

**MINUTES OF THE COMMON COUNCIL
JULY 21, 2020**

A meeting of the Common Council of the City of Oneida, NY was held on the twenty-first day of July, 2020 at 6:30 o'clock P.M. in Kallet Civic Center, 159 Main Street, Oneida, NY.

The meeting was called to order by Mayor Helen Acker

PRESENT: Councilors Carrie Earl, Michael Bowe, James Coulthart,
Michelle Kinville, Brandee DuBois and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Civil Service Officer Beverly Aldrich
Comptroller Lee Ann Wells
Fire Chief Dennis Fields
Public Safety Commissioner Kevin Salerno
Supervisor Matt Roberts

PUBLIC HEARING
PROPOSED LOCA LAW TO EXTEND MORATORIUM OF COMMERCIAL
FREE-STANDING SOLAR PV SYSTEMS

RESOLUTION 20-107

Moved by Councilor Kinville
Seconded by Councilor Simchik

RESOLVED, that the Public Hearing on a proposed Local Law to extend a moratorium of commercial free-standing solar PV systems be hereby opened at 6:34 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

APPEARANCES

Councilor Bowe said that at a previous meeting it was discussed that almost everything would be ready by the end of August, and asked if 6 months was necessary. The City Attorney said that the committee has it. Councilor Coulthart said the solar committee has met, and final changes are being made. He said that it will be sent on to the City Attorney for a final legal review, so it is in process. The City Attorney, in response to Councilor Bowe's question, said that if this is changed from the six months, which is what was introduced, the process starts all over with receiving the new Local Law, scheduling and then having another public hearing.

Moved by Councilor Bowe
Seconded by Councilor Coulthart

RESOLVED, that the Public Hearing relating to a moratorium be hereby closed at 6:36 p.m.

Ayes: 6

Nays: 0

MOTION CARRIED

OLD BUSINESS - None

SUPERVISORS REPORT

Supervisor Matt Roberts gave his condolences to the Mayor for the loss of her father.

Supervisor Roberts said that the County sales tax is trailing last year by 2%, and they are mindful of the casinos being shut down, so the slot income may be reduced. He said that NYS has said that a 20% deduction in State Aid is the most they would reduce, and as such, they are adjusting their budget accordingly. Supervisor Roberts said that the COVID numbers are still low in Madison County, although the State continues to change the rules on a daily basis. He said that they are watching the National numbers, and although positive cases are up, the death toll has plummeted in the Nation, so that is a really good sign.

Supervisor Roberts said that Delphi Falls is open again after being closed for a short time. He said that the three colleges in the County each have a good start-up plan for bringing the students back, and this is good news. He said a grant will cover the costs of effluent (waste water) testing for COVID as per the City Engineer. He said they had the hepatitis A problem at Taco Bell, and 400 people were vaccinated, but there has been no spread of it.

Supervisor Roberts thanked the Mayor for the formation of the Oneida Police Department, Madison County Sheriff, and NY State Police Task Force. He said that it took a lot of leadership to make that happen and he really applauds the Mayor for that. Mayor Acker said that by working together we will be going after the drug situation. An unidentified resident asked for more information regarding the Task Force. Supervisor Roberts said that they will solve our problems by working together. The Mayor said they will be going out on different nights and different days with the schedule they have made. The Mayor said that the grounds ARE littered with cigarette butts, and they will be ticketed for that, along with every other little thing to get them out of our City.

Moved by Councilor Earl

Seconded by Councilor Kinville

RESOLVED, that the minutes of the regular meeting of July 7, 2020 and special meeting of July 14, 2020 hereby approved as presented.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Simchik

Seconded by Councilor Bowe

RESOLVED, that Warrant No. 14, checks and ACH payments in the amount of \$263,831.41 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 6

Nays: 0

MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Kinville

RESOLVED, that checks in the amount of \$9,792.00 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Ayes: 5
Nays: 0
Abstain: 1 (Bowe)

MOTION CARRIED

EXECUTIVE SESSION

RESOLUTION 20-108

Motioned by Councilor Bowe
Seconded by Councilor Kinville

RESOLVED, that the meeting is hereby adjourned to Executive Session at 6:45 p.m. to discuss a personnel issue.

