

## Chapter 91

### DOGS

#### ARTICLE I Licensing and Control

- § 91-1. Title.
- § 91-2. Purpose.
- § 91-3. Application.
- § 91-4. Responsibility of owner.
- § 91-5. Definitions.
- § 91-6. Dog licensing requirements and procedures.
- § 91-7. License fees.
- § 91-8. Identification of dogs.
- § 91-9. Change of ownership; lost or stolen dogs.
- § 91-10. Dog Control Officers.
- § 91-11. Enforcement.
- § 91-12. Pounds and shelters.
- § 91-13. Funds expended by Town for services.
- § 91-14. Violations.
- § 91-15. Limitations on dog barking.
- § 91-16. Dog barking warning procedures.
- § 91-17. Penalties for dog barking offenses.
- § 91-18. Restrictions; running at large.
- § 91-19. Penalties for at-large offenses.
- § 91-20. Seizure, impoundment and redemption.
- § 91-21. Forfeiture of ownership.
- § 91-22. Disposition of license; redemption fees and fines.
- § 91-23. Dangerous dogs.
- § 91-24. Severability.
- § 91-25. Statutory authority.
- § 91-26. Effective date.

[HISTORY: Adopted by the Town Board of the Town of Thompson as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Noise — See Ch. 170.

#### ARTICLE I Licensing and Control

[Adopted 7-7-1981 by L.L. No. 5-1981 as Ch. 39 of the 1981 Code; amended in its entirety 12-7-2010 by L.L. No. 11-2010']

#### § 91-1. Title.

This article shall be known as the "Town of Thompson Dog Ordinance."

1. Editor's Note: This local law also revised the title of this chapter from "Animals" to "Dogs."

§ 91-2

THOMPSON CODE

§ 91-5

**§ 91-2. Purpose.**

- A. The purpose of this article is to provide for the licensing and identification of dogs, the control and protection of the dog populations and the protection of persons, property, domestic animals and deer from dog attack and damage.
- B. The Town also recognizes, effective January 1, 2011, the State of New York has relinquished the responsibility of dog licensing function to local municipalities and eliminated the Animal Population Control Fund. Local municipalities will now be required to adopt legislation relating to this issue.

**§ 91-3. Application.**

Any dog harbored within the Town of Thompson which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York shall for a period of 30 days be exempt from the licensing and identification provisions of this article.

**§ 91-4. Responsibility of owner.**

The owner of every animal which is at any time kept, brought or comes into the Town will be held responsible for the strict observance by such animal and with respect to such animal of all the rules and regulations contained in this article at all times when such animal is within the Town.

**§ 91-5. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ADOPTION** — The delivery to any natural person 18 years of age or older for the purpose of harboring a dog, seized or surrendered, from a shelter.

**AGRICULTURE AND MARKETS LAW** — The Agriculture and Markets Law of the State of New York in effect as of the effective date of this article, as amended by this article and as amended thereafter.

**ANIMAL** — Any male or female dogs, either singular or plural.

**CLERK** — The Town Clerk, or Deputy Town Clerk, of the Town of Thompson, where licenses are to be validated or issued.

**CONFINED** — That such animal is securely confined or restrained or kept on the owner's premises, either 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 on 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.

§ 91-5

## DOGS

§ 91-5

**DANGEROUS ANIMAL** — Shall mean, designate and apply to any animal which, without just cause, bites, attacks, chases or snaps at or otherwise threatens to attack any person or attacks and wounds a dog or other domestic animal or which displays any other fierce, vicious or dangerous propensities. "Dangerous" does not include a police work dog, as defined in this article.

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

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

**DOG CONTROL OFFICER** — Any individual appointed by the Town Board to assist in the enforcement of this article and any person authorized from time to time to enforce the provisions of the Agriculture and Markets Law of the State of New York and provisions set forth in this article.

**DOMESTIC ANIMAL** — Any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer, which is raised under license from the NYS DEC, 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 NYS DEC 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.

**GEESE DOG** — Any dog that is trained to aid the Animal/Dog Control Officer in the control of geese within the boundaries of the Town.

**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 of New York during the period such dog is being trained or bred.

**HARBOR** — To provide food or shelter to any dog.

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

**IDENTIFICATION TAG** — A tag which sets forth an identification number, as required by the provisions set forth in this article.

