

DRAFT

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
PUBLIC HEARING FOR LOCAL LAW 2 OF 2012
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OPENING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW 2 OF 2012

Supervisor O'Rorke called the meeting to order at 7: pm and the Pledge of Allegiance was said. Also attending: Councilwoman Benway and Finke, Councilman and Norris, Highway Superintendent Jordan, Town Clerk Brooks, Deputy Town Clerks Loux and Jordan, and 28 members of the public who signed the attendance sheet. Absent: Councilman Meredith, Attorney for the Town Wukitsch. Supervisor asked that cell phones and other electronic devices be turned off as they interfere with the digital recorders.

Supervisor moved to open the public hearing and was seconded by Councilwoman Benway. The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:
BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried

Supervisor reviewed changes by reading Sections 1-5.

PROPOSED LOCAL LAW NO. 2 of 2012

**A LOCAL LAW ESTABLISHING A LEASH LAW FOR THE HAMLET & TOWN
PARKS OF NEW BALTIMORE AND PROVIDING FOR THE DISPOSAL OF CANINE
WASTE THROUGHOUT THE TOWN**

Be it enacted by the Town Board of the Town of New Baltimore, County of Greene, as follows:

Section 1. Purpose

The Town Board finds that dogs running at large in the hamlet and *Town Parks* of New Baltimore pose a risk to the health and safety of its residents. Further evidence demonstrates that canine waste may cause serious health problems throughout the Town.

Section 2. Unleashed Dogs Prohibited

No person keeping, owning or having possession, charge, custody or control of any dog shall cause, or permit, suffer or allow the dog to stray, run, be or go, in any manner at large, *to be* upon any public property such as but not limited to: street(s), thoroughfare, sidewalk(s), school yard(s) or grounds, public grounds, park(s) or private property, except such dog that may be on public property under control by means of a chain or leash, not longer than six (6) feet in length. This is also to include the private property of others, unless there is express consent of the owner of such private property. This prohibition shall only apply in the *Town Parks* and in the hamlet of New Baltimore as defined by the town zoning map.

Section 3. Violations and Penalties for Leash Law

A violation of this law shall be punishable by a fine of \$50 for the first offense, \$100 for the second offense, and \$250 for the third or subsequent offense.

Section 4. Removal and Disposal of Canine Waste

A. Removal/Disposal

It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, gutter, street, park or other public area, or on any private property neither owned nor occupied by said person. No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, gutter, street, park or other

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public area, or on any private property neither owned nor occupied by said person, without the means of removal of any feces left by such dog. For the purpose of this section, the means of removal shall be any tool, implement or other device carried for the purpose of picking up or containing such feces in a manner that such feces shall be unexposed to said person in public. *Disposal shall be accomplished at such time immediately after it occurs.* Disposal shall be accomplished by transporting such feces to a suitable place.

B. Penalties for Failure to Remove/Dispose

Any person who violates or permits a violation of this law shall be subject to a fine of two hundred fifty dollars (\$250) to be assessed for each and every violation.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

With that, Supervisor reminded all who wish to make comment to come forward to podium.

Bob Krug, hamlet of New Baltimore: asks to clarify Section 4, end of sentence "shall be unexposed to said person in public"; is the intent "in public" or "or public". Supervisor said the intent is that any public should not be exposed. Second, he asked disposal shall be accomplished by transport to "suitable place"; Supervisor said a place suitable to dispose of waste. Bob thought that could be someone else's compost pile; Supervisor answered that that would involve trespassing. Bob asked regarding penalties, the two sections are different; Supervisor said the Board followed other penalties already part of the dog law. \$250 fine is in place for town parks; Bob felt unleashed dogs was a graduated penalty; Supervisor believe it permits first occurrence could be warning, second occurrence could be stiffer penalty.

Bonnie Mion, hamlet of New Baltimore: said the issue was important is on many levels, raising awareness to people not picking up excrement, and ability to act on an issue when it arises. She and Bob have spoken to many hamlet residents; consensus is that residents do not like someone leaving behind excrement on property not their own. Folk are happy and excited to have this law; community responsibility, courtesy, health, and safety. Ordinance will be a 'stamp' of awareness, more are carrying bags, and have leeway to initiate "oh-did-you-know" conversation, good to have it increase and care about quality of life, keep awareness, it is a statement that the town cares. Thank-you.

Bob Krug asked whether there would be posting of the law if it passes. Signage? Supervisor answered newspaper is present, Town website, and Town newsletter's next issue; all Town parks are already posted to clean up after dogs.

Animal Control Officer Joe Tanner asked whether he'll be getting a lot of photos? Councilwoman Benway reminded that Joe did not want packages.[laughter]. Supervisor added, if someone photographs a violator, the violator must be recognizable in the photo; photos are entered as evidence, no packages as evidence.

Alta Turner, hamlet of New Baltimore: asked if leash law applies to Hannacroix Preserve, Supervisor answered the HRIT trail yes, but Open Space Institute (Hannacroix Preserve's owner) makes their choice. Leash law applies to hamlet and town parks; canine waste pick-up and disposal requirement is Town-wide.

Hearing no more from the public, **Councilwoman Benway moved to close the public hearing and was seconded by Supervisor.** The adoption of the foregoing Motion was duly put to a vote, and the vote was as follows:

BENWAY-AYE FINKE-AYE MEREDITH-Absent
NORRIS-AYE O'RORKE-AYE
Motion Carried

Respectfully submitted,

Janet A. Brooks
Town Clerk