

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a 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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
MAR 22 2002

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MISCELLANEOUS  
& STATE RECORDS

~~CODDYS~~  
~~CRK~~ of CAROGA  
Town  
~~VILLAGE~~

Local Law No. ONE of the year 2002.

A local law TO REGULATE DOGS IN THE TOWN OF CAROGA, NEW YORK  
(Insert Title)

Be It enacted by the TOWN BOARD of the  
(Name of Legislative Body)

~~CODDYS~~  
~~CRK~~ of CAROGA as follows:  
Town  
~~VILLAGE~~

See Attached three (3) pages which contain:

- Section 1. Title
- Section 2. Purpose
- Section 3. Applicability
- Section 4. Prohibition of Loose or Nuisance Dogs
- Section 5. Procedure
- Section 6. Penalty
- Section 7. Severability
- Section 8. Effective Date

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF CAROGA, NEW YORK - LOCAL LAW NO. ONE OF THE YEAR 2002

LOCAL LAW TO REGULATE DOGS IN THE TOWN OF CAROGA, NEW YORK,

BE IT ENACTED by the Town Board of the Town of Caroga, New York as follows:

Section 1. Title

Section 2. Purpose

Section 3. Applicability

Section 4. Prohibition of Loose or Nuisance Dogs

Section 5. Procedure

Section 6. Penalty

Section 7. Severability

Section 8. Effective Date

SECTION 1. TITLE

The title of this Local Law is "A Local Law to Regulate Dogs in the Town of Caroga, New York".

SECTION 2. PURPOSE

A. The purpose of this Local Law shall be to preserve the public peace and good order in the Town of Caroga and contribute to the public welfare and the preservation and protection of the inhabitants of the Town of Caroga and their property. This Local Law is designed and intended to declare certain regulations and restrictions on the activities of dogs in the Town of Caroga and the management of these dogs by their owners and provide the structure for the enforcement of this Local Law.

B. This Local Law repeals Local Law No. One of 1991.

SECTION 3. APPLICABILITY

A. This Local Law shall apply to all territory within the confines

of the Town of Caroga.

SECTION 4. NUISANCE AND ROAMING DOGS PROHIBITED

A. Any dog that is not on the property of its owners must be leashed at all times. The owner of the dog is solely responsible for the dog.

B. The owner or any other person harboring a dog must be in control of the animal at all times.

C. No person owning or in custody of a dog shall permit the dog to be a public nuisance in the Town of Caroga. "Public Nuisances" include, but are not limited to, the following acts:

- i. Barking or howling to an extent that any person is annoyed.
- ii. Chasing any moving vehicle or person on foot.
- iii. Jumping on or in any other way intimidating a person.
- iv. Damaging or in any other way defacing the property of any person other than that of the owner.
- v. Defacating on the property of another.
- vi. Allowing any dog to be at large and out of the direct control of its owner.

SECTION 5. PROCEDURE

A. Any person who observes or experiences a dog committing any of the above acts or other offences should, as a first step, inform the Town's Dog Warden.

B. As either a recourse or a second step, that person observing

the offending dog may file a signed complaint, under oath, with the Town Justice specifying the nature of the complaint, the date of the offense, the damage caused, a description of the dog and the name and residence of the owner or person harboring the animal, if known.

C. Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summons the alleged owner or person harboring the dog to appear, in person, before the Justice. If this summons is disregarded, the Justice may permit the filing of an information and issue a warrant for the arrest of the offending party.

#### SECTION 6. PENALTY

A. Any person convicted of a violation of any of the provisions of this Local Law shall be guilty of an offense and shall be punished by a fine not to exceed fifty dollars (\$50.00) for a first offense. For a second or subsequent conviction such person shall be punished by a fine not to exceed one hundred and fifty dollars (\$ 150.00).

#### SECTION 7. SEVERABILITY

A. If any clause, sentence, paragraph, subdivision, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not effect, impair or invalidate the remainder thereof.

#### SECTION 8. EFFECTIVE DATE

A. This Local Law shall become effective immediately upon its filing with the New York Department of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. ONE of 2002 of the (~~County~~)(City)(Town)(Village) of CAROGA was duly passed by the TOWN BOARD on March 13, 2002, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (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)(general) election held on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 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.....ONE..., above.

*Linda M. Gilbert*

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

(Seal)

Date: March 18, 2002

(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 FULTON

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

*David J. Shank*

Signature

*Town Attorney*

Title

~~County~~  
~~City~~ of CAROGA  
Town  
~~Village~~

Date: March 18, 2002