Ayes: 6
Nays: 0
MOTION CARRIED

PRESENT: Mayor, Councilors, Comptroller, City Attorney, City Engineer

1. Discussion relating to a personnel matter.

Motioned by Councilor Simchik
Seconded by Councilor DuBois

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:10 p.m.

Ayes: 6
Nays: 0
MOTION CARRIED

FINANCIAL STATEMENTS AS OF DECEMBER 31, 2019

RESOLUTION 20-109

Moved by Councilor Earl
Seconded by Councilor Coulthart

RESOLVED, that the Financial Statements, as of December 31, 2019, together with the Independent Auditors Report from Bonadio & Co., LLP, Certified Public Accountants, 432 North Franklin Street #60, Syracuse NY 13204 be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

The Mayor commended the Comptroller for her excellent work on this audit, and Councilors gave her a round of applause. The Comptroller said that we only used about \$120,000 from General Fund Balance, when we had approved the use of \$644,000. She said that this gives us a good start on the potential loss of revenue this year.

SCHEDULE PUBLIC HEARINGS ON PROPOSED LOCAL LAWS

RESOLUTION 20-110

Moved by Councilor Coulthart

Seconded by Councilor Earl

RESOLVED, that Public Hearings are hereby scheduled for Tuesday, August 4, 2020 at 6:30 p.m. in the Kallet Civic Center, 159 Main Street, Oneida NY on proposed Local Laws as follows:

- ❖ Proposed Local Law to amend Chapter 190, Zoning of the City of Oneida Code to define and regulate home accessibility ramps.
- ❖ Proposed Local Law to amend Chapter 33, Building Code Administration and Enforcement of the City of Oneida Code to permit the Fire Marshal's office to contract with a third-party to track inspections at no cost to the City.

Ayes: 6

Nays: 0

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 20-111

Moved by Councilor Simchik

Seconded by Councilor Coulthart

RESOLVED, that Monthly Reports from the Chamberlain, City Clerk, City Engineer, Comptroller, Fire Chief, Police Chief and Recreation Director be hereby received and placed on file.

Ayes: 6

Nays: 0

MOTION CARRIED

The City Engineer said that an update will be given every month with projects being done. City Engineer Schuler said that they are still moving forward with the big waste water capital project, and an action will be coming in August that will need to be conducted. He said that if any Councilor receives odor complaints, this is one of the reasons why we are moving forward with this project. He said the digestors

can't handle the waste that we are dealing with, which is causing the odor related issues. The City Engineer said that this project will alleviate those issues.

Councilor Earl gave kudos to Comptroller Lee Ann Wells on the audit. In response to a question, Chief Fields said he would do some additional research, but as of right now the basketball hoops are still not allowed.

2020 BUDGETED SALARY SCHEDULE CHANGES

RESOLUTION 20-112

Moved by Councilor Simchik
Seconded by Councilor Earl

RESOLVED, to approve the 2020 budgeted salary schedule change as follows:

- Increase Water Maintenance Workers from 3 to 4
- Un-fund Water Superintendent
- Add Civil Tech Engineer as Shared position-CSEA contracted annual salary \$45,152

Allocations:

General	10%
Water	40%
Sewer	50%

- Change Allocations for Shared positions as follows:

<i>City Engineer</i>	<i>Current</i>	<i>Proposed</i>
General	20%	15%
Water	30%	35%
Sewer	50%	50%

<i>Asst. City Engineer</i>	<i>Current</i>	<i>Proposed</i>
General	25%	15%
Water	15%	60%
Sewer	60%	25%

- Change Salary Schedule for Assistant City Engineer as follows:

<i>Current</i>	\$71,925.00
<i>Proposed</i>	\$80,093.00

Ayes: 6
Nays: 0

MOTION CARRIED

DOWNTOWN CITY EVENT – NIGHT AT THE MOVIES

RESOLUTION 20-113

Moved by Councilor Coulthart
Seconded by Councilor Earl

WHEREAS, the Oneida City Center Committee (“OC3”), a not-for-profit organization whose mission is to build a strong, vibrant City Center, to stimulate growth and community involvement, and to act as a catalyst for positive change, **and**

WHEREAS, it is the desire of the Common Council to promote public interest, positivity and participation in events in downtown Oneida, **and**

WHEREAS, the Oneida City Center Committee (“OC3”) is co-sponsoring with the Recreation Department, a “Night at the Movies” drive-in theater to be held downtown on City property behind the Oneida Commons at 8:30 PM on August 7, 2020 with a rain date of August 9, 2020; **now therefore be it**

RESOLVED, to authorize the Oneida City Center Committee (“OC3”) a not-for-profit organization to use the City property behind the Oneida Commons at 8:30 PM on August 7, 2020 with a rain date of August 9, 2020 to host a “Night at the Movies” drive-in theater event.