**IDENTIFIED DOG** — Any dog carrying an identification tag as provided in § 91-8 of this article.

**MUNICIPALITY** — Any county, town, city and village.

**OWNER** — Any person who harbors or keeps any dog, cat or other animal.

**OWNER OF RECORD** — The person in whose name a dog was last licensed pursuant to this article.

§ 91-5

THOMPSON CODE

§ 91-5

**PERSON WITH DISABILITY** — Any person with a disability, as that term is defined in Subdivision 21 of § 292 of the New York State Executive Law.

**POLICE WORK DOG** — Any dog owned or harbored by any 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.

**PUBLIC NUISANCE** — As applied to an animal, shall describe, designate or apply to:

- A. Any dog which, by its frequent barking, howling, whining or other disturbing noise, unreasonably disturbs the comfort and/or repose of any person or persons so as to injure health or interfere with sleep.
- B. Every animal which habitually chases any persons or bicycles, automobiles or other vehicles upon any public highway or in any such public place.
- C. Every animal which is a dangerous animal as defined in the above definition of "dangerous," and every such animal is hereby declared to be a public nuisance.
- D. Every animal which creates a health hazard.

**RECREATIONAL AREA** — Any real property owned by the Town of Thompson which is used for recreational purposes by the public, including but not limited to parks or playgrounds.

**RUN AT LARGE** — To be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

**SENIOR RESIDENT** — Any resident of the Town age 65 or older.

**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. "Service dog" shall also refer to dogs defined herein as a detection dog, geese dog, guide dog, hearing dog, police work dog, therapy dog, and working search dog.

**THERAPY DOG** — Any dog 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 owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

**TOWN** — Town of Thompson, including incorporated areas.

**WAR DOG** — Any dog which has been honorably discharged from the United States Armed Services.

**WORKING SEARCH DOG** — Any dog that is trained to aid in the search for missing persons and is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

§ 91-6

DOGS

§ 91-6

**§ 91-6. Dog licensing requirements and procedures.****A. Licensing of dogs.**

- (1) The owner of any dog being harbored in the Town of Thompson reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog under the age of four months that is not at large. A license shall be renewed after a period of one year beginning with the first date of the month following the date of issuance. Renewal shall be annually based on the validation term of the rabies vaccination.
  - (2) Application for a dog license shall be made to the Clerk.
  - (3) The application shall state the sex, actual or approximate year of birth, breed, color(s), and official identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town of residence of the owner.
  - (4) The application shall be accompanied by a license fee as set forth in § 91-7 and a valid certificate of rabies vaccination or statement in lieu thereof. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided such certificate shall not be required if the same is already on file with the Clerk.
  - (5) Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made.
  - (6) The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.
  - (7) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog in the municipality where such dog is harbored. The original issued identification tag shall remain the same for the life of the dog while harbored in the Town unless such tag is replaced.
- B. Purebred licenses.** There will not be distinct purebred or kennel licenses as previously provided for by the state. Any and all existing purebred licenses will now be required to comply with § 91-6 of this article; however, any owner of five or more purebred dogs registered by a recognized registry association and providing documentation of such shall be subject to reduced purebred licensing fees as stipulated in § 91-7 of this article.
- C. Rabies vaccination.** The Clerk, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies, or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk shall make or cause to be made from such statement a record of such information and file such record with a copy of the license.

§ 91-6

## THOMPSON CODE

§ 91-8

- D. Enumeration. In addition to other applicable fees, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay a fee of \$5. Such additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, the Town may use such excess fees for any other lawful purpose.

**§ 91-7. License fees.**

- A. For each spayed or neutered dog: \$8 per dog. It shall include a state assessment pursuant to § 110(3) of the New York State Agriculture and Markets Law, and additional funds for reenumeration as provided for by § 110(4)(a) of the Agriculture and Markets Law.
- B. For each unspayed or unneutered dog: \$16 per dog. It shall include a state assessment pursuant to § 110(3) of the New York State Agriculture and Markets Law, and additional funds for reenumeration as provided for by § 110(4)(a) of the Agriculture and Markets Law.
- C. Purebred license fee as stipulated in § 91-6B. For each spayed or neutered dog: \$5 per dog. For each unspayed or unneutered dog: \$13 per dog. It shall include a state assessment pursuant to § 110(3) of the New York State Agriculture and Markets Law, and additional funds for reenumeration as provided for by § 110(4)(a) of the Agriculture and Markets Law.
- D. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog or police work dog. Each copy of any license for such dogs shall be conspicuously marked guide dog, hearing dog, service dog, war dog, working search dog or police work dog, as may be appropriate, by the Town Clerk.
- E. Fees may be changed from time to time pursuant to the Town Code and existing local law. License fees may also change based upon state surcharge payments.

