

TOWN OF GOSHEN
LOCAL LAW NO. 1 OF 2021
A LOCAL LAW ADOPTING CHAPTER 55A OF THE CODE
OF THE TOWN OF GOSHEN (“DOG CONTROL”)

BE IT ENACTED by the Town Board of the Town of Goshen, Orange County, New York as follows:

SECTION 1. PURPOSE

The Town of Goshen finds that dogs running at large off of their owner’s premises, or the premises of others to whom permission has been granted by the owner to house or harbor such dogs, poses risks of physical harm to persons and damage to property throughout the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property in the Town by imposing restrictions and regulations upon the keeping or running of dogs off the premises of their owner or those to whom the owner has given permission to house or harbor such dogs.

SECTION 2. STATUTORY AUTHORITY

This law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

SECTION 3. CHAPTER 55: DOG CONTROL

A new Chapter 55A entitled “Dog Control Law” is hereby adopted with the following Sections:

§55A-1 Title.

This Chapter shall be known as the “Dog Control Law of the Town of Goshen.”

§55A-2 Findings and purpose.

The Town of Goshen finds that dogs running at large pose risks of physical harm to persons and damage to property and has created nuisances within the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property in the Town by imposing restrictions and regulations upon the keeping or running of dogs at large.

§55A-3 Definitions.

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

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 chapter.

HARBOR

To provide food or shelter to any dog.

OWNER

Any person who harbors or keeps any dog. In the event any dog found in violation of this chapter is owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person or the head of the household in which such person resides.

§55A-4 Unleashed Dogs Prohibited.

- A. It shall be unlawful for any owner of any dog or person responsible for or harboring such dog to permit or to allow such dog, while in the Town of Goshen, to be on property open to the public or on private property, without the consent of the owner or person in possession of such private 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 other delegated responsible person.
- B. Exceptions. The requirement to leash a dog under this Subsection A shall not apply to a police work dog in use for police work, a search and rescue dog engaged in search and rescue operations, service dogs, hunting dogs actively engaged in the act of hunting on unposted land or on posted land with the permission of the owner of the land, and/or working dogs trained and in use for farming and agricultural purposes such as herding and shepherding livestock provided the permission of the owner of the land has been secured.

§55A-5 Enforcement.

- A. This chapter shall be enforced by the Dog Control Officer or by any police officer or by any person having jurisdiction under the Agriculture and Markets Law.
- B. The Dog Control Officer or a police officer may issue and serve any process relating to any proceeding under this chapter or any proceeding in accordance with the provisions of the Agriculture and Markets Law of the State of New York. All such officers shall have the power to issue, pursuant to the Criminal Procedure Law, an appearance ticket or a uniform appearance ticket and simplified information or any other lawful process as provided in the New York State Agriculture and Markets Law.

§55A-6 Penalties.

A violation of this law shall be punishable by a fine of \$0 to \$100 for a first offense, and a fine of \$0 to \$250 for a second and further offenses.

SECTION 4. SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or otherwise appear to be in conflict with this Local Law, including, but not limited to Article 26 of Agriculture and Markets Law of the State of New York, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 5. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law 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, and the remaining provisions shall remain in full force and effect.

SECTION 6: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in 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. 1 of 2021 of the (County)(City)(Town)(Village) of Goshen was duly passed by the Town Board on May 27 2021, 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____.~~
(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____. 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 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 1 above.

Mary Blise

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

Date: June 17, 2021

(Seal)