

TOWN OF BENNINGTON

Local Law Relating to the Control, Confining and Leashing of Dogs

Local Law No. \_\_\_\_ of the year 2026

**SECTION 1. PURPOSE**

The Town Board of the Town of Bennington finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs may create a risk of physical harm to persons, damage to property and nuisances within the town. The purpose and intent of this law is to preserve the public peace and good order and to contribute to the public welfare, and protect the health, safety and well-being of persons and property by imposing certain restrictions on activities of dogs and owners of dogs within the town as well as **protect the safety and well-being of dogs and other animals.**

**SECTION 2. LEGISLATIVE AUTHORITY; CONFLICT WITH OTHER PROVISION**

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

In the event that any provision hereof is determined to be in conflict with any law, statute, rule or regulation promulgated by the State of New York, such law, statute, rule or regulation shall take precedent over the contents thereof.

**SECTION 3. TITLE**

The title of this law shall be "Dog Control Law of the Town of Bennington".

**SECTION 4. DEFINITION OF TERMS**

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

**Agriculture and Markets Law of the State of New York:** As in effect as of the effective date of this Local Law, as amended by this Local Law, and as amended thereafter.

**Animal:** Any living creature except a human being.

**Companion Animal or Pet:** Any dog or cat, or any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. Companion Animals or Pets shall not include "Farm Animals" as defined herein.

**Domestic Animal:** Any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer, which is raised under license from the Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purposes of this article.

**Farm Animal:** Any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals which are raised for commercial or subsistence purposes. Farm Animals shall not include "Companion Animals" or "Pets" as defined herein.

**Animal Rescue Shelter:** An animal rescue shelter is a not-for-profit facility that provides permanent or temporary housing and care for homeless, abandoned or stray animals, typically dogs and cats. Their purpose is to find and provide suitable homes for adoption.

**Confined:** That such animal is securely confined or restrained and 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 and so arranged that the animal cannot reach or endanger any person or any adjacent premises or on any public street, way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

**Dog:** means any member of the species Canis Familiaris, both male and female, licensed or unlicensed.

**Dangerous Dog:** Any dog which (i) without justification attacks a person, companion animal, farm animal, or other domestic animal and causes physical injury or death, or (ii) behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or (iii) without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death, or (iv) has been previously adjudicated as a "dangerous dog" by a Court of competent jurisdiction within the State of New York.

**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 within the state during the period such dog is being trained or bred for such purpose.

**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 New York State during the period such dog is being trained or bred for such purpose.

**Identified Dog:** Any dog carrying an identification tag issued by the licensing municipality which set forth the identification number, name of municipality, and other such information that shall be required by this local 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 purposes.

**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.

**Unidentified Dog:** Any dog found not wearing an identification tag as required by this local law.

**Dog Control Officer:** Any person authorized by the Wyoming County Board of Supervisors or the Town Board of the Town of Bennington from time to time to enforce the provisions of this Local Law or the provisions of the Agriculture and Markets Law.

**Enclosure:** A fence of at least six feet in height or other structure, such as a pen forming or causing an enclosed area suitable to prevent the entry of young children, or any part of their bodies and suitable to confine dangerous dogs in conjunction with other measure which may be taken by the owner or the keeper, such as the tethering of a dangerous dog. Such other structure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to keep the animal from escaping therefrom. If the pen or other structure has no bottom secured to the sides, the sides must be embedded in the ground no less than one foot. The structure shall be constructed of materials sufficient to prevent the dog from escaping, including chewing through or breaking out. The premise shall also have a secondary perimeter fence.

**Harbor:** To provide food or shelter to any dog.

**Kennel:** The keeping of more than six (6) dogs over the age of four (4) months at any single residence/property shall constitute a kennel. For purposes of this definition, guide dogs, hearing dogs, police work dogs, and service dogs, shall not be counted toward the six (6) dog limit.

**Owner:** Any person owning, fostering, or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this law shall be held, deemed and presumed to be the owner of such dog for the purpose of this law. In the event any dog found to be in violation of this law, shall be owned by a minor (less than 18 years of age), the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog and violation of this Local Law.

**Person:** A natural person or any legal entity, including but not limited to a corporation, association, partnership or trust.

**Physical Injury:** The impairment of physical condition or substantial pain.

**Serious Physical Injury:** Any physical injury which creates a substantial risk of death, or which causes death or serious or protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

**Recreational Areas:** Any real property owned by the Town of Bennington which is used for recreational purposes by the public including, but not limited to, parks and playgrounds.