Ayes: 6

Nays: 0

MOTION CARRIED

Mayor Acker said that she is very excited to bring this drive-in experience to our residents. She said we have been trying to have something for the kids to do. She said that the family movie will play on a 55ft. screen, and the first fifty people will receive a free popcorn. The Mayor said that all of the funding (\$3,200) has been donated by Community Bank for this fun filled evening. The Mayor said that the Recreation Department will work the event, and the Police Department will be covering traffic control for the event.

**LOCAL LAW AMENDING CHAPTER 17, TITLED “ANIMALS” OF
THE CODE OF THE CITY OF ONEIDA - SCHEDULE PUBLIC HEARING**

RESOLUTION 20-114

Moved by Councilor Coulthart
Seconded by Councilor Earl

WHEREAS, the proposed Local Law has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and General City Law; **and**

WHEREAS, the City of Oneida Common Council has identified a public health problem resulting from the growing population of feral cats within the City of Oneida; **and**

WHEREAS, to address the problems posed by an increasing feral cat population, a special committee was created by the Mayor and approved by the Common Council to create proposed regulations and local laws for the Common Council’s consideration and approval; **and**

WHEREAS, the special committee has recommended, in part, that the City prohibit cats from being permitted to run “at large,” in the same manner as dogs are currently prohibited; **and**

WHEREAS, the special committee has further determined that implementing a licensing

program for domestic cats will result in a more accurate enumeration of the domestic cat population within the City, so as to allow City personnel to identify those cats that are domestic and those that are feral, and return cats that are domestic to their owners, in addition to establishing a revenue source to be used to address the feral cat problem; **and**

WHEREAS, the special committee has prepared and recommended a local law amending Chapter 17 to prohibit cats from running at large and require the licensing of domestic cats for consideration and review by the Common Council; **and**

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Common Council shall act as lead agency in this matter; **and**

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA and a Short Environmental Assessment Form (EAF) in support of this Local Law has been prepared and has been reviewed by the Common Council; **and**

WHEREAS, the Common Council has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria, **now therefore it is**

RESOLVED AND DETERMINED that there are no other involved agencies, that the Common Council shall act as lead agency and the enactment of the proposed Local Law is an unlisted action for purposes of SEQRA review; **and it is further**

RESOLVED AND DETERMINED, that the Common Council upon review of the EAF and proposed Local Law has determined that this action, which will impose licensing requirements upon cats, will have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required and that this resolution shall constitute a negative declaration pursuant to SEQRA; **and it is further**

RESOLVED AND DETERMINED, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Kallet Civic Center located at 159 Main Street, Oneida, New York on August 18, 2020 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; **and be it further**

RESOLVED, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the City of Oneida.

Ayes: 5

Nays: 1 (Simchik)

MOTION CARRIED

Councilor Coulthart said that he wanted to acknowledge the volunteer Feral Cat Committee members Brian Bortree, Gary Panzer, and Dee Schaefer. He said that this is one aspect of addressing the feral cat issue, and there will be other aspects that will need to be addressed as well. He said that this will be the numeration of cats that are pets vs ferals, and it will also assist those who have a problem with feeding of feral cats. He said that this is a win-win and a start to the process. Councilor Earl added that a lot of cat calls are received.

City Clerk Sue Pulverenti said that she was very surprised to receive the proposed Local Law to license domestic cats, when she was under the impression that the legislation from the Feral Cat Committee would be regarding the feral cat problem. She said that the City Clerk's office is tasked by this proposed Local Law with licensing the cats, yet she was never asked for any input, adding that the Community Service Officer will be tasked with enforcement of this Local Law, yet neither he nor the Police Chief were asked for their input either.

