
Dave DiMatteo, Town Attorney	

**NEW BUSINESS**

**Town Clerk: Shauna Klump,** Presented Bank statements for April 2024. Board reviewed and approved Minutes Motion made by Councilman Steve Wells and Seconded by Diane Fowler. The board also approved the April 2024 minutes all in favor and motion passed.

**Councilman Fluker,** 12 calls last month and still looking for new members for the fire department.

**Councilman Wells,** No planning board meeting

Councilman Embt, No meeting nothing to report.

Councilwoman Fowler, Water meeting last Tuesday, talking about starting an advisory board.

Supervisor Hyde, We reviewed the new Local dog law which a motion was made by Councilman Jeff Fluker and seconded by councilman Steve Wells all were in favor and the motion was passed. WD#5 paperwork is all with the state comptrollers office. Mr. Dimatteo spoke to everyone explaining we are now in a waiting period for them to approve all the paperwork and give us the green light to move forward. WD#6 received 135 surveys back with 21 no's and 14 unsure. A new tractor with boom mower was discussed for approx. \$202,000. Highway garage renovations are being discussed with the pricing difference between new roofs, doors, windows etc.. Compared to an entirely new building at 3 million dollars.

## **A LOCAL LAW WITH 2024 UPDATES TO THE DOG CONTROL LAW FOR THE TOWN OF BETHANY**

**BE IT ENACTED** by the Town Board of the Town of Bethany as follows:

### **SECTION I. PURPOSE**

The Town Board of the Town of Bethany finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have 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 on the keeping and running at large of dogs within the Town.

### **SECTION II. AUTHORITY**

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

### **SECTION III. TITLE**

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

### **SECTION IV. DEFINITIONS OF TERMS**

As used in this Local Law, the below listed words shall have the following respective meanings:

1. "Agriculture & Markets Law" - The Agriculture and Markets Law of the State of New York in effect during the life of this Local Law. The Agriculture and Markets law is abbreviated as Agr. & M. L.
2. "Dog Control Officer" - Any person authorized by the Town Board, County or State Legislature from time to time, directed or permitted to enforce the provision of this Local Law or the provisions of the Agr. & M. L.
3. "Confined" - A dog is securely confined or restrained when it is kept on the owner's premises whether within a building, kennel, or other suitable enclosure or securely fastened on a chain, wire, or other effective tether of such length or so arranged that the animal cannot reach or endanger any person on any adjacent premises or on any public street, way or place, or if the animal is being transported by the owner, it is securely confined in a crate, on a tether or another container, or so restrained within an enclosed vehicle in a safe manner consistent with the dog's good health so that it cannot be expected to escape therefrom (see Agr. & M. L. §353 and §356 - Cruelty to Animals).
4. "Dog" - Male and female, licensed and unlicensed, members of the species canis familiaris.
5. "Owner" - Person, persons, firm, association or corporation entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under eighteen (18) years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law. For proof purposes any person harboring, possessing or controlling a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this Local Law or Agr. & M. L. shall be held and deemed to be the owner of such dog for the

purposes of this Local Law. Parents, guardians or heads of household, as mentioned above, shall be deemed to have custody and control of dogs owned or harbored by minors and shall be responsible for compliance with Local Law and Agr. & M. L. in the Town.

6. "Dog Owner of Record" - The person in whose name any dog was last licensed, except that if any license is issued on application of a person under eighteen (18) years of age, the owner of record shall be deemed to be the parent or guardian of such person (see Agr. & M. L. §108.16).
7. "Kennel" - Otherwise described as "Dog Facility" - A kennel is a facility that constitutes a business for boarding dogs for hire or for the business of raising/breeding dogs for sale. (Kennel applicants must apply for a special use permit under the Town of Bethany Local Law No 1 of 1997, "Zoning Law" §306, Subsection B (7) and the definition of kennel contained herein supersedes and replaces the definition set forth in the said Town Zoning Law). Kennel operators who are breeding or raising dogs for profit (see Agr. & M. L. 107.4) and licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act are exempt from this law. NOTE - The limit as to the number of dogs in a kennel facility will be addressed in the special use permit law.
8. "Puppies" - Puppies are dogs of less than ~~four (4)~~ six **(6) months** of age (Agr. & M. L. 109.1) and should the dog owner fail to provide a reliable date of birth then the dog shall be presumed to be over ~~four (4)~~ six **(6) months** of age as the dog control officer determines.
9. "Recreational Areas" - Recreational areas shall mean any real property owned by the Town, County or State located in the Town which is used for recreational purposes by the public, including but not limited to parks or playgrounds.
10. "Run at Large" - To be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands, or running on any public highway.
11. "Town" - The "Town" as used herein shall mean any designated area within the boundary lines of the Town of Bethany.