**Run At Large:** Any dog which is unaccompanied or unrestrained or out of the control of the owner or harbored in a public place or on private lands without the knowledge, consent and approval of the owner and/or lawful occupant of such lands.

**Town of Bennington:** Shall designate the area within the corporate limits of the town.

## **SECTION 5. RESTRICTIONS**

No person being the owner, agent or harbored of any dog shall permit or allow such dog, within the Town of Bennington to:

- a. Run at large, unless on the dog owner's property or upon the private property of another with the consent of the property owner. For the purpose of this law, a dog or dogs hunting in company with a hunter or hunters shall be considered as being accompanied by the owner.
- b. Engage in habitual loud howling or barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog. It shall constitute a violation of this section if such howling, barking, crying or whining occurs continually and is audible beyond the property line of the premises on which the dog is located or harbored during the following time periods:
  - i. For more than ten (10) minutes between the hours of 10:00PM and 8:00AM; or
  - ii. For more than thirty (30) minutes between the hours of 8:00AM and 10:00PM; or
  - iii. For a shorter duration than as cited above, but on more than five (5) occasions within a ten (10) day period if attested to by complaints from at least two (2) separate properties.

It shall be an affirmative defense to such violation of this local law if the owner or harbored of the dog proves by a preponderance of the evidence that the only reason the dog was howling, barking, crying or whining was that the dog was being provoked by a person or was otherwise being incited, or was acting in its capacity as a guide dog, hearing dog, police work dog, or service dog as defined herein.

- c. To cause damage or destruction to property or to defecate without proper cleanup, or to otherwise commit any nuisance upon the premises of any person other than the owner or person harboring the dog.

- d. Bite, chase, jump upon or at or otherwise harass any person in such a manner as to cause a reasonable person intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- e. Habitually chase or run alongside motor vehicles, motorcycles, runners, walkers, pedestrians and/or bicycles while on a public street, highway or place or upon public or private property other than property of the owner or harbinger of said dog.
- f. If a female dog, be off the owner's premises when in heat.
- g. Be present on Bennington Town Parks property without being accompanied by its owner or a responsible person, or without being restrained at all times by a non-retractable leash no longer than six feet in length, except within a designated dog control area that may be developed in the future.
- h. No owner or harbinger of a dog shall permit more than six (6) dogs four (4) months or older to reside on any property. For purposes of this Section, guide dogs, hearing dogs, police work dogs, and service dogs shall not be counted toward the six (6) dog limit. If, at the time this article takes effect, an owner or harbinger who does not breed or sell dogs, and does not operate an animal rescue shelter, is keeping more than six (6) dogs over four (4) months of age as family pets at a single residence, those dogs may continue to reside there for the remainder of their lives. However, any replacement that would result in more than six (6) dogs over four (4) months of age residing at the residence shall require the owner or harbinger to first obtain a kennel special use permit. All owners or harborers who breed dogs and/or sell dogs shall be subject to this article upon the effective date of this article and shall comply with any applicable Town laws or regulations governing kennels if and when adopted.
- i. No dog that has been deemed dangerous by a Court of competent jurisdiction in the State of New York may be brought into the Town limits by any person, not-for-profit corporation, or animal rescue shelter.
- j. Any dog that has been deemed or designated as a dangerous dog shall not be permitted off the owner's premises, except as otherwise permitted by law.
- k. No owner or harbinger of a dog shall fail to have such dog receive the mandatory rabies vaccinations as required pursuant to the provisions of Article 21, Title IV, of the Public Health Law.

#### **SECTION 6. DANGEROUS DOGS**

- a. Any person who witnesses an attack or threatened attack, or is a victim of an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, **may** make a complaint of an attack or threatened attack upon a person, companion animal, farm animal, or domestic animal to the Dog Control Officer or police or peace officer of the Town of Bennington or County of Wyoming. Such Dog Control Officer or police or peace officer **shall**

immediately inform the complainant of his or her right to commence a dangerous dog proceeding as provided in subdivision two of Section 123 of the Agriculture and Markets Law of the State of New York and, if such Dog Control Officer or police or peace officer finds that there is reason to believe the dog is a dangerous dog, such officer shall forthwith commence such proceeding himself or herself.