The City Clerk said that the City would have to purchase software (unavailable from our current licensing software provider) and create a database for cats. She said that this would entail an enumeration in the City by hiring part-time people to go door-to-door to see who has cats. She said that tags would need to be purchased, although most cats do not wear collars on their small frames. There would also be many other costs including; postage, paper, envelopes to mail out the renewals and payment reminders, cat crates to house the cats when caught to take to the shelter, and a chip reader. The Clerk said one of the changes whereby if a cat or dog is chipped, they wouldn't have to purchase a license each year, unless their address changed. She said that rabies information is required to license a dog, and if we only license the dog or cat one initial time, how will we know if the animal's rabies is up to date, noting that if someone were bitten they may have to go through unneeded precautions if the City doesn't have updated information. She said this portion of the Local Law would create a loss of revenue for the City, as some animals can live for up to 15 years with the prospect of only the initial license fee being paid. She said this law could create more stray cats, as people who no longer want their cat will just let them go rather than paying the \$25 surrender fee at Wanderers Rest, and it will be the City's responsibility to pick them up.

That City Clerk said that as she is uncertain as to why the Feral Cat Committee chose to go this route; cat licensing programs are expensive to implement, manage and enforce. She said that after all these years of dealing with the licensing of dogs, she believes we will have a difficult time getting residents to license house cats. The City already has a hard time getting people to license and/or renew their dog license. She said that it would seem that if there is money to spend on implementing the licensing of domestic cats, it would be wiser to use that funding to invest in a Trap/Neuter/Return Program for feral cats that will benefit everyone in the City, rather than just putting the burden on our residents with domestic cats.

Community Service Officer Scott Grinnell said that with anything regarding animals, he is curious why he and the City Clerk were not even spoken to, adding that he found out about this approximately three days ago. He said that cats and dogs are not the same; stray house cats and feral cats are not the same. He asked how we were going to trap these cats, and stated that Wanderers Rest will not take feral cats; they are a no kill shelter. He said that you cannot tame a feral cat, asking what would we do with the feral cats? Most cats, whether feral or a domestic cat would be very afraid once it is in a trap; how would we tell the difference without taking them out of the trap? He said that he has been doing this job for 15 years and has never been bitten by a dog, but he has been bitten by feral cats three times; they are vicious. He said that this is another reason why Wanderers Rest won't touch them. Where do we take them? He said that currently we have a contract with Wanderers Rest to take dogs, they can't turn us away. We would have to have contracts with multiple shelters to take cats. He said that right now they actually have space at Wanderers Rest because of the COVID, but generally if I set eight traps and catch six cats to bring to them, they are going to say no because they do not have the space. He asked what happened to the plan to trap the feral cats, spay/neuter and releasing them. He said that the traps are still sitting at the PD, what are we doing with them?

Councilor Coulthart said that there has been some confusion as to who is going to have this as part of their responsibilities. He said that the Community Service Officer job description is specific, much like the City Clerk who has the responsibility for issuing licenses. Councilor Coulthart said the Animal

Control Officer/Community Service Officer..., and the CSO said that there is no animal control officer in Oneida. The CSO said you have a dog control officer; at this point the City doesn't take cats. Councilor Coulthart said this legislation is multipart, the other part is giving citations to those individuals who refuse to stop feeding feral cats. Councilor Coulthart said that there was \$1K originally budgeted for this, but that is gone from the budget, so we have to get the public involved. We have volunteers who are willing show residents how to trap feral cats, and we have the commitment of SPCA in Syracuse to accept 4-6 cats on a regular basis, as space is available. The CSO said what has basically been done is that you have gone from a feral cat program and the City not wanting to fund it, to if we do this, the City is will fund it. Councilor Coulthart disagreed and said that if someone registers a domestic cat, that money can be eventually put into a fund that will pay for some kind real feral cat program. The CSO said 60-70% of dogs taken to Wanderers Rest are reclaimed by their owners, and there are impoundment fees collected and returned to the City. He questioned, could we do this for cats; then noted that less than 5% of cats taken to the shelter are retrieved by their owners. The CSO said that this law is going to cost the City way more than what you think it is. The City Clerk concurred noting the expenses for creating a database, with the software costs, hiring people to go door-to-door to see who has cats, and purchasing tags among other things. Councilor Earl asked why we have to do a database, when we didn't have to do one for dogs. The City Clerk responded when NYS decided not to do the dog licensing anymore and turned it all over to the municipalities, the data base was already created by the State, the City just had to apply it here. Councilor Earl said that this is just a proposal. Councilor Coulthart said the question is, do we have a feral cat problem and the answer is yes. The CSO said that what is proposed will not take care of the feral cat program. He said that we have folks in the City who take care of feral cat colonies, and under this law all those cats would have to be licensed. He said that you have taken the dog law and added cats; its apples and oranges. The CSO said that it is not a bad thing to try to find the answer, adding that he doesn't have one either, but this proposed Local Law is not it.