## **SECTION V. LICENSING OF DOGS, LICENSING FEES AND THEIR DISPOSITION**

1. All dogs in the Town of Bethany must be licensed with the Town Clerk by the age of ~~four (4)~~ six **(6) months** and are required to present a current

Certificate of Rabies **and evidence the animal has been spayed or neutered** at the time of licensing or the renewal of an existing license.

2. All dog licenses will be for a period of one (1) year and will expire at the end of the month one (1) year from the date of issue.
3. Fees for Licensing of Dogs
  - a. There will be a fee for a spayed or neutered dog in accordance with the fee schedule set by resolution of the Town Board (which includes the assessment of a ~~\$1.00~~ **\$5.00** mandated surcharge for the purpose of carrying out animal population control).
  - b. There fee for an unspayed or unneutered dog in accordance with the fee schedule set by resolution of the Town Board (which includes the assessment of a ~~\$3.00~~ **\$18.00** mandated surcharge for the purpose of carrying out animal population control).

Such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

4. Enumeration Fee - When the Town Board determines the need for a dog enumeration, a fee of ~~\$5.00~~ **\$20.00** will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.
5. Purebred License - The Town of Bethany will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.
6. Service Dogs - The Town of Bethany will waive a license fee for any state certified guide dog, service dog, hearing dog or detection dog. It is required that the dog be registered with the Town Clerk.
7. The Town of Bethany 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.
8. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms along with a self-addressed stamped envelope for return of license and tags. There will be NO refund of fees.

9. All fees will be used in funding the administration of the Dog Control Law of the Town of Bethany.
10. Fees for Seizure of Dogs - The fee for seizure and impoundment of dogs in violation of this Local Law or the Laws of the New York State Department of Agriculture and Markets Law are as follows:
  - a. First Offense: \$10.00, **per dog + \$5.00 per day impound fee.**
  - b. Second Offense within a one (1) year period: \$20.00 **per dog + \$5.00 per day impound fee.**
  - c. Third and subsequent offences within a one (1) year period: \$30.00, **per dog + \$10 per day impound for the first dog and \$20.00 per day impound for any additional dog.**
  - d. **For multiple dogs, each dog is counted as additional offenses.**
  - e. **\$5.00 per day impound fee is payable to Bethany Town Clerk.**
11. Lost Tags – Lost tags can be replaced for a fee as set by the Town Board. Such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

**SECTION VI. CHANGE OF OWNERSHIP OR ADDRESS, LOST, STOLEN OR DEAD DOGS**

1. Change of Ownership or Address - In the event of a change in the ownership of any dog which has been assigned an official identification number or the address of the dog owner of record, the dog owner of record shall within ten (10) days of such change, file with the Town Clerk a written report of such change. Such owner of record shall be liable for any violation of Agr. & M. L. and this Local Law, until such filing is made.
2. Lost or Stolen Dog - The owner of any dog which has been assigned an official identification number and has been lost or stolen shall within (10) days of the discovery of such loss or theft first contact the Genesee County Animal Shelter and then file with the Town Clerk a written report of such loss or theft. In case of a loss or theft, the dog owner of record shall not be liable for any violation of this Local Law committed after such report is filed.

3. Dog's Death - The dog owner of record shall notify the Town Clerk of the dog's death either prior to renewal of license or upon the time of such renewal. Failure to so notify the Town Clerk of the death of a dog as required herein shall constitute a violation of this Local Law and the dog owner of record shall be held liable.

## **SECTION VII. DOG CONTROL OFFICER**

The Town Board will by special resolution maintain the appointment of a Town Dog Control Officer as required by §113 Agr. & M. L. and setting compensation therein. Such Officer shall have authority as set forth in Subdivision 3 of §113 Agr. & M. L. and shall be responsible for enforcing the Agr. & M. L. and this Local Law of the Town. The Town Dog Control Officer is hereby authorized to issue an appearance ticket pursuant to §150.20 of the Criminal Procedure Law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of the Local Law as specified in §113.3 and §124 Agr. & M. L. The Dog Control Officer shall maintain all reports required by Article 7 Agr. & M. L. specifically Subdivisions 5 and 6 of §113.

## **SECTION VIII. PARCEL LIMITATION**

No more than ~~four (4)~~ **three (3)** dogs **PER PARCEL OF LAND** shall be permitted at any one time, except for owners possessing a duly issued Special Use Permit per Town of Bethany Zoning Law. Puppies, as defined above, shall not be counted for the purpose of this limitation. Certified Seeing Eye dogs, excluding Seeing Eye dogs in training and certified search and rescue dogs, shall be excluded from this limitation, as well.