- b. Any person who witnesses an attack or threatened attack, or is a victim of an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, **may**, and any Dog Control Officer or police or peace officer **shall**, make a complaint under oath or affirmation to the Judge or Justice of the Town Court of the Town of Bennington regarding such attack or threatened attack.
- c. Upon receiving such dangerous dog complaint under oath or affirmation, the presiding Judge or Justice of the Town Court of the Town of Bennington shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to the Dog Control Officer or police or peace officer directing such officer to immediately seize such dog and hold the same pending judicial determination as provided in Section 123 of the Agriculture and Markets Law of the State of New York. Whether or not such presiding Judge or Justice finds there is probable cause for such seizure, he or she shall, within five days and upon written notice of not less than two days to the owner or harbinger of the dog, hold a hearing on the complaint. The petitioner shall have the burden at such hearing to prove the dog is a "dangerous dog" by clear and convincing evidence.
- d. If satisfied that the dog is a "dangerous dog" as defined herein by clear and convincing evidence, the presiding Judge or Justice **shall** then order neutering or spaying of the dog, microchipping of the dog and **may** then order one or more of the discretionary remedies provided for under Section 123(2) of the Agriculture and Markets Law of the State of New York as deemed appropriate under the circumstances and as deemed necessary for the protection of the public, which may include, but shall not be expressly limited to:
  - i. An evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by such expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this section;
  - ii. The secure, humane confinement of the dog for a period of time and in a manner deemed appropriate by the Court but in all instances in a manner designed to: (1) prevent escape of the dog, (2) protect the public from unauthorized contact with the dog, and (3) to protect the dog from the elements. Such confinement shall not include lengthy periods of tying or chaining;
  - iii. Prohibiting the dog from entering into public spaces or otherwise being removed from the private property of the owner;

- iv. Restraint of the dog on a leash by an adult at least twenty-one (21) years of age at all times during any necessary off-premises travel, including but not limited to transportation to and from veterinary appointments or animal behavioral clinics. The dog shall not otherwise be permitted on public premises;
  - v. Muzzling the dog whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration; or
  - vi. Maintenance of a liability insurance policy in an amount determined by the court, but in no event in excess of one hundred thousand dollars for personal injury or death resulting from an attack by such dangerous dog.
- e. Upon a finding that a dog is dangerous, the Judge or Justice **may** order humane euthanasia or permanent confinement of the dog if one of the following aggravating circumstances is established by clear and convincing evidence at the judicial hearing held pursuant to Subdivision "C" of this Section:
- i. The dog, without justification, attacked a person causing serious physical injury or death; or
  - ii. The dog has a known vicious propensity as evidenced by a previous unjustified attack on a person, companion animal, farm animal, or domestic animal which caused serious physical injury or death, regardless of whether such attack resulted in a dangerous dog designation; or
  - iii. The dog has previously been designated as a dangerous dog by a Court of competent jurisdiction within the State of New York.
- f. An order of humane euthanasia shall not be carried out until expiration of the thirty (30) day period provided for in subdivision "g" of this section for filing a notice of appeal, unless the owner of the dog has indicated to the Judge or Justice **in writing** of his or her intention to waive his or her right to appeal. Upon filing of a notice of appeal, the order shall be automatically stayed pending the outcome of the appeal.
- g. The owner of a dog found to be a "dangerous dog" pursuant to this section may appeal such determination, and/or the Court's order(s) concerning disposition of the dog to the Wyoming County Supreme Court or the Wyoming County Court as the Courts having jurisdiction to hear civil appeals in the County of Wyoming. The owner shall commence such appeal by filing a notice of appeal with the Town Court of the Town of Bennington and the Wyoming County Supreme Court or Wyoming County Court within thirty (30) days of the final order issued by the Town Court of the Town of Bennington. Court rules governing civil appeals in the Wyoming

County Supreme Court or Wyoming County Court shall govern the appeal of a determination under this section.

- h. No person shall possess a dangerous dog with intent to sell, offer for sale, transfer, give away, breed, buy, attempt to buy, adopt out, foster or receive as a gift within the Town.

#### **SECTION 7. CARE AND REDEMPTION OF IMPOUNDED DOGS**

Every dog seized shall be properly fed and cared for until disposition thereof as herein provided and in accordance with the applicable provision of the Agriculture and Markets Law of the State of New York.

If the dog so seized bears a license tag, the Dog Control Officer shall ascertain the owner of the dog and shall give immediate notice by personally serving such owner or an adult member of this family, with a notice in writing stating that the dog has been seized and will be disposed of pursuant to law unless redeemed as herein provided.

The owner of the dog so seized may redeem the dog within the time limits specified by Section 118 of the Agriculture and Markets Law of the State of New York by paying the prescribed impoundment fees.