Barb Buehner, Oneida resident, asked what they were thinking when they wrote this proposed law. She said that she has two cats and a dog. The dog is always licensed, but she is not going to pay for her house cats. She said that licensing domestic cats is not going to make enough money to fix the feral cat problem and is not the way to fix this agenda. Councilor Coulthart said that if you don't decide on something or don't do anything, that is also a problem. Ms. Buehner said that she knows a lady on Lake Street who feeds feral cats every day, and Councilor Coulthart responded that she should be ticketed.

Vicki Arnold, Oneida resident and an employee of Wanderers Rest (she clearly stated she is not here as a representative of Wanderers Rest), said that if you want to take care of the feral cat problem in the City you have to focus on the catch, spay, release program. She said that if you do that, those colonies are going to start dying out. She said that the folks who take care of these colonies, do so faithfully. She said that she gives them food, so these animals don't starve to death, and if the shelter has extra blankets, we provide them, so these animals don't freeze to death; they care about the animals. She said that she knows people who are paying out of their own pockets to have these animals spayed or neutered, then released as she deals with this all the time. She said that once they are fixed and released back into their colonies, the colonies will eventually die out because they can't reproduce. She said that is how you take care of the feral cat problem. She suggested maybe moving the colonies to vacant land in an area where there are no houses. Ms. Arnold said that 98% of the people who take care of those colonies would still do so wherever the colony is located. She said that if you try to force people to license house cats, and the CSO has to pick up loose cats, people are not going to come to the shelter to pick them up. She said that in 2019, only 4 cats out of 149 strays brought to Wanderers Rest were picked up by their owners, and three of those cats belonged to the same person. She said that for the most part when a stray comes into the shelter, it will stay there. Ms. Arnold said they are a no kill shelter, but we only have so much room. She said that people are not going to go along with a cat licensing law. She said that folks who care for feral cats love those animals. She reiterated that the animals should be spayed/neutered and eventually the colonies will die out; not by starvation or euthanasia, but by a natural progression. Councilor Earl

said that this has been a good discussion and understands everyone's points. She said that this came up because of the feral cat issue, but the purpose of this is to track feral cats, and if a cat is tagged then we would know which are feral or strays. Councilor Earl said with all she has read, you can't move a colony of cats. She said that this does not mean that we are dropping the spay/neuter program. She said that this is a proposal to get things moving and started. The Mayor said that a public hearing will be held on this. Councilor Bowe said that the Council will not vote on the proposed local law on the same night as the public hearing. The public hearing is to listen to everyone's views and possibly make changes to the proposal.

**CITY OF ONEIDA
PROPOSED LOCAL LAW
A LOCAL LAW TO AMEND CHAPTER 17, TITLED "ANIMALS," OF
THE CODE OF THE CITY OF ONEIDA TO REGULATE CATS**

Be it enacted by the Common Council of the City of Oneida, as follows:

(1) **SECTION 1. AUTHORITY.**

(2) This local law is enacted pursuant to the New York State Constitution and New York General City Law §19.

SECTION 2.

Section 17-3 of Chapter 17 of the Oneida City Code, which shall be re-titled so as to read, "Restraining or confining dogs or cats," and this Local Law shall further amend Subsections A and B of Section 17-3, such that they shall read, in their entirety, as follows:

"A. No owner shall permit or allow any dog or cat to run at large within the City unless such animal is under restraint.

B. No unsprayed female dog or cat in heat shall be permitted to be outside a building or a fenced enclosure."

SECTION 3.

So that Subsection B of Section 17-13 of Oneida City Code, titled "Nuisances," is amended so that it shall read, in its entirety, as follows:

"B. No person shall keep or harbor such number of dogs or cats as to constitute a nuisance."

SECTION 4.

So that Subsections A(1)(a) and C of Section 17-15 of the Oneida City Code, titled "Penalties for offenses; violations; appearance tickets," shall be amended so as to read, its entirety, as follows:

"A(1)(a) Section 17-3 regarding restraining or confining dogs or cats.

