

Article I Dogs

[Adopted 11-10-1980 by L.L. No. 1-1980]

§ 92-1 Findings and purpose.

[Amended 10-29-2019 by L.L. No. 8-2019]

It appearing that dogs in the Incorporated Village of Roslyn Harbor have, in some instances, been allowed to cause annoyance, damage and harm to the person and properties of others and have created nuisances within the Village, and it appearing further that dogs properly cared for serve a useful purpose, the Board of Trustees of the Incorporated Village of Roslyn Harbor enacts the following article to preserve the relationship between a dog and his master and, at the same time, to protect the health, safety, property and well-being of persons and property from annoyance and damage caused by dogs by imposing restrictions on persons owning or possessing dogs within the Village.

§ 92-2 Definitions.

Unless otherwise expressly provided, for the purpose of this article, the following words shall have the meanings herein indicated:

AGRICULTURE AND MARKETS LAW

The Agriculture and Markets Law of the State of New York in effect as of the effective date of this article and as amended thereafter.

DOG

Male and female members of the species *Canis familiaris*.

DOG WARDEN

The individual or individuals authorized to enforce this article, including the Building Official of the Village.

[Amended 12-3-1997 by L.L. No. 6-1997]

HARBOR

To provide food or shelter to any dog.

OWNER

The owner of record or any person who harbors any dog. If the owner of a dog is under the age of 16 years, the parent or guardian of such person shall be deemed the owner.

OWNER OF RECORD

The person in whose name a dog was last licensed pursuant to Article 7 of the Agriculture and Markets Law.

PERSON

Any individual, corporation, partnership or association.

POSSESSOR

A person having custody or control of any dog.

PUBLIC PROPERTY

A place to which the public or a substantial group of persons has access and includes, but is not limited to, sidewalks, streets, transportation facilities, schools, places of amusement, parks and playgrounds.

§ 92-3 License required.

No person shall own or possess a dog within the Incorporated Village of Roslyn Harbor unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law. The fact that a dog is without a tag attached to the collar, as provided in Article 7 of the Agriculture and Markets Law, shall be presumptive evidence that such dog is unlicensed.

§ 92-4 Dogs to be restrained.

It shall be unlawful for a dog to be on public property, or on private property without the consent of the owner or person in possession of such private property, unless the dog is effectively restrained in the immediate custody and control of its owner or possessor by a chain or leash not exceeding six feet in length. A person owning or possessing a dog which is not so restrained, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this article. It shall be presumed that the presence of a dog upon private property of a person other than the dog's owner or possessor is without the consent of the owner or person in possession of such private property.

§ 92-5 Nuisances.

[Amended 12-3-1997 by L.L. No. 6-1997]

It shall be unlawful for any owner of or any person harboring any dog to permit or allow such dog while in the Village of Roslyn Harbor to:

- A. Soil, defile, defecate or urinate on private property without the consent of the owner or person in possession of such private property. A person owning, possessing or harboring a dog which soils, defiles, defecates or urinates or commits any nuisance as prohibited herein, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this section. It shall be presumed that a dog soiling, defiling, defecating or urinating or committing a nuisance on private property of a person other than the dog's owner or possessor does so without the consent of the owner or person in possession of such property.
- B. Soil, defile, defecate or urinate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, school playground, public playground, play area, public park or any place where people congregate or walk or on any public property whatsoever.
 - (1) The foregoing prohibition shall not apply to that portion of the street lying between the curblines or on the unpaved portion of a roadway, which shall be used to curb such dog in accordance with the following conditions and requirements:
 - (a) The person who so curbs such dog shall immediately remove all feces deposited by such dog by any sanitary method.
 - (b) The feces removed from the aforementioned designated area shall be disposed of in a sanitary manner by the person owning, harboring, possessing, keeping or in charge of any dog curbed in accordance with the provisions of this section.
 - (2) A person owning, harboring or possessing a dog which soils, defiles, defecates, urinates or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, school playground, public

playground, play area, public park or any place where people congregate or walk or on any public property whatsoever as prohibited herein, with or without the knowledge, consent or fault of such owner, harbinger or possessor, shall be guilty of a violation of this section.

§ 92-6 Dogs chasing or harassing persons.

It shall be unlawful for a dog to chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear by such person or to put such person in reasonable apprehension of bodily harm or injury. A person owning or possessing a dog committing an act prohibited herein, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this section.

§ 92-7 Noise; sanitary conditions.

- A. It shall be unlawful for a dog to engage in habitual or frequent loud howling, barking, crying or whining so as to unreasonably disturb the comfort or repose of any person in the vicinity. The person owning or possessing a dog committing an act prohibited herein, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this section.
- B. No owner or persons harboring or possessing a dog shall permit the enclosure in which the dog is kept to be unsanitary or unclean or to emit an odor which shall be unreasonably annoying to persons owning property adjacent to the property where said enclosures are located. **[Amended 12-3-1997 by L.L. No. 6-1997]**

§ 92-8

§ 92-9 Impoundment.

- A. Any dog found on public property or on property without the consent of the owner or person in possession of such private property, which is not effectively restrained by a chain or leash as provided in this article, or any dog unidentified or unlicensed as provided in Article 7 of the Agriculture and Markets Law, shall be seized by any duly appointed dog warden or peace officer and shall thereafter be confined and/or disposed of pursuant to the procedure established by the township having jurisdiction thereof. Any such dog that cannot be safely seized may be destroyed by any duly appointed dog warden or peace officer.
- B. The owner or authorized agent of the owner of any dog seized pursuant to this article may redeem such dog by complying with the procedures established by either the Town of North Hempstead or the Town of Oyster Bay, depending upon the portion of the Village in which such dog was seized and the township having possession of such dog.

§ 92-10 Doghouses or structures accommodating pets.

[Added 6-9-2016 by L.L. No. 3-2016]

- A. No more than one doghouse or structure accommodating a dog shall be permitted per lot. No doghouse or similar accessory structure shall accommodate more than four dogs of the equivalent size or larger than an adult dog. The temporary raising of a litter shall be permitted.
- B. No doghouse or similar accessory buildings accommodating a dog or dog run shall exceed 25 square feet of floor area, exceed six feet in height, or be closer than 30 feet to any property line.

§ 92-11 Appearance ticket; report of violation.

- A. The dog warden, peace officer or Building Official observing a violation of any section of this article shall issue and serve an appearance ticket for such violation. The appearance ticket shall be in the form prescribed and in accordance with the provisions of the Agriculture and Markets Law and the Criminal Procedure Law. **[Amended 12-3-1997 by L.L. No. 6-1997]**

- B. Any person observing a violation of any section of this article may personally appear at the office of the Village Clerk and report such a violation. Said person may also sign and swear to the appropriate accusatory instrument as required by law and thereby commence prosecution of the alleged violator.

§ 92-12 Penalties for offenses.

[Amended 12-3-1997 by L.L. No. 6-1997; 3-22-2006 by L.L. No. 1-2006; 10-29-2019 by L.L. No. 8-2019]

Any person who shall violate any provision of this article shall be guilty of a violation punishable as provided in Chapter 1, Article I of this Code, except that there shall be a mandatory fine of \$500 for the first offense, a mandatory fine of \$1,500 for second violation within a one-year period, and a mandatory fine of \$3,000 for each and every additional violation that occurs within a two-year period. In addition, any dog found to be dangerous to the health, safety or welfare of persons or property may, in the discretion of the court, be ordered destroyed.