

INC. VILLAGE OF ISLAND PARK
127 Long Beach Road
Island Park, New York 11558

LOCAL LAW 3 OF 2017

Local Law 3 of 2017 entitled Animals – Prohibited and Restricted Activities is adopted as follows:

A. DEFINITIONS

1. ANIMAL

All species of mammals except humans, including dogs, as well as all species of birds.

2. AT LARGE

“At Large” shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of the immediate family, either by leash, cord or chain.

3. DOG

Any member of the species *Canis familiaris*.

4. DOG CONTROL OFFICER

A person employed with the Town of Hempstead Animal Shelter and Control Division.

5. GUIDE DOG

Any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the state during the period such dog is being trained or bred for such purpose.

6. HARBOR

To provide food or shelter to any dog.

7. HEARING DOG

Any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

8. IDENTIFICATION TAG

A tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and state, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

9. IDENTIFIED DOG

Any dog carrying an identification tag as provided in this chapter.

10. INCLEMENT WEATHER

conditions that are likely to adversely affect the health and safety of a dog, including but not limited to rain, sleet, ice, snow, wind, temperatures below 32 degrees F. and above 95 degrees F., extreme heat and cold, or other conditions for which the National Weather Service or other weather service shall issue a weather advisory.

11. OWNER

Shall be intended to mean any person or persons, firm, association or corporation owning, keeping, possessing or harboring a dog.

12. OWNER OF RECORD

The person in whose name any dog was last licensed pursuant to this chapter, except that if any license is issued on application of a person under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed, the owner shall be deemed to be the owner of record of such dog, except that if the owner is under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.

13. PERSON

Any individual, corporation, partnership, association or other organized group of persons, municipality or other legal entity.

14. PERSON WITH DISABILITY

Any person with a physical impairment which is permanent and severely limits such person's mobility, or a person who is unable to ambulate without the aid of a wheelchair or other prosthetic device.

15. PHYSICAL CONDITION

Any special medical needs of an animal due to disease, illness, injury or breed about which the owner or person with custody or control of the animal should reasonably be aware.

16. POLICE WORK DOG

Any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

17. RESIDENT

Any person who resides within the geographical limits of the Village of Island Park.

18. SERVICE DOG

Any dog that is trained to aid a person with a disability and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

19. UNATTENDED OUTSIDE

Animals that are left outdoors in inclement weather without ready access to, or the ability to enter, a house, apartment building, or any other permanent structure in excess of 30 minutes.

B. DOG LICENSE REQUIRED

Any dog four months of age or older harbored or otherwise kept in the Village shall be required to have a dog license. No license shall be required for any dog which is under the age of four months and which is not at large. Such license shall be suspended from a dog's collar and worn at all times both on and off the dog owner's premises. A license shall be renewed after a period of one year, beginning with the first day of the month following the date of issuance, and shall be renewable annually thereafter prior to the expiration date. Dog Licenses can be obtained from the Town of Hempstead Clerk's Office.

C. LIMIT AMOUNT OF DOGS AT A RESIDENCE

The amount of dogs that can reside in a home is four (4).

D. DOGS AT LARGE

A. Dogs at large prohibited; restraining dogs outdoors.

1. It shall be a violation of this section for any owner to permit a dog, whether or unlicensed, to be at large within the Village other than on the owner's premises. For purposes of this section, a dog on a leash of six feet or more shall be considered a "dog at large."

1. No person shall tether, leash, fasten, secure, restrain chain or tie a dog to a stationary object outdoors, or cause such animal to be so restrained, for longer than two continuous hours in any continuous twelve-hour period. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash.
2. Any person who tethers, leashes, fastens, secures, restrains, chains or ties a dog to a stationary object outdoors shall provide such animal with adequate food, water and shelter, and shall restrain the dog with a device having swivels at both ends that is of an adequate length for the type, age and size of the dog being restrained; provided, however, that the requirement to provide adequate food, water and shelter shall not apply to a person who restrains a dog for a period of time that is 15 minutes or less in duration.

B. Notwithstanding, the provisions of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain any dog for any amount of time with a device that:

1. Is a choke collar or pinch collar; or similar collar that restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog which may cause choking or substantial discomfort to the dog;
2. Is embedded, partially embedded or may become embedded in the dog's skin;
3. Weighs more than 1/8 of the dog's total body weight but in no event shall such weight exceed 10 pounds;
4. Is less than 10 feet in length for a running cable trolley and 15 feet in length for a tether to a stationary object;
5. Is too short to allow the dog continuous access to adequate food, water, and shelter or to urinate or defecate in an area separate from where it must eat, drink, or lie down;

6. Is not designed for dogs;
7. Has weights attached or contains links that are more than one-quarter-inch thick;
8. Because of its design or placement is likely to become entangled around itself, the dog, objects or other animals;
9. Is long enough to allow the animal to move outside of its owner's property; and
10. Would allow the restrained animal to move over an object, including but not limited to any type of fencing or barrier or edge that could result in the strangulation of or injury to such animal.

C. Notwithstanding the provisions of this section, any tether, leash, fastener, chain, tie, or restraint shall be attached to a properly fitting collar or harness designed for this purpose worn by the dog, with enough room between the collar and the dog's throat through which two adult fingers may fit; provided, however, that such collar or harness is in compliance with subdivision B(1) above.

D. Notwithstanding the provisions of this section, no person shall tether, leash, fasten chain, tie, secure, or restrain any dog for any amount of time if such dog is under six months of age.

E. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain more than one dog at a time on a permissible device.

E. PENALTIES FOR OFFENSES

If the Village finds that there has been a violation of the Animals – Prohibited and Restricted Activities Law, the Village shall issue a violation order, or upon the inspection and assessment of the Code Enforcer in regards to public safety shall issue a summons, to the person or persons responsible.

A. The violation order or summons shall:

- i) be in writing;
- ii) identify the premises;
- iii) specify the violation and remedial action to be taken;
 - iv) provide a reasonable time limit for compliance unless otherwise extended by the Village;
 - v) state the time within which an appeal may be taken; and,
 - vi) if the violation constitutes a public nuisance or renders the premises dangerous or unsafe, include, in the order, a statement that if the violation is not remedied within the time limit specified on the violation order or summons, the Village may remedy the violation.

B. A violation order or summons may be served as follows:

- i) by personal in hand service, or
- ii) by mailing, by registered or certified mail, to the Property Owner, in accordance with this Local Law, or

- iii) if no owner, or other party upon whom an order may be served can be located, then by posting a copy thereof in a conspicuous place on the premises and by mailing another copy thereof to the premises, on the same day as posted, enclosed in a postpaid wrapper addressed to the last known owner.

C. For any and every violation of the provisions of this Local Law, the owner, general agent or manager of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violations have been committed or shall exist, or the owner, general agent, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, or any other person who knowingly commits, takes part in or assists in any such violation or who maintains a building or premises in which any violation shall exist, shall be guilty of an offense punishable by a fine of not less than \$250.00 and not exceeding \$2,500.00 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$500.00 nor more than \$5,000.00 or by imprisonment for a period not to exceed 15 days, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$1,000.00 nor more than \$10,000.00 or by imprisonment for a period not to exceed 15 days, or both. Each day the violation continues shall constitute a separate additional offense.