C. The appearance ticket shall read substantially as follows:

APPEARANCE TICKET
City of Oneida

To: (Name) _____ (Address)
(City/State) _____ (Dog/Cat)

You are hereby notified to appear personally in the City Court of the City of Oneida, located at City Hall, 109 North Main Street, City of Oneida on the _____ day of _____ 20____, at _____ o'clock in the fore/afternoon to answer a charge of _____, in violation of Section _____, of the Animal Control Ordinance of the City of Oneida, an offense. Upon your failure to appear as above directed, a warrant may be issued for your arrest. Issued on this _____ day of 20 _____.

Community Service Officer, City of Oneida

To Plead Guilty:

1. Complete form below.
2. Mail form to City Court, City Hall, 109 N. Main Street, Oneida, New York, within five days of the alleged violation by certified mail, return receipt requested, together with the appearance ticket.
3. The court will advise you by mail of the fine.

TO: CITY COURT, CITY OF ONEIDA:

I, _____ residing at

have been charged with the offense specified on the attached appearance ticket. I waive arraignment in open court and aid of counsel. I plead guilty to the offense as charged and elect and request that this charge be disposed of and fine or penalty fixed by the court. I make the following statement of explanation (optional)

APPLICANTS UNDER 18 MUST COMPLETE THE FOLLOWING:

Name of parent or guardian

Address of parent of guardian

All statements are made under penalty of perjury:

Date _____ Signed

To Plead Not Guilty:

1. Complete form below.
2. Send your not guilty plea together with the above appearance ticket and a certified check or money order for \$25 as a security payable to the City Court, City Hall, 109 N. Main Street, Oneida, New York, within five days of the alleged violation by certified mail, return receipt requested. DO NOT SEND CASH.
3. The court will thereafter advise you by return mail of the date of your trial. Your failure to appear will forfeit your \$25 security and a summons or warrant of arrest may be issued pursuant to the Criminal Procedure Law.

TO: CITY COURT, CITY OF ONEIDA:

I, _____ residing at _____ plead not guilty to the offense as charged.

APPLICANTS UNDER 18 MUST COMPLETE THE FOLLOWING:

Name of parent or guardian

Address of parent or guardian

All statements are made under penalty of perjury.

Date _____ Signed"

SECTION 5.

This Local Law amends the title of Article II of Chapter 17 of the Code of the City of Oneida, to “Licensing and Identification of Dogs and Cats.”

SECTION 6.

So that Section 17-16 of the Oneida City Code is amended so that it shall read, in its entirety, as follows:

“17-16 Purpose and applicability.

The purpose of this article is to provide for the identification and licensing of dogs and cats, so as to aid in the control and protection of the dog and cat population and the protection of persons, property and domestic animals within the City of Oneida. This article shall apply to all areas of the City of Oneida and, except to the extent otherwise specifically provided herein, to all dogs and cats kept and/or harbored within the City of Oneida, and to all dog and cat licenses issued by the City of Oneida on and after January 1, 2021.”

SECTION 7.

So that the following definitions, as set forth in Section 17-17 of the Oneida City Code, titled “Definitions,” are amended, so as to read in their entirety, as follows:

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

ANIMAL CONTROL OFFICER – Any individual appointed by the Mayor of the City of Oneida to assist in the enforcement of this article and/or 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 or cat protective association under contract with the City of Oneida to assist in the enforcement of this article.

HARBOR – To provide food and/or shelter to any dog or cat.

IDENTIFIED DOG OR CAT – Any dog or cat carrying an identification tag as provided in this article.

OWNER – Any person who keeps or harbors any dog or cat.

OWNER OF RECORD – The person in whose name any dog or cat was last licensed pursuant to this article and/or Article 7 of the New York State Agriculture and Markets Law, except that if any license is issued upon 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.

SERVICE DOG OR CAT – Any dog or cat 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 or cat is or will be owned by such person or that person's parent, guardian or other legal representative.

THERAPY DOG OR CAT – Any dog or cat that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually

used for such purpose, or any dog or cat owned by a recognized training center located within the state during the period such dog or cat is being trained or bred for such purpose.”

SECTION 8.