#### **SECTION 8. KENNELING FEES**

Seized and impounded dogs may be redeemed by producing proof and licensing and identification pursuant to provisions of this local law and to the provisions of Article 7 of the Agriculture and Markets Law and by paying the following redemption fees as set forth by the Wyoming County Animal Shelter:

1<sup>st</sup> visit to the shelter: \$20

2nd visit to the shelter: \$60

3<sup>rd</sup> and any future visit to the shelter: \$100

There shall also be a \$3.00 fee per 24-hour period in which a dog is impounded in the shelter. This is per household, not per dog. All fees are subject to change by the Wyoming County Animal Shelter.

#### **SECTION 9. LICENSING & REPORTING REQUIREMENTS**

- a. Licensing requirements shall be governed by the provisions set forth in the Town of Bennington Local Law No. 3 of the year 2010.
  - i. Pursuant to Section 109(1)(a) of the Agriculture and Markets Law of the State of New York, duly incorporated societies for the prevention of cruelty to animals, duly incorporated humane societies, and duly incorporated dog protective associations shall be exempt from the licensing requirements set forth in Town of Bennington Local Law No. 3 of the year 2010, however such entities shall comply with the reporting requirements for dangerous dogs set forth in this Section and further pursuant to Section 209-CC of the General Municipal Law.



- b. Any person or legal entity who or which owns, possesses or harbors a dangerous dog or dogs shall report the presence of such dangerous dog or dogs to the Town Clerk of the Town of Bennington and such Town Clerk shall deliver to all Emergency Services Personnel (New York State Troopers (Troop A), Wyoming County Sheriff's Department, Bennington Fire Company, Cowlesville Fire Company, Harris Corners Fire Company, Varysburg Fire Company, and Wyoming County EMS) serving the Town of Bennington pursuant to Section 209-CC of the General Municipal Law, as well as to the Wyoming County Dog Control Officer.
- c. The Dog Control Officer shall be notified as soon as reasonably practicable by the owner or any other person or persons with such knowledge that a dangerous dog is running at large, or otherwise loose or unconfined, has attacked a human being, has attacked an animal, or has died.

#### **SECTION 10. ENFORCEMENT**

This Local Law shall be enforced by any Dog Control Officer when acting pursuant to his/her special duties, or regarding dangerous dogs, by a police or peace officer as set forth in Section 6 ("Dangerous Dogs") herein. The Dog Control Officer shall have the authority to enforce the provisions of this law and the provisions of the Agriculture and Markets Law of the State of New York within the Town of Bennington.

#### **SECTION 11. APPEARANCE TICKET**

Any dog control officer, when acting pursuant to his/her special duties, or police or peace officer acting within their territorial jurisdiction in the Town of Bennington observing a violation of this local law in his/her presence shall issue and serve an appearance ticket for such violation.

#### **SECTION 12. COMPLAINT**

- a. Except as set forth in Section 6 herein, any person who observes a dog in violation of this law may file a complaint under oath with the Dog Control Officer specifying the nature of this violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog. If the Dog Control Officer finds that there is probable cause to believe that there has been a violation of this Local Law, such Dog Control Officer shall file a complaint to the Town of Bennington Town Court and issue an appearance ticket pursuant to Section 11 herein.
- b. Upon receipt by the Town Judge or Justice of any such complaint, he/she shall summon the alleged owner to appear in person before him or her 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 Judge or Justice determines by clear and convincing evidence that the complaint is founded, he/she shall issue a fine or other remedy as may be prescribed in Section 13 herein.
- c. A violation of any order issued by a Town Judge or Justice under the provisions of this Local Law may be deemed Criminal Contempt in the Second Degree pursuant to Section 215.50 of the Penal Law of the State of New York, an offense punishable, upon conviction thereof by proof beyond a reasonable doubt, as a class A misdemeanor

- i. A violation of an order issued pursuant to this Local Law may not be enforced by the Town Dog Control Officer, however, such Dog Control Officer may refer the violation and a copy of the underlying order to the Wyoming County Sheriff's Department for prosecution.