**§ 91-8. Identification of dogs.**

- A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent official identification number. Such identification number shall be carried by the dog on an identification tag, which shall be affixed to a collar on the dog at all times.
- B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his or her own expense of \$3 per tag.
- D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

§ 91-8

DOGS

§ 91-12

- E. The identification tag shall be imprinted with the "Town of Thompson," State of New York, a unique identification number and the telephone number of the Town Clerk's office.

**§ 91-9. Change of ownership; lost or stolen dogs.**

- A. In the event of a change in ownership of any dog which has been assigned an official identification number/tag or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Clerk.
- B. If any dog which has been assigned an official identification number/tag has lost its ID number/tag, or is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Clerk.
- C. In the case of a dog's death, the owner of record shall so notify the Clerk either prior to renewal of license or upon the time of such renewal.

**§ 91-10. Dog Control Officers.**

- A. The Town of Thompson shall appoint a Dog Control Officer or officers, as needed, pursuant to the appropriate statute of the State of New York. It shall be the duty of such Dog Control Officer or officers of the Town of Thompson to enforce the appropriate provisions of the Agriculture and Markets Law with respect to dogs in the Town of Thompson and to enforce this article.
- B. The Dog Control Officer or officers of the Town of Thompson shall seize any dog which is found to be in violation of any portion of this article as well as any dog or dogs otherwise required to be seized under and by virtue of the Agriculture and Markets Law of the State of New York. All complaints concerning alleged violations of this article shall be communicated to the Dog Control Officer or officers. All such complaints shall be investigated, and it shall be the duty of the Dog Control Officer or officers in the appropriate case to proceed with civil or criminal enforcement of this article or any other provisions of law pertaining hereto.
- C. Pursuant to § 113, Subdivision 3, of the Agriculture and Markets Law, the Dog Control Officer is hereby authorized to issue appearance tickets.

**§ 91-11. Enforcement.**

This article shall be enforced by the Dog Control Officer of the Town of Thompson, as defined in § 91-5 of this article.

**§ 91-12. Pounds and shelters.**

The Town of Thompson does not allow the licensing of dogs by a shelter, including pounds, SPCAs, humane societies and animal protective associations. The shelter including all of the above must notify the adoptive owners of their responsibility to license any dog who will be living within New York State with their respective town, city or village clerk within 30 days

§ 91-12

## THOMPSON CODE

§ 91-15

of adoption. The shelter including all of the above must provide the Town of Thompson with a list of adoptive owners monthly for any dog being adopted out without a valid license.

**§ 91-13. Funds expended by Town for services.**

As set forth in § 115 of the Agriculture and Markets Law of the State of New York, the Town of Thompson does not have to expend an amount of money greater than received under our local dog licensing/dog control law/ordinance for dog control and dog shelter services.

**§ 91-14. Violations.**

- A. It shall be a violation, punishable as provided in Subsection B of this section, for:
- (1) Any owner to fail to license a dog.
  - (2) Any owner to fail to have any dog identified as required by this article.
  - (3) Any person to knowingly affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs, etc.
- B. It shall be the duty of the Dog Control Officer of the Town to bring an action against any person who has committed within the Town any violation set forth in § 91-14, Subsection A, of this article. A violation of this section shall be punishable as follows:
- (1) A fine of not more than \$25, except that:
    - (a) Where the person was found to have previously violated this section once within the preceding five years, the fine shall not be more than \$50; and
    - (b) Where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than \$100.
- C. Violations and fines as set forth in this section are pursuant to § 118 of the Agriculture and Markets Law of the State of New York, entitled "Violations."