So that Section 17-18, titled “Licensing of dogs and cats; rabies vaccination requirement,” of the Oneida City Code shall be amended, so as to read, in its entirety, as follows:

“A. Licensing of dogs and cats.

- (3) Except as otherwise specifically provided in this article or in Article 7 of the New York State Agriculture and Markets Law, all dogs or cats at large, and all dogs and cats four months of age or older shall be licensed in accordance with the provisions of this article.
- (4) All applications for a dog or cat license, both original applications and renewal applications, shall be made to the Oneida City Clerk.
- (5) The application shall state the sex, actual or approximate age, breed, color, and official identification number of the dog or cat, and other identification marks, if any, and the name, address and telephone number of the owner.
- (6) The application shall be accompanied by the license application fee, any applicable license surcharges, and any such additional fees as may be established from time to time by resolution of the Oneida Common Council. Each license application shall be accompanied by a current certificate of rabies vaccination or a statement from a licensed veterinarian in lieu thereof that such vaccination would endanger the dog's or cat's life. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog or cat has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the City Clerk. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog or cat and found that, because of old age or other reason, the life of the dog or cat would be endangered by spaying or neutering. In such case, the license fee for the dog or cat shall be the same as for a spayed or neutered dog or cat as set forth in this article.
- (7) Upon validation by the City Clerk, the application shall become a license for the dog or cat described therein. Once an application has been validated, no refund shall be made of the fees paid therefor, or any portion thereof.
- (8) The City Clerk shall provide an identification tag and a copy of the license to the owner, and retain the license and all documentation supporting the issuance of the license in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration. If the application for a dog or cat license (or renewal) is made by mail and the owner requests a validated copy, the owner shall provide a stamped, self-addressed envelope for that purpose.

- (9) No license shall be transferable. Upon the transfer of ownership of any dog or cat, the new owner shall immediately make application for a license for such dog or cat.
- (10) Each initial license issued by the City of Oneida pursuant to this article shall expire on the last day of the month one year from the date of the original issuance of the license. Each renewal license shall expire on the last day of the same month in each succeeding calendar year. (For example, a license originally issued in January will always expire on January 31 of each succeeding calendar year, regardless of the actual date the license is renewed with the City Clerk; renewing early or late does not change the date of expiration of the license.)
- (11) Owners of more than one dog or cat may request a common renewal date for their dog or cat licenses, which may be granted by the City Clerk as long as no license is extended beyond the period of validity that would otherwise apply under the provisions of Subsection A(8) (i.e., the license may be issued for less than a year, but not for more than a year.) No license fees or surcharges shall be prorated upon the granting of a request for a common renewal date pursuant to the provisions of this Subsection A(9).

B. Relocation/relicensing.

- (1) The owner of any dog or cat currently licensed in another municipality who relocates his place of residence to the City of Oneida shall apply for and obtain a City of Oneida dog or cat license for each dog or cat owned. Owners of dogs or cats licensed in another jurisdiction shall not be required to obtain a City of Oneida license during periods of temporary residence within the City.
- (2) Any dog or cat adopted from an incorporated humane society or similar incorporated dog or cat protective association must be licensed in the City of Oneida prior to being released from said shelter.”

SECTION 9.

So that Subsections B and C of Section 17-19 of the Oneida City Code, titled “License Fees,” shall be amended, so as to read, in its entirety, as follows:

“B. All fees established by the Common Council shall be in accordance with the following limitations:

- (1) The application fee for an unspayed or unneutered dog or cat shall be at least \$5 more than the application fee for a spayed or neutered dog or cat.
- (2) A surcharge fee in an amount not less than \$1 for spayed and neutered dogs or cats, and not less than \$3 for unspayed or unneutered dogs or cats, for the purpose of supporting animal population control efforts.
- (3) A surcharge fee in an amount not less than \$5 shall be imposed upon a dog license for a dog identified as unlicensed during an enumeration conducted pursuant to Article 7 of the New York State Agriculture and Markets Law.

- (4) Following the initial registration of a dog or cat which has an implanted microchip, no annual renewal fees will be charged unless there is a change or update needed in the dog's or cat's information on file (owner's name, address change, etc.).

C. There shall be no fee for any license issued for any guide dog, hearing dog, service dog or cat, war dog, working search dog, detection dog, police work dog or therapy dog or cat. Each license for any such dog or cat shall be conspicuously marked by the City Clerk, "guide dog," "hearing dog," "service dog," "service cat," "working search dog," "war dog," "detection dog," "police work dog," "therapy cat," or "therapy dog," as applicable.

