

LOCAL LAW NO. ____ OF 2019

TOWN BOARD
TOWN OF NEW CASTLE
LOCAL LAW TO AMEND
CHAPTER 57, SECTION 4, OF THE
CODE OF THE TOWN OF NEW CASTLE

A LOCAL LAW to amend Chapter 57, Section 4, of the Town Code of the Town of New Castle concerning nuisances by dogs prohibited.

BE IT ENACTED by the Town Board of the Town of New Castle as follows:

Section 1. Chapter 57, Section 4, of the Code of the Town of New Castle entitled “Restrictions” is hereby amended as follows:

§ 57-4 Restrictions.

It shall be unlawful for any owner of or any person harboring a dog to permit or allow such dog, while in the Town of New Castle, to:

- A.** Be off the premises owned or leased by the owner of such dog or on the premises of another person without the express consent of such person, unless it is under the physical control, by a leash not exceeding eight feet in length or otherwise, or the visual and voice control of its owner or a responsible person able to control the dog.
- B.** Engage in habitual loud howling or barking, or to conduct itself in such a manner so as to unreasonably annoy any person other than the owner.
- C.** Cause damage or destruction to property, or commit a nuisance upon the premises of a person other than the owner.
- D.** Chase or otherwise harass any person in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- E.** Habitually chase or bark at motor vehicles.
- F.** Cause, permit, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any

other public property; provided that the owner or harbinger of a dog that permits that dog to soil, defile, defecate on, or commit any nuisance on shall be responsible to clean up, on an immediate basis the fecal matter, defilement or other nuisance waste. These restrictions shall likewise apply to any private property unless such person shall have the express written permission of the owner of said property.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 57 of the Town Code of the Town of New Castle is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the Town of New Castle and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of New Castle; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. This local law shall take effect immediately upon filing with the Office of the Secretary of State.