**§ 91-15. Limitations on dog barking.**

- A. Keeping of a persistently barking dog is prohibited. No person shall keep, suffer or permit to be kept on the premises occupied by such person any dog which by its continual barking, howling, whining or other frequent or long-continued noises shall unreasonably disturb the comfort or repose of any person, as stipulated in Chapter 170 of the Town of Thompson Code, entitled "Noise," § 170-1B(5).
- B. It is unlawful for any person to own or harbor a dog which habitually barks, howls or whines for more than 30 consecutive minutes when said period occurs on two consecutive days. Such behavior shall be deemed to cause the annoyance and discomfort of persons in the Town of Thompson. (See warning and complaint procedure below.)

§ 91-16

DOGS

§ 91-18

**§ 91-16. Dog barking warning procedures.**

- A. Any resident of the Town may request, in writing, that the Dog Control Officer warn any person who shall own or harbor any dog which habitually barks in violation of § 91-15 of this article.
- B. Any such request shall identify the owner of the premises, the owner or harbinger of the dog and the name and address of the person making the request. Upon receipt of such request, the Dog Control Officer shall investigate the complaint and, upon a determination that there is probable cause that such complaint is valid, shall give the owner or harbinger of the dog a warning.
- C. The warning shall consist of personal delivery of a copy of these provisions to such owner or harbinger or to someone in his or her household, or by mailing a copy of these written provisions if the violator resides outside the Town of Thompson, together with a written notice that no further warning shall be given and that any future violations shall be prosecuted according to law.

**§ 91-17. Penalties for dog barking offenses.**

Any person found to be in violation of § 91-15 of this article shall be deemed guilty of a violation and shall be liable to a fine of not less than \$50 nor more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment.

**§ 91-18. Restrictions; running at large.**

It shall be unlawful within the Town of Thompson for any owner of any dog to permit or allow said dog:

- A. To run at large off the owner's property unless the dog is accompanied by its owner or a responsible person, either of whom must be able to control such dog by command and with knowledge, consent and approval of the owner of such premises.
  - (1) A dog present in a public place or on private lands without the knowledge, consent and approval of the owner of such private lands shall be considered running at large, unless restrained by an adequate leash.
  - (2) Dogs used for hunting, trailing, training, or tracking, police work dogs, service dogs, or working search dogs when actually used for these purposes and not restrained by a leash shall not be considered running at large.
- B. To habitually chase, run alongside, or bark at moving motor vehicles.
- C. To uproot, dig, or otherwise damage vegetables, lawns, flowers, gardens or other property not belonging to the owner of such dog.
- D. To chase, jump upon or at, or otherwise harass any person (other than the owner) in such a manner as to reasonably cause intimidation or fear, or put such person in a position of reasonable apprehension of bodily harm or injury, while off the owner's premises.

## § 91-18

## THOMPSON CODE

## § 91-20

- E. To create a nuisance by defecation, urination, or digging on property not belonging to the owner of such dog.
- (1) Removal of feces required. Any person owning or in charge of any dog which soils, defiles on or commits any nuisance on any property, without the permission of the owner of the property, shall immediately remove all feces by such dog in a sanitary manner, including excess feces on the owner's property.
  - (2) Disposal of feces. The feces removed from the aforementioned areas shall be disposed of by the person owning or in charge of any such dog in a sealed, nonabsorbent, leakproof container.
  - (3) Exception to guide dogs. The provisions of this subsection shall not apply to blind persons who may use dogs as guides and police work dogs in use of police work.
- F. To allow a female dog to be off the owner's premises when in heat.

**§ 91-19. Penalties for at-large offenses.**

Any person found to be in violation of § 91-18 of this article shall, upon conviction, be deemed guilty of a violation and shall be liable to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment, except violations of § 91-18E(1) shall be subject to a fine of not less than \$25 nor more than \$50.

- A. Repeat violations of this section shall be punishable as follows:
- (1) Where a person has previously been found guilty of this section [excluding § 91-18E(1)] within the preceding five years, the fine shall be not less than \$150 nor more than \$250; and
  - (2) Where a person has been found guilty of two or more such violations of this section [excluding § 91-18E(1)] within the preceding five years, it shall be punishable by a fine of not less than \$250 nor more than \$500.

**§ 91-20. Seizure, impoundment and redemption.**

- A. Any dog found in violation of the provisions of § 91-14 of this article may be seized pursuant to the provisions of § 117 of the Agriculture and Markets Law.
- B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption period set forth in § 117 of the Agriculture and Markets Law.
- C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to Article 7 of the Agriculture and Markets Law and by paying the impoundment fee set forth in § 117 of the Agriculture and Markets Law.
- D. If the dog is to be redeemed, the owner, upon redemption, shall pay the Town Clerk a fee as follows:

§ 91-20

DOGS

§ 91-21

- (1) For the first impoundment: flat fee of \$75.
- (2) For subsequent impoundment within one year of the first impoundment: flat fee of \$100.
- E. Any dog unredeemed at the expiration of the redemption period shall be turned over to the shelter contracted by the Town and made available for adoption or euthanized pursuant to the provisions of § 117 of the Agriculture and Markets Law.
- F. Dogs turned over to the shelter contracted by the Town for euthanasia and adoption or unclaimed must be neutered or spayed if and when adopted from the shelter contracted by the Town, at the expense of those adopting the animal.
- G. No action shall be maintained against the Town, Dog Control Officer, or Peace Officer when acting pursuant to his or her special duties, or any other agent of the Town, or any persons under contract to the Town, to recover the possession of, or value of any dog seized or destroyed pursuant to the provisions of this article or the Agriculture and Markets Law.
- H. Any Dog Control Officer or Peace Officer, when acting pursuant to his or her special duties, observing a violation of this article in his or her presence may issue and serve an appearance ticket for such violation.
- I. In the event that the dog seized bears a license tag, the person seizing the dog shall, within three days thereafter, ascertain the name of the owner and give the owner immediate notice by serving upon the owner a written notice stating that the dog was seized and stating that the dog will be destroyed or otherwise provided for unless redeemed or a trial is demanded within 12 days of the impoundment of the dog.
- J. In the event that the dog seized does not bear a license tag and the owner is unknown, the shelter contracted by the Town shall be authorized to destroy the dog seven days after the impounding or to dispose of the dog by sale or other means, unless the owner redeems the dog, if permitted, or unless a trial is demanded by the owner, within seven days of seizure.
- K. Abandoned dogs. Any dog at large which does not display any current dog license or other means of identification or which fails to exhibit any evidence of having had administered to it a rabies vaccination shall be considered an abandoned dog and may be summarily impounded by the Dog Control Officer.

**§ 91-21. Forfeiture of ownership.**

If any impounded dog is not redeemed or a trial demanded within the time herein as set forth, the owner shall forfeit ownership of the dog, and it may thereafter be destroyed or otherwise provided for by the appropriate official as hereinafter provided.

- A. In the event that it becomes necessary to destroy a dog, the Dog Control Officer or any law enforcement officer shall arrange, through the shelter contracted by the Town, to humanely destroy and dispose of the carcass. Any Dog Control Officer who destroys a

§ 91-21

## THOMPSON CODE

§ 91-26

dog must make a report in writing to the Town Clerk and such report shall be filed for one year.

- B. The owner, possessor or harbinger of any dog destroyed under the provisions of this article shall not be entitled to any compensation and no action shall be maintained thereafter to recover the value of the animal or any other type of damage whatsoever.

**§ 91-22. Disposition of license; redemption fees and fines.**

All money and penalties collected for violation of Article 7 of the Agriculture and Markets Law of the State of New York and all of the money and penalties collected for violation of the Town of Thompson local law/ordinance shall remain the property of the Town of Thompson as stipulated in § 119 of the Agriculture and Markets Law. The money can only be used for dog control purposes, funding low-cost spay/neuter programs and subsidizing humane education programs.

**§ 91-23. Dangerous dogs.**

It shall be unlawful for any dog determined to be dangerous to be at large within the Town of Thompson at any time, even though such animal is licensed, muzzled and effectively immunized against rabies. A dangerous dog which is found at large may be taken and impounded. If any dangerous, fierce or vicious dog found at large cannot be safely taken up and impounded, such dog may be summarily destroyed. Further provisions for dangerous dogs are set forth pursuant to § 123 of Article 7 of the Agriculture and Markets Law of the State of New York.

**§ 91-24. Severability.**

If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 91-25. Statutory authority.**

This article is enacted pursuant to the provisions of §§ 122 and 124 of Article 7 of the Agriculture and Markets Law of the State of New York.

**§ 91-26. Effective date.**

This article shall take effect January 1, 2011.