SECTION 10.

So that Subsections A, B and C of Section 17-21 of the Oneida City Code, titled "Identification of dogs and cats," shall be amended, so as to read in their entirety, as follows:

"A. Each dog or cat licensed pursuant to this article shall be assigned, at the time the dog or cat is first licensed, a permanent official identification number. The official identification number shall constitute the official identification of the dog or cat to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog or cat during the lifetime of the dog or cat to which it is assigned. Such identification number shall be carried by the dog or cat on an identification tag which shall be affixed to a collar on the dog or cat at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation.

B. At the time a dog or cat is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official City of Oneida dog or cat tag be lost, a new tag will be issued upon payment of the fee prescribed by resolution of the Common Council.

C. No tag carrying an official identification number shall be affixed to the collar of any dog or cat other than the one to which that number has been assigned."

SECTION 11.

So that the title to Section 17-22 of the Oneida City Code is hereby changed to "Change of ownership; lost, stolen or deceased dog or cat," and such Section shall be amended to read, in its entirety, as follows:

"A. In the event of a change in the ownership of any dog or cat which has been assigned an official City of Oneida identification number or change in the address of the owner of record of any such dog or cat, the owner of record shall, within 10 days of such change, file with the City Clerk a written report of such change. Such owner of record shall be liable for a violation of this article until such filing is made, or until the dog or cat is licensed in the name of the new owner.

B. If any dog or cat 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, file with the City Clerk a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog or cat shall not be liable for any violation of this section, and/or of any violation of Article 7 of the New York State Agriculture and Markets Law committed after such report is filed.

C. In the case of a dog's or cat's death, the owner of record shall so notify the City Clerk, in writing, either prior to renewal of licensure or upon the time of such renewal as set forth in this article. Failure to notify the City Clerk of the death of a dog or cat as so required herein shall constitute a violation, and the owner of record shall be liable for such violation."

SECTION 12.

So that Subsections A and B of Section 17-23 of the Oneida City Code, titled "Penalties for offenses," shall be amended, so as to read, in their entirety, as follows:

"A. It shall be a violation, punishable as provided in § 17-23B of this article, for:

- (1) Any owner to fail to license any dog or cat;
- (2) Any owner to fail to have any dog or cat identified as required by this article;
- (3) Any person to knowingly affix to any dog or cat any false or improper identification tag;
- (4) Any owner or custodian of any dog or cat to fail to confine, restrain or present such dog or cat for any lawful purpose required pursuant to this article and/or Article 7 of the New York State Agriculture and Markets Law;
- (5) Any person to furnish any false or misleading information on any form required to be filed with the City of Oneida pursuant to this article and/or Article 7 of the New York State Agriculture and Markets Law;
- (6) The owner or custodian of any dog or cat to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog or cat that is a guide, hearing or service dog or cat; or
- (7) The owner of a dog or cat to fail to notify the City Clerk of any change of ownership or owner's address as required by this article.

B. It shall be the duty of the Community Service Officer and/or Animal Control Officer of the City of Oneida, with the assistance of the City Attorney, to prosecute an action or proceeding against any person who has committed within the City of Oneida any violation of this article and/or Article 7 of the New York State Agriculture and Markets Law. The Community Service Officer and/or Animal Control Officer may elect either to prosecute such action as a violation under the penal law or as a civil action to recover a civil penalty. A violation of this section shall be punishable, subject to such an election, by a fine or penalty of not less than \$25, and not more than \$250, except that,

- (1) Where the person was found to have violated this section and/or Article 7 of the New York State Agriculture and Markets Law within the preceding five years, the fine or penalty may be not less than \$50; and
- (2) Where the person was found to have committed two or more such violations within the preceding five years, the subsequent violation shall be punishable by a fine or penalty of not less than \$100 or imprisonment for not more than 15 days, or both."

SECTION 13. SEVERABILITY.

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

SECTION 14. EFFECTIVE DATE.

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

NEW BUSINESS

Jill Christian Lynch, Oneida, said that the handicap accessible door did not seem to be working. Fire Chief Fields said that it was working earlier, but he will check on it.

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 7:59 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk