

Local Law Filing

(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.

County City Town Village
(select one.)

of Montgomery

Local Law No. 2 of the year 2021

A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2002 ENTITLED "DOG CONTROL"

Be it enacted by the Town Board of the Town of Montgomery as follows:

See attached.

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

TOWN OF MONTGOMERY

LOCAL LAW NO. 2 OF 2021

**A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2002
ENTITLED "DOG CONTROL"**

Be it enacted by the Town Board of the Town of Montgomery, County of Orange, State of New York as follows:

Section 1. Title.

This Local Law shall be referred to as "A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2002 ENTITLED "DOG CONTROL".

Section 2. Legislative Intent.

By this enactment, the Town Board of the Town of Montgomery intends to promote the health, safety, morale and welfare of the people of the Town by including a provision that requires all dogs within the Town to be leashed and under the control of its handlers and/or owners while on public property or on the property of others with permission of the property owner. In exercise of its police powers in this regard, the Town Board does hereby enact the following amendments to the existing Dog Control Law. It is the intention of the Town Board that this chapter be liberally construed so as to effectuate the purposes described in this section.

Section 3. The follow sections of Local Law No.12 of 2002 are hereby amended and shall read as designated below:

SECTION V – PROHIBITIONS

- A. It shall be unlawful for any owner or any person harboring any dog to permit and/or to allow such dog while in the Town of Montgomery to:
- i. Leave the dog owner's property, unless the dog is on a leash not more than six (6) feet in length and under the direct supervision and control of the owner of the dog or any person given express permission by the owner of the dog. The requirement to leash a dog under this subsection shall not apply to service dogs, military dogs, hunting dogs actively engaged in the act of hunting, and/or working dogs, including, but not limited to, dogs trained and used for farming and agricultural purposes such as herding and shepherding livestock.
 - ii. Engage in habitual loud howling or barking or to conduct itself in such a manner as to annoy any person other than the owner or person harboring such dog. Continuous or intermittent howling or barking for more than one-half hour shall be presumptively a violation of this local law.
 - iii. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.
 - iv. Chase, bark or otherwise harass any person in such a manner as to cause intimidation or to put such person in a reasonable apprehension of bodily harm or injury.

- v. Leave the dog owner's property to chase or bark at motorized vehicles, bicycles, joggers or walkers.
- vi. Remain in the Town of Montgomery unless licensed and cared for in accordance with provisions of the New York State Agriculture and Markets Law.
- vii. Defecate or urinate in such a way as to cause annoyance to the residents, nor shall the owner of a dog allow his dog to tip over trash cans or destroy other devices used to contain refuse.

Section 4. Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Montgomery hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(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. 2 of 2021 of the (County)(City)(Town)(Village) of Montgomery was duly passed by the Town Board of the Town of Montgomery on March 31, 2021, in accordance with the applicable provisions of law.

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____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

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.

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____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

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.

* 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 _____ 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 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.



Tara Stickles, Town of Montgomery Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: 4/2/2021