

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of ..... New Scotland .....  
Town  
~~Village~~

Local Law No. .... 1 ..... of the year 19 .. 78 ..

A local law relating to the Control, Confining and Leashing of Dogs .....  
(Insert title)

Be it enacted by the ..... Town Board ..... of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of ..... New Scotland ..... as follows:  
Town  
~~Village~~

Section 1. Purpose. The town board of the town of New Scotland finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have created nuisances within the town. The purpose of this local law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the town.

Section 2. Authority. This local law is enacted pursuant to the provisions of Section 126 of the Agriculture and Markets Law of the State of New York.

Section 3. Title. The title of this law shall be "Dog Control Law of the Town of New Scotland".

Section 4. Definition of terms. As used in this local law, the following words shall have the following respective meanings:

(a) Agriculture and Markets Law means the Agriculture and Markets Law of the State of New York.

(b) Dog means male and female, licensed and unlicensed, members of the species *Canis familiaris*.

(c) Owner means person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog warden and a reasonable search has been made. If a dog is not licensed the term owner shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the town. Any person owning or harboring a dog for a period of one (1) week prior to the filing on any complaint charging a violation of this local law, shall be held and deemed to be the owner of such dog for the purpose of this local law. In the event the owner of any dog is found to be in violation of this chapter shall be under eighteen 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.

(d) Recreational areas mean any real property owned by or under the jurisdiction and control of the Town which is used for recreational purposes by the public including, but not limited to, parks or playgrounds.

(e) Run at large means to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

(f) Town means the Town of New Scotland.

Section 5. Restrictions. It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

(a) Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this local law, a dog or dogs hunting in company of a hunter or hunters shall be considered as

(b) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof.

(c) Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

(d) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway or place, or upon private property without the consent or approval of the owner of such property.

(e) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

(f) If a female dog when in heat, be off the owner's premises unrestrained by leash.

Section 6. Fees for Seizure of Dogs. The fee for seizure of an untagged or unlicensed dog pursuant to section 114 of the Agriculture and Markets Law shall be Fifteen dollars (\$ 15.00). The fee for seizure of an untagged or unlicensed dog which is in violation of section 5(a) of this local law shall be Fifteen dollars (\$ 15.00). The fee for seizure of a tagged or licensed dog which is in violation of section 5(a) of this local law shall be Fifteen dollars (\$ 15.00).

Section 7. Enforcement.

(a) The dog warden or any peace officer shall seize a dog found in violation of section 114 of the Agriculture and Markets Law and of paragraph (a) of section 5 of this local law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law. The dog warden or peace officer may also investigate and report to a town justice

(b) Any person who observes a dog in violation of this local law may file a complaint under oath with a town justice of the Town specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this local law.

Section 8. Penalties. Any person convicted of a violation of this local law shall be liable to a penalty not exceeding twenty-five dollars (\$25.00) for a first violation, not exceeding fifty dollars (\$50.00) for a second violation and not exceeding seventy-five dollars (\$75.00) for each subsequent violation.

Section 9. Separability. Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10. Repealer. This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the town of New Scotland and they shall be, upon the effectiveness of this local law, null and void.

Section 11. Effective Date. This local law shall take effect on January 1, 1979, and upon filing with the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 78  
~~County~~  
of the ~~City~~ City of New Scotland was duly passed by the Town Board  
~~Town~~ Town (Name of Legislative Body)  
~~Village~~  
on August 9 19 78 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_  
County  
of the ~~City~~ City of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
~~Town~~ Town (Name of Legislative Body)  
~~Village~~  
on \_\_\_\_\_ 19 \_\_\_\_\_ and was approved \_\_\_\_\_ by the \_\_\_\_\_  
not disapproved \_\_\_\_\_  
repassed after disapproval \_\_\_\_\_ Elective Chief Executive Officer \*  
and was deemed duly adopted on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_  
County  
of the ~~City~~ City of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
~~Town~~ Town (Name of Legislative Body)  
~~Village~~  
on \_\_\_\_\_ 19 \_\_\_\_\_ and was approved \_\_\_\_\_ by the \_\_\_\_\_  
not disapproved \_\_\_\_\_  
repassed after disapproval \_\_\_\_\_ Elective Chief Executive Officer \*  
on \_\_\_\_\_ 19 \_\_\_\_\_. Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general  
thereon at the special election held on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_  
County  
of the ~~City~~ City of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ OR  
~~Town~~ Town (Name of Legislative Body)  
~~Village~~  
\_\_\_\_\_ 19 \_\_\_\_\_ and was approved \_\_\_\_\_ by the \_\_\_\_\_ OR  
not disapproved \_\_\_\_\_  
repassed after disapproval \_\_\_\_\_ Elective Chief Executive Officer \*  
\_\_\_\_\_ 19 \_\_\_\_\_. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on \_\_\_\_\_

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 § 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on ..... 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. .... of 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19 ....., pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ..... 1 ..... above.

*Catherine Cassano*  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that a proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....  
Signature



STATE OF NEW YORK  
DEPARTMENT OF AUDIT AND CONTROL  
ALBANY

ARTHUR LEVITT  
STATE COMPTROLLER

IN REPLYING REFER TO

December 12, 1978

Corrine Cossac, Clerk  
Town of New Scotland  
Town Hall  
Slingerlands, New York 12159

Dear Sir:

Our records indicate that the office of the Secretary of State acknowledged receipt and filing of Local Law No. 1-1978 of the Town of New Scotland on December 11, 1978

This office does not have a copy of the said local law.

This is to advise that Municipal Home Rule Law §27 requires that one copy of all local laws adopted by municipalities be filed in the office of the State Comptroller. In accordance therewith, would you kindly send a copy for filing.

Very truly yours,

  
Kendall R. Pirro  
Associate Attorney

KRP: med

*CK  
with  
name*

RECEIVED DEC 14 1978



STATE OF NEW YORK  
DEPARTMENT OF AUDIT AND CONTROL

ALBANY

12236

EDWARD V. REGAN  
State Comptroller

February 2, 1979

WILLIAM C. WALSH  
Deputy Comptroller

In Replying Refer To

Corinne Cossac, Clerk  
Town of New Scotland  
Town Hall  
Slingerlands, N. Y. 12159

Dear Sir/Madam:

This is to advise that Local Law(s) No. 1  
of 1978 for the Town of New Scotland  
was received and filed on December 21, 1978.

Very truly yours,

EDWARD V. REGAN  
State Comptroller

By

  
Kendall R. Pirro  
Associate Attorney  
Charters Unit

KRP: dak

cc: Secretary of State