

Local Law 1 of 2011

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 State Street, Albany New York 12231

VILLAGE OF MUTTONTOWN

A local law amending Chapter 15 (Animals) of the Code of the Incorporated Village of Muttontown to promote and protect the health, safety and welfare of the community and its environment by requiring the curbing of dogs on Village property, or private property without the consent of the owner or person in possession of such private property, and by prohibiting the feeding of domestic and migratory waterfowl on Village property.

Be it enacted by the Board of Trustees of the Village of Muttontown as follows:

Chapter 15

ANIMALS

[HISTORY: Adopted by the Board of Trustees of the Village of Muttontown 12-14-1992 by L.L. No. 2-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets -- See Ch. 20.
Equestrian bridle paths -- See Ch. 55.
Noise -- See Ch. 104.
Parades and exhibitions -- See Ch. 116.

§ 15-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL -- Any and all types of animals, including those that are either domesticated or wild.

ANIMAL CONTROL OFFICER -- An animal protection association or individual, municipality or entity appointed by, or under contract with, the village to assist in the administration and enforcement of this chapter or an authorized officer, agent or employee of the above.¹

ANNOYING ANIMAL -- An animal which, when it is not on the premises of its owner or custodian:

¹ Editor's Note: Throughout this chapter, references to "dog control officer" and "dog warden" were amended to "animal control officer" at the time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. Creates the apprehension of fear of bodily injury to a person without being provoked, harassed or threatened;
- B. Deposits animal waste on or does damage to real property of a person other than the animal's owner or custodian; or
- C. Damages or destroys the personal property of a person other than the animal's owner or custodian.

AT LARGE -- An animal that is off the premises of the owner or custodian and is not on an adequate leash.

DANGEROUS ANIMAL -- Any animal which, by its native aggressive behavior, is capable of inflicting bodily harm to a person, such as, but not limited to, a poisonous snake or reptile, carnivorous birds, wolves, lions, tigers and bears.

DOMESTIC WATERFOWL -- Those species of birds commonly known as white ducks, barnyard geese, Muscovy ducks and any other geese and ducks bred by man but not migratory waterfowl.

FEED -- Shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing migratory waterfowl.

MIGRATORY WATERFOWL -- Those species of birds commonly known as swans, geese and ducks, and any other waterfowl falling under the jurisdiction of the United States Fish and Wildlife Service.

PERSON -- Any individual, company, partnership, corporation, limited partnership, joint venture, limited liability company or other legal entity.

VICIOUS ANIMAL -- An animal which has previously bitten a person within the last five years or, twice within 90 days, makes an unprovoked attack upon and bites a dog or other domestic animal while at large.

VILLAGE PROPERTY -- Any land which is owned, maintained, leased or managed by the Incorporated Village of Muttontown.

§ 15-2. Animals at large; dangerous animals.

- A. Any person who owns, harbors or has custody or control of any animal, except domesticated house cats, shall not permit it to be at large in the village.
- B. No person shall have custody of, harbor or permit to be harbored in the village any dangerous animal.

§ 15-3. Dog waste.

- A. It shall be unlawful for a dog to defecate on public or private property except in accordance with the requirements of subsection B. The owner or person in possession of a dog that defecates as prohibited herein, with or without the knowledge, consent or fault of such owner or person in possession, shall be guilty of a violation of this section.
- B. The owner or person in possession of any dog that defecates on public or private property shall immediately remove all waste deposited by said dog by placing such waste in a plastic bag which shall be sealed and deposited in a covered garbage receptacle.

§ 15-4. Vicious and annoying animals.

- A. Complaint by village resident.
 - (1) Any village resident claiming that an animal is vicious or annoying as defined herein, or is being a dangerous animal, may file with the village a sworn written complaint setting forth the facts to support his allegations. The Village Justice shall direct the owner or person reasonably believed to be harboring such animal to appear at Village Court to answer the allegations and further determine all issues of fact and law.
 - (2) If a police officer, village code enforcement officer or animal control officer reasonably believes that an animal is vicious, annoying or at large or that a dangerous animal is being harbored in the village, he may issue an appearance ticket requiring the owner or custodian of such animal to appear before the Village Justice Court.
- B. Procedure and trial. The Village Justice, after a hearing, shall determine if an animal was at large, vicious, annoying or a dangerous animal pursuant to this chapter or the Agriculture and Markets Law of the State of New York. The Village Justice may then order the animal to be confined on the owner's property, removed from the village, euthanized or such other relief he deems necessary and appropriate, all without compensation to the owner.
- C. Any police officer or animal control officer is authorized to kill any dangerous or vicious animal when the police officer or animal control officer deems it necessary for the protection of a person or the community.

§ 15-5. Feeding of domestic or migratory waterfowl.

No person shall feed or provide food for any domestic or migratory waterfowl on Village Property.

§ 15-6. Enforcement; rules, regulations and fees.

- A. An animal control officer, village code enforcement officer or any police officer is authorized to enforce the provisions of this chapter and may:
 - (1) Seize or report to Town of Oyster Bay Animal Shelter any animal in violation of this chapter; and/or
 - (2) Issue an appearance ticket related to any violation of this chapter.
- B. The Board of Trustees is authorized to promulgate, by resolution, rules and regulations and administrative fees as it may determine are necessary and proper for the administration and enforcement of this chapter.

§ 15-7. Impoundment and redemption of dogs.

The owner or his agent of a dog seized in violation of this chapter may redeem the dog by producing a valid current license for said dog and upon payment of a fee, as shall be set by resolution of the Board of Trustees, plus reimbursement to the village for all expenses it has incurred. If a dog is not redeemed within seven days of seizure, if not wearing a current license tag, or within 12 days of seizure, if wearing a current license tag, the owner shall forfeit all title to the dog, and the dog may be sold, adopted or euthanized.

§ 15-8. Liability.

An animal control officer, police officer, village code enforcement officer or any officer or employee of the village shall not be liable in damages for the destruction, sale or adoption of any animal seized pursuant to the provisions of this chapter. No action shall be maintained to recover the possession or value of the animal or for damages or compensation for an animal seized or euthanized pursuant to the provisions of this chapter.

§ 15-9. Trapping.

- A. Regulation. No person shall set, install, construct, operate or maintain any trap, deadfall or other device or set out any chemical substance designed or intended to capture, kill or take fur-bearing animals within the village.
- B. Exception. Nothing contained in Subsection A above shall prohibit the capture and killing of mice, rats and other vermin by the use of appropriate chemical substances or traps, provided that the same are not dangerous to fur-bearing animals.

§ 15-10. Penalties for offenses.²

Violations of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II.

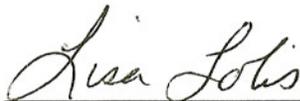
² Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

This local law is effective upon filing with the Secretary of State.

Final adoption by the Board of Trustees of the Incorporated Village of Muttontown.

I hereby certify that the local law annexed hereto, designated as Local Law 1 of 2011 of the Incorporated Village of Muttontown was duly passed by the Board of Trustees on March 8, 2011, in accordance with the applicable provisions of law.

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 by the Board of Trustees of the Incorporated Village of Muttontown.



Lisa Lolis
Village Clerk/Treasurer

Incorporated Village of Muttontown
Date: March 8, 2011

Seal

Certification by the Village Attorney

STATE OF NEW YORK
COUNTY OF NASSAU

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.



Steven G. Leventhal
Village Attorney

Incorporated Village of Muttontown
Date: March 8, 2011