

**Local Law Filing**

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**(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.

**Town of Colonie**

Local Law No. 10 of the year 2009

**A local law** amending Chapter 79 of the Code of the Town of Colonie entitled “Dogs and Other Animals” by amending Section 79-6 entitled “Offenses; penalties.”

**Be it enacted by the Town Board of the Town of Colonie as follows:**

SECTION 1.

**§ 79-6. Offenses; penalties.**

A. It shall be a violation, punishable as provided in Subsection C of this section, for:

- (1) Any owner or custodian of any dog to permit or allow any dog to run at large unless such dog is restrained by an adequate collar and leash not exceeding eight feet in length or unless accompanied by and under the immediate control of its owner or a responsible person over 16 years of age who is able to control the animal.
- (2) Any owner or custodian of any dog to permit or allow any dog to engage in frequent loud howling, barking or whining or to conduct itself in such a manner so as to unreasonably disturb the comfort or repose of any person.
- (3) Any owner or custodian of any dog to permit or allow any dog to cause damage or destruction to property or commit a nuisance upon the premises of any person.
- (4) Any owner or custodian of any dog to permit or allow any dog to chase or otherwise harass any person in such manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- (5) Any owner or custodian of any dog to permit or allow any dog to habitually chase or bark at motor vehicles, bicycles or pedestrians.
- (6) Any owner or custodian of any dog to permit or allow any dog to run at large when in heat; such dog shall be confined to the premises of the owner during such period.

**(7) Any owner to fail to license any dog.**

B. It shall be the duty of the Animal Control Officer of the Town of Colonie to bring an action against any person who has committed within the Town of Colonie any violation set forth in this section. The Town of Colonie may elect either to prosecute such action as a violation under the Penal Law or to commence an action to recover a civil penalty.

C. A violation of this section shall be punishable, subject to such an election, either:

(1) Where prosecuted pursuant to the Penal Law, by a fine of not more than \$50, except that:

(a) Where the person was found to have violated this section or the former Dog Control Ordinance of the Town of Colonie within the preceding five years, the fine may be not more than \$100; and

(b) Where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both; or

(2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not more than \$50, except that:

(a) Where the person was found to have violated this section or the former Dog Control Ordinance of the Town of Colonie within the preceding five years, the civil penalty may be not more than \$100; and

(b) Where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not more than \$250.

**SECTION 2.** This local law shall become effective upon its filing in the Office of the Secretary 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. 10 of 2009** of the **Town of Colonie** was duly passed by the Town Board on **September 24, 2009** 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 (Town) \_\_\_\_\_ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on 20\_\_\_\_, and was (approved)(not disapproved)(repassed (Name of Legislative Body) after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_ 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 20\_\_\_\_ of the (\_\_\_\_\_) (Town) (\_\_\_\_\_ of \_\_\_\_\_) was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by \_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_ (Town) (\_\_\_\_\_ of \_\_\_\_\_) was duly passed by the (Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_ and was (approved)(not disapproved)(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.

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**\*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 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 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.)**

\_\_\_\_\_  
Clerk of the Town or officer designated by local legislative body

(Seal) \_\_\_\_\_ Date: \_\_\_\_\_

**(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 all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature Town of Colonie Town Attorney

Date: \_\_\_\_\_