Dog owners in violation of this section at the time of its enactment shall be exempt until the number of dogs has been reduced to ~~four (4)~~ **three (3)** or below by death, relocation, transfer or the like as the Dog Control Officer determines. Dogs in excess of the limited number of ~~four (4)~~ **three (3)** which have died or been disposed of for whatever reason may not be replaced by the owner until the total number of dogs remaining is fewer in number than ~~four (4)~~ **three (3)**. If the owner thereafter increases the number of dogs above ~~four (4)~~ **three (3)** in number then he/she shall be in violation hereof.

## **SECTION IX. NIGHT QUARTINE OF DOGS**

The Town adopts the same night quarantine of dogs invoked by the Genesee County Legislature on April 8, 1980 in Resolution No. 89. This Resolution requires that dog owners securely confine all dogs within the County between sunset and one (1) hour after sunrise. Violation of this quarantine shall be punishable

in accordance with Agr. & M. L. and this Local Law and dogs may be seized or destroyed as authorized by Agr. & M. L.

## **SECTION X. RESTRICTIONS**

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

1. Violate the County night quarantine noted in Section IX above.
2. Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered accompanied by its owner.
3. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
4. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.
5. Chase, jump upon or at or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
6. Habitually chase, run alongside of, or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.
7. Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.
8. Destroy, kill or damage any poultry, livestock or domestic pets not belonging to the owner or protected wildlife.
9. If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.
10. Run at large on any school premises or recreational areas, or the sidewalks adjacent hereto.



## SECTION XI. PROCEDURE FOR SEIZURE OF DOGS

1. The Dog Control Officer or any peace officer shall seize:
  - a. Any unlicensed dog whether on or off the owner's premises;
  - b. Any dog not wearing a tag, ~~and after June 15, 1985,~~ not identified, and which is not on the owner's premises, and
  - c. Any dog found in violation of paragraphs 1-10 of Section X of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Bethany in such case is carried out.
2. The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a petty offense and not a misdemeanor.
3. Any person who observes a dog in violation of this Local Law may file a complaint with Genesee County Animal Control specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

## SECTION XII. PENALTIES

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of:

1. Twenty-five dollars (\$25.00) for a first violation, **plus court costs**;
2. Fifty dollars (\$50.00) for a second violation, **plus court costs**; and
3. Seventy-five dollars (\$75.00) for each subsequent violation **plus court costs**.
4. **Repeated violations may result in a one hundred (\$100.00) penalty, plus court costs and surrender of the dog to the Dog Control Office.**

## SECTION XIII. 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 XIV. REPEALER**

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Bethany.

#### **SECTION XV. EFFECTIVE DATE**

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

#### **Highway superintendent: Barb Czworka, Dig safe training is complete, waiting for our certifications to be emailed.**

- 2 trucks were stripped from winter
- We put a load and ½ of 1 inch crusher run on Old east rd. Smoothed it out with the loader.
- Helped the county with mill and fill on Perry rd.
- Truck issues with 1204, wouldn't start we believe it was the starter, had it looked at and they helped us jump start truck 1204 to get it to a repair shop.
- Maybe rd. used 10 loads of 1 inch crusher run, to smoother back out road and rolled road to pack material down.
- We have mowed and weed wacked Putnam rd. cemetery.
- We hauled 1 inch crushed run.
- 1202 blew a turbo and was dead in the water, couldn't move it was in Alexander. The town of Alexander helped us get the truck off route 20. Greatly appreciated! Had to have it towed to a repair shop.
- Push weed whacker and lawn mower are both at repair shop, neither would start.
- We are working on Dublin Road have added 12 loads of material. We have changed to Eco run 1 ½ inch, new blend of material.
- Helped Stafford do Mill and Fill on Sanders rd.
- Sign for old town hall is painted and drying, was informed the longer it stays to dry the better the paint will hold.
- Have a question about having 2 balers at compactor ever been surplus? Yes!
- May I surplus overhead doors from shop to put on auction block? Yes!

- The CHIPS issue is still a problem, especially for our town. Please everyone sign the paperwork and send to our Assemblyman Hawley and Senator Borrello. It affects all of us.

### **Adjournment**

A **MOTION** was made by Councilman Fluker, duly seconded by Councilman Embt, to adjourn the meeting at 7:54 p.m. The motion **PASSED** with All In Favor.

BY ORDER OF THE  
BETHANY TOWN BOARD  
DATED: May 13, 2024

Respectfully Submitted,

Shauna Klump, RMC  
Bethany Town Clerk