### **SECTION 13. PENALTIES FOR OFFENSES**

- a. Any person convicted of a violation of Section 5 ("RESTRICTIONS") of this Local Law, shall be guilty of a violation punishable by the following:
  - i. FIRST OFFENSE: A fine of not less than \$75.00 per violation and not exceeding \$150.00 per violation.
  - ii. SECOND OFFENSE: A fine of not less than \$150.00 per violation and not exceeding \$250.00 per violation; a second offense conviction shall be a person convicted of a violation of this local law on two separate occasions, of which both acts were cited within a period of two (2) years;
  - iii. THIRD & SUBSEQUENT OFFENSE: A fine of not less than \$250.00 per violation and not exceeding \$350.00 per violation; a third and subsequent offense conviction of this local law shall be a person convicted of a violation of this local law on three separate occasions, of which each of the acts were cited within a period of three (3) years.
- b. Any person convicted of a violation of Section 9 ("LICENSING AND REPORTING REQUIREMENTS") of this Local Law shall be guilty of a violation punishable by the following:
  - i. FIRST OFFENSE: A fine of not less than \$75.00 per violation and not exceeding \$150.00 per violation; proof of licensing of dog shall be required.
  - ii. SECOND OFFENSE: A fine of not less than \$150.00 per violation and not exceeding \$250.00 per violation; proof of licensing of dog shall be required; a second offense conviction shall be a person convicted of a violation of this local law on two separate occasions, of which both acts were cited within a period of two (2) years;
  - iii. THIRD & SUBSEQUENT OFFENSE: A fine of not less than \$250.00 per violation and not exceeding \$350.00 per violation; proof of licensing of dog shall be required; a third and subsequent offense conviction of this local law shall be a person convicted of a violation of this local law on three separate occasions, of which each of the acts were cited within a period of three (3) years.
- c. Any person convicted of a violation of Section 6 ("DANGEROUS DOGS") of this Local Law shall be punishable as follows:
  - i. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a companion animal, farm animal or domestic animal resulting in *physical injury* to such animal shall be guilty of a violation and subject to a fine of not less than \$250.00 and not exceeding \$400.00.

- ii. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a person, service dog, guide dog, or hearing dog resulting in **physical injury** to such person or dog shall be guilty of a violation and subject to a fine of not less than \$350.00 and not exceeding \$500.00.
- iii. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a companion animal, farm animal or domestic animal resulting in **serious physical injury** to such animal shall be guilty of a violation and subject to a fine of not less than \$400.00 and not exceeding \$750.00.
- iv. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a person, service dog, guide dog, or hearing dog resulting in **serious physical injury** to such person or dog shall be guilty of a violation and subject to a fine of not less than \$500.00 and not exceeding \$1,000.00.
- v. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a companion animal, farm animal or domestic animal resulting in the **death** of such animal shall be guilty of a violation and subject to a fine of not less than \$750.00 and not exceeding \$1,000.00.
- vi. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a person, service dog, guide dog, or hearing dog resulting in the **death** of such person or dog shall be guilty of a violation and subject to a fine of not less than \$1,000.00 and not exceeding \$1,500.00.
- vii. The owner of a dog who, through any act or omission, negligently permits his or her dog, which has been previously deemed dangerous pursuant to this Local Law or the Agriculture and Markets Law of the State of New York, to bite a person, service dog, guide dog, hearing dog, companion animal, farm animal, or domestic animal causing **physical injury, serious physical injury, or death** shall be guilty of an unclassified Misdemeanor punishable by a fine of not less than \$1,500.00 and not to exceed \$3,000.00, or incarceration for a period of not less than thirty (30) days and not exceeding three hundred sixty four (364) days, or both.
- viii. In addition to the penalties set forth above, the owner of a dog who, through any act or omission, negligently permits his or her dog to bite a person or animal shall be strictly liable for medical and/or veterinary costs incurred by the person or owner of an animal who or which was bitten.
- ix. Any fine issued pursuant to this Section **may** be reduced by an amount commensurate with any restitution paid to a person or owner of an animal who or which was bitten as compensation or reimbursement for any medical and/or veterinary expenses incurred by such person or owner.

- x. In addition to the penalty set forth in this Section or any other Section of this Local Law, and any other remedy available to the Town, the Town may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article and, in addition to criminal penalties imposed by the court, may maintain an action to recover civil penalties, attorney fees and costs related to any substantive violation of this local law.

#### **SECTION 14. INCORPORATION OF AGRICULTURE AND MARKETS LAW**

Except as to those matters which are inconsistent with the terms of this Local Law, all sections and provisions of Article 7 of the Agriculture and Markets Law of the State of New York including terms and definitions are hereby incorporated into this Local Law.

To the extent that this Local Law is inconsistent with the provisions, including terms and definitions, of the Article 7 of the Agriculture and Markets Law of the State of New York, this Local Law shall be controlling.

#### **SECTION 15. SEVERABILITY**

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions, clause, or term shall be deemed or declared invalid, void, voidable, or otherwise unenforceable, all other provisions hereof shall remain valid, enforceable, and in full force and effect.

#### **SECTION 16. REPEALER**

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

Town of Bennington Local Law No. 3 of the year 2010 shall not be repealed by the enactment of this Local Law.

#### **SECTION 17. EFFECTIVE DATE**

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