

CHAPTER 9

LOCAL LAW NO. 4 OF 2015

A LOCAL LAW ENTITLED  
DOG CONTROL

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to replace § 37 of Village Ordinances of 1951, 1967 and 1989.

SECTION 2. ENACTMENT.

A **Chapter 9 of the Village Code entitled Dog Control** is enacted, as follows:

**§ 9-1. Legislative Intent.**

The purpose of this Chapter 9, entitled a Dog Control Law, is to adopt regulations for the control of dogs in Village places open to the public and certain private property.

**§ 9-2. Definitions.**

As used in this Chapter 9, each of the following terms shall have the meaning indicated:

(1) **at large** - off the premises of an owner and not under control

(2) **beach** - that unconsolidated earth located in the Village extending landward from the mean low water line of Long Island Sound to that line running along the toe of the cliffs running along the north side of the Village, where said cliffs intersect such unconsolidated earth or the bottom of any wall located at the toe of said cliffs.

(3) **harbor** - to provide food or shelter to any dog.

(4) **owner** - any person who harbors, keeps or possesses a dog. In the event that any dog found in violation of this Chapter 9 shall be owned by a person under eighteen (18) years of age, the owner of such dog shall be deemed to be the parent or guardian of

such person, or head of household in which such person resides. "Owner" shall also mean that the person having last obtained a license for a dog pursuant to the provisions of the Agriculture and Markets Law shall be presumed, for the purposes of this Chapter 9, to be the owner of such dog.

(5) **unreasonable noise** - acoustic energy that exceeds the standards set forth in Chapter 15 of the Village Code.

(6) **Village beach** - that part of the beach owned or otherwise controlled by the Village.

(7) **under control** - attended and under control by an owner, or such owner's agent or family member, whether by leash, rope or similar device, with the understanding that "under control" shall also be deemed to mean that such owner shall pick up" after such owner's dog.

**§ 9-3. Prohibited Acts.**

A. Restrictions on Owners. It shall be unlawful for an owner to:

(1) Fail to license such owner's dog being six (6) months of age or older.

(2) Fail to have such owner's dog identified as required by Article 7 of the Agriculture and Markets Law.

(3) Affix to such owner's dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs, or purebred license tag.

(4) Fail to provide proper shelter for such owner's dog.

B. Restrictions on Dogs. It shall be unlawful for any dog to:

(1) Be at large.

(2) Disturb the comfort, peace or repose of any person by unreasonable noise or by incessant barking, crying, howling, or otherwise.

(3) Cause a public or private nuisance on any premises not owned or leased by the owner of such dog.

(4) Cause damage to, or destruction of, on any premises not owned or leased by the owner of such dog.

(5) Cause or otherwise harass any person in such a manner as to cause reasonable intimidation or to put such person in reasonable apprehension of bodily harm or injury.

(6) Cause physical harm to any person, or any other dog or other type of animal.

(7) Habitually chase or run alongside of motor vehicles, bicycles, joggers or pedestrians.

(8) Obstruct vehicular traffic.

(9) Endanger itself.

**§ 9-4. Places Open to the Public.**

Any owner shall be permitted to have such owner's dog in any place in the Village open to the public, but only if such dog is under control, except that no such dog, whether under control or otherwise, shall be allowed on the Village beach, or in the waters of Long Island Sound immediately north thereof, during the period May 1 through September 30, or at any time:

(1) In the interior of the Village hall.

(2) On the deck of the Village hall or the grassy area to the north of the Village hall, unless such dog is under control, except that no dog, whether under control or otherwise, shall be allowed on said deck or grassy area at any time during which a function is taking place thereon.

(3) Inside the fenced-in area of the Village tennis courts, unless such dog is under control.

(4) On the Village platform tennis court, or in the warming hut being part thereof, unless such dog is under control.

The provisions of this § 9-4 shall be inapplicable to any dog serving a handicapped person requiring the assistance of such dog.

**§ 9-5. Confinement of Female Dogs.**

Any female dog in heat shall be confined by the owner of such dog in a building or secure enclosure in such a manner that such dog cannot come into contact with another dog except for planned breeding.

**§ 9-6. Care of Dogs.**

A. Cruelty. No person shall beat, ill-treat, torment, overload, overwork or otherwise abuse any dog, or cause, instigate or permit any dogfight.

B. Abandonment. No dog shall be abandoned by the owner of such dog.

**§ 9-7. Seizure and Redemption.**

A. Seizure. Any owner found in violation of any provision of this Chapter 9 may be subject to having such dog seized pursuant to the provisions of Article 7 of the Agriculture and Markets Law, except that no dog violating § 9-3(B)(2) of this Chapter 9 shall be seized on the basis of any such violation.

B. Care. Any dog seized shall be properly cared for, sheltered, fed and watered for a ten (10) day redemption period.

C. Redemption. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying any impoundment fee required therefor.

**§ 9-8. Filing of Complaint.**

Any person who observes a dog in violation of this Chapter 9 may file:

(1) A complaint with any Village Code Enforcement Officer, specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog, which complaint shall serve as the basis for enforcing the provisions of this Chapter 9.

(2) A report with the Town of Brookhaven Animal Shelter & Adoption Center.

**§ 9-9. Appearance Tickets.**

Any Village Code Enforcement Officer having reasonable cause to believe that a person has violated this Chapter 9, shall issue and serve upon such person an appearance ticket for such violation.

**§ 9-10. Penalties.**

A. Schedule of Penalties. Any person in violation of any provision of this Chapter 9 shall be subject to the following penalties:

(1) For violation of § 9-3A of this Chapter 9, as set forth in Article 7 of the Agriculture and Markets Law.

(2) For violation of § 9-6 of this Chapter 9, as set forth in Article 26 of the Agriculture and Markets Law.

(3) For violation of any other provision of this Chapter 9, as set forth below:

(a) For a first offense, a fine of not more than two hundred and fifty (250) dollars. For a second offense, a fine of not less than two hundred and fifty (250) dollars nor more than five hundred (500) dollars.

(b) For each subsequent offense, a fine of not less than seven hundred and fifty (750) dollars nor more than one thousand (1,000) dollars.

B. Schedule of Additional Fines. All fines on all penalties authorized under § 9-10A(3) of this Chapter 9 shall increase, as follows:

(1) At thirty (30) days from issuance, minimum fine shall be doubled.

(2) At sixty (60) days from issuance, minimum fine shall be tripled from original amount.

**§ 9-11. Severability.**

If any provision of this Chapter 9 is ruled unconstitutional or invalid, such ruling shall not affect the validity of any other provision of said chapter or said chapter as a whole.

SECTION 3. SEQRA.

This is a Type II action under 6 NYCRR § 617.5(c)(20)

SECTION 4. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

SECTION 5. REPLACEMENT OF EXISTING LOCAL LAWS.

This local law upon its effective date shall in all respects repeal and supersede § 37 of Village Ordinances of 1951, 1967 and 1989.

Dated: December 23, 2015

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,  
Village Clerk

Effective Date: January 12, 2016