

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 use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
NOV 07 2003
MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Schaghticoke
~~Town~~
~~Village~~

Local Law No. 3 of the year 2003

A local law Dog Sanitation Law amending Local Law #1-1988
(insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Schaghticoke as follows:
~~Town~~
~~Village~~

Section 1. Authority

This Local Law is enacted pursuant to the authority of chapter 365 of the Laws of 1976 which added a new subparagraph (3) to paragraph d of subdivision 1 of section 10 of the Municipal Home Rule Law authorizing towns to adopt a local law which amends or supercedes any provision of the Town Law in relation to the property, affairs or government of the Town or in relation to any of the other enumerated subject matters in such section 10, unless there is a state legislative restriction on such amendment or supercession.

Section 2. Purpose and Findings

This Local Law is enacted to amend and supplement certain provisions of Local Law 1-1998, which adopted the Code of the Town, and more particularly, section 57 of the Code, which provides for the control of dogs within the Town. The Town Board has determined that there exists in the Town of Schaghticoke a nuisance situation in that certain dog owners, as that term is defined in the Town Code, are not being responsible in the disposal of dog waste. Inasmuch as the current Code provisions do not regulate the disposal of dog droppings in public places and on property of persons other than the owners, the Board has determined that a regulation mandating the proper disposal of dog waste is appropriate.

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

Section 3.

Section 57 of the Town Code is hereby amended to include a new section 57-4.1, as follows:

Section 57-4.1 Dog Sanitation.

If a dog defecates in a public place or upon property owned by someone other than the Owner of the dog, the dog Owner, as that term is defined herein, shall promptly remove and properly dispose of the droppings in a responsible and sanitary manner.

Section 4. Validity

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 Schaghticoke 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. 03 of 20 03 of the (County)(City)(Town)(Village) of Schaghticoke was duly passed by the Town Board on October 8 20 03, 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.

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 _____. 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 _____, above.

✓ Janet E. Salubary
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 10/9/03

(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.

Linda W. Mandel Clemente
Signature
Attorney for the Town
Title

County
City of Schaghticoke
Town
Village

Date: October 9, 2003

FAX CONFIRMATION

DATE : AUG-4-2003 MON 09:56 PM
NAME : Mandel Clemente & Associates, P.C.
TEL. : 518-432-1209

PHONE : 7536918
PAGES : 4/4
START TIME : 08-04 09:54PM
ELAPSED TIME : 00'56"
MODE : ECM BLACK
RESULTS : OK

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TOWN OF SCHAGHTICOKE

LOCAL LAW NO. 4 OF THE YEAR 2003 AMENDING LOCAL LAW NO. 1-1998, ADOPTION OF TOWN CODE, AND THE ZONING LAW OF THE TOWN OF SCHAGHTICOKE

A Local Law Establishing a Temporary Moratorium on the Subdivision
of Land Into Three or More Lots.

SECTION 1. PURPOSE AND INTENT

Section 1, paragraph D, of the existing zoning law of the Town of Schaghticoke imposes a mandatory comprehensive review of the existing zoning law to be undertaken no later than five years after the enactment of the zoning law, *ie.* by the year 2003.

In furtherance of said mandatory comprehensive review, the Town Board of the Town of Schaghticoke has received a grant for the purpose of creating a master plan for the Town, including analysis of existing land uses, roads, population trends, institutional, human and environmental resources of the Town with the goal of proposing a comprehensive revision of the existing zoning law.

It is the desire and intent of the Town Board to protect the integrity of the above-described planning and revision process and to allow time for all necessary legal and environmental procedures. The Town Board finds that any further residential subdivision development may interfere with the goals cited above and the Board wishes to prevent the permitting and establishment of development which would be incompatible or inconsistent with said goals.

In the interests of preserving the multi-generational, family ownership of properties

At a Regular Meeting of the
Town Board of the Town of
Schaghticoke held on
October 8, 2003 at 7:30 p.m.
at the Town Offices

**In the Matter of the Adoption of
Local Law 2003-4 Establishing a
Temporary Moratorium on the
Subdivision of Land into
Three or More Lots**

WHEREAS, the Town Board of the Town of Schaghticoke is in the process of creating a master plan for the Town and is desirous of imposing a temporary moratorium so that residential subdivisions in excess of two lots shall not be processed for a one year period, commencing on the date of adoption of this local law; and

WHEREAS, in accordance with Article 16, Section 265 of the Town Law, and Section XII of the Town of Schaghticoke Zoning Law, the Town Board duly referred the request to the Town Planning Board for review and recommendation; and

WHEREAS, the Planning Board, having reviewed the application, has concurred with the adoption of a temporary moratorium; and

WHEREAS, the Town Board, in accordance with article 16, Section 265 of the Town Law, and Section XII of the Town of Schaghticoke Zoning Law, also duly referred the request to the Rensselaer County Bureau of Planning for its review and said Bureau was also in agreement with the adoption of said local law; and

WHEREAS, the Town Board declared itself lead agency for purposes of the SEQR review of said application and duly scheduled a public hearing to be held on September 10, 2003;

WHEREAS, notice was duly published in the Troy Record, the official newspaper of the Town of Schaghticoke, notifying the public that a hearing on the proposed local law imposing a temporary moratorium was to be held by the Town Board and said notice contained the complete text of the proposed local law;

WHEREAS, a public hearing was duly held and comments were submitted on said proposed local law;

NOW THEREFORE, IT IS HEREBY DETERMINED BY THE TOWN BOARD OF THE TOWN OF SCHAGHTICOKE AS FOLLOWS:

- (1) It is in keeping with the comprehensive plan of the Town for the Town Board to adopt a temporary moratorium on subdivisions of three lots or more for a period of one year to permit creation of a master plan for the Town of Schaghticoke.
- (2) The adoption of said moratorium is a Type II action pursuant to 6 NYCRR 617.5;
- (3) Local Law 2003-4 is hereby adopted and shall be effective upon the filing with the Secretary of State.

Town Board Member so moved; Town Board Member

Seconded, and the Town Board voted as follows:

Town Board Member Akin
 Town Board Member Moore
 Town Board Member Boval
 Town Board Member Bayly
 Supervisor Carlson

STATE OF NEW YORK
 COUNTY OF RENSSELAER
 TOWN OF SCHAGHTICOKE

I have compared the preceding copy with the original Resolution on file in this office

adopted by the Town Board of Schaghticoke at a regular meeting held October 8, 2003 and I DO

HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the

original. I further certify the vote thereon was as follows:

MEMBERS PRESENT
 MEMBERS ABSENT
 VOTE

Witness my hand and the seal of the Town of Schaghticoke, this ___ day of October, 2003.

JANET SALISBURY, TOWN CLERK
 TOWN OF SCHAGHTICOKE