

1985-1

(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 Enfield
Town
~~Village~~
Local Law No. 1 of the year 19 85

A local law Dog Control Law
(insert title)

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

~~COUNTY~~
~~CITY~~ of Enfield as follows:
Town
~~Village~~

SECTION I. Title: The title of this law is "DOG CONTROL LAW"

SECTION II. Purpose

The purpose shall be to promote the public health, safety and welfare of the community, including the protection and preservation of the property of the Town and its inhabitants, and of peace and good order, by regulating and controlling the activities of dogs within the Town of Enfield, and providing for enforcement thereof.

SECTION III. Prohibited Acts

A. It shall be unlawful for any person owning or harboring any dog, whether or not tagged or licensed and whether or not leashed or muzzled, to permit or allow such dog while in the Town of Enfield to:

1. Engage in habitual loud howling or barking or conduct itself in such a manner as to habitually annoy any person other than the person owning or harboring such dog; or
2. Cause damage or destruction to property or defecate, urinate, or otherwise commit a nuisance upon the premises of a person other than the person owning or harboring the dog; or
3. Chase, leap on, attack, or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury, provided such person was peaceably conducting himself or herself in any place where such person may lawfully be; or
4. Chase, leap on, attack, or otherwise harass other animals upon the premises of a person owning said animals.

B. It shall be unlawful for any person to hinder, resist, or oppose the dog control officer, peace officer, or other person authorized to administer or enforce the provisions of this law in the performance of the officers' duties under this law.

(If additional space is needed, please attach sheets of the same size as this and number each)

Section IV. Enforcement

All peace officers in the Town of Enfield and all dog control officers appointed by the Town of Enfield or the County of Tompkins shall administer and enforce the provisions of this law, and for such purpose shall have the authority to issue appearance tickets pursuant to the Criminal Procedure Law and seize dogs either on or off the premises of the owner, if witnessed to be in violation of this law.

Section V. Filing of Complaints

Any person who observes a dog in violation of any acts prohibited by this law, may file a signed complaint, under oath, with a Justice of the Town of Enfield, or with the authorized dog control officer or any peace officer, specifying the unlawful conduct of the dog, the date thereof, the damage caused, or the acts constituting violation of this law, and including the place or places where such conduct occurred and the name and residence, if known, of the owner or other person harboring such dog.

Section VI. Minor Owner; Responsibility of Head of Household

In the event that any dog found to be in violation of this law is owned by a person under 18 years of age, the head of the household in which said person resides shall be deemed to be the owner or person harboring such dog and responsible for the acts of said dog for the purpose of this law.

Section VII. Presumption

The fact that a dog is in violation of any of the provisions of this law shall be presumptive evidence that the dog has been permitted to be in violation with the knowledge of the owner or person harboring the dog.

Section VIII. Violations and Penalties

A violation of this law shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a fine of not less than \$25.00 nor more than \$50.00 for each violation, and for a third violation or conviction within 12 months thereafter shall be punishable by a fine of \$100.00 or by imprisonment for a term not to exceed 5 days for each violation. These penalties shall be in addition to any other penalty provided by law.

Section IX. Validity

If any section, paragraph, subdivision, clause, phrase, or provision of this law shall be judged invalid or held unconstitutional, it shall not affect the validity of this law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section X. Effective Date

This law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with the Municipal Home Rule Law.

(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 1985 of the ~~County~~ City of Enfield was duly passed by the Enfield Town Board (Name of Legislative Body) on July 10, 1985 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_____ of the ~~County~~ City of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19_____ and was ~~not disapproved~~ repassed after disapproval by the _____ 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_____ of the ~~County~~ City of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19_____ and was ~~not disapproved~~ repassed after disapproval by the _____ Elective Chief Executive Officer * on _____ 19_____. 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 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_____ of the ~~County~~ City of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19_____ and was ~~not disapproved~~ repassed after disapproval by the _____ Elective Chief Executive Officer * on _____ 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 _____ 19_____, in accordance with the applicable provisions of law.

*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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with 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 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 above.

Shirley M. Holcomb
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: July 10, 1985

(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 *Tompkins*

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.

Shirley K. Egan
Signature
Town Attorney
Title

Date: July 12, 1985

County
City of *Enfield*
Town
Village