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CHAPTER 55
DOGS

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[HISTORY: Adopted by the Town Board of the Town of Shelter Island 3-5-1963.
Amendments noted where applicable.]

GENERAL REFERENCES
Beaches-See Ch. 36.

§ 55-1. Definitions. [Amended 9-11-1972]

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

AT LARGE - When any dog is off the premises of its owner and not under the reasonable control of the owner.

DOG - Any dog of either sex or any age.

IMPOUND - To apprehend, catch, trap or net a dog and thereafter confine it.

MUZZLE - A fastening or covering for the mouth of an animal used to effectively prevent eating or biting.

NOISE DISTURBANCE [Added 6-21-1996 by L.L. No. 11-1996] That level of sound which either:

A. Annoys or disturbs a reasonable person of normal auditory sensitivities;

or

B. Is loud, disturbing, unusual, unreasonable and unnecessary as well as audible outside the structure or the real property from which it originates.

NOT UNDER REASONABLE CONTROL - When a dog is not upon the premises of its owner and not within the immediate custody of and obedient to its owner, or when the dog causes damage to a person or property of anyone other than the owner, except when the dog is in defense of its owner, the owner's family or property.

OWNER - Any person, group of persons, including the parent or guardian of an owner under the age of sixteen (16) years, firm or corporation owning, keeping or harboring a dog or dogs.

REASONABLE CONTROL- When any dog is on the premises of its owner or when the dog is with and obedient to its owner.

§ 55-2. License required.

No person shall own or harbor a dog within the Town of Shelter Island unless such dog is licensed as required by the provisions of the Agriculture and Markets Law of the State of New York.

§ 55-3. Prohibition on Town beaches. [Amended 9-16-2004 by L.L. No. 12-2004]

No person shall accompany his dog or allow his dog to be on or roam at large on any of the Town bathing beaches between Memorial Day and Labor Day.

§ 55-4. Running at large restricted. [Amended 9-11-1972]

A. Every person owning or having charge, custody, care of control of any dog, whether licensed or not, shall keep such dog exclusively on his own premises, subject to the following exceptions:

(1) Such dog is muzzled.

(2) Such dog, when off such premises, is under the immediate and reasonable control of its owner.

(3) Such person is engaged in hunting wild birds or animals with the aid of such dog during open seasons or shall take such dog afield for training in hunting or such dog is on the premises of another person with his consent.

B. At any time such dog is not muzzled, it must be fully controlled by its owner by means of a rope, leash or other similar device when on any street, highway, park or public place in the Town of Shelter Island.

C. No dog shall be taken into any establishment in the Town of Shelter Island where food or food products are kept for sale.

D. A female dog, when in heat, shall be confined so as not to cause a public nuisance.

§ 55-5. Seizure and impounding. [Amended 9-11-1972]

It shall be the duty of any police officer or the Dog Warden or other authority designated by the Town Board of the Town of Shelter Island to apprehend and impound any dog not under reasonable control of its owner, which dog:

A. Is an unlicensed dog.

B. Is running at large contrary to the provisions of this chapter.

C. At any time has destroyed property or habitually trespasses in a damaging way or commits a nuisance on the property of persons other than the owner or person harboring said dog.

D. Shows vicious habits or molests passersby who are lawfully on a public street, public park or school ground, whether or not said dog is on a public street.

E. At any time has attacked or bitten a person.

F. Habitually enters on a public highway and runs or barks at pedestrians or vehicles.

§ 55-6. Redemption of impounded dogs. [Amended 9-11-1972]

Redemption of impounded dogs shall be pursuant to §§ 114 and 114-a of the Agricultural and Markets Law.

§ 55-7. Biting dogs. [Amended 9-11-1972; 9-16-2004 by L.L. No. 12-2004]

A. It shall be unlawful for a dog owner to permit or allow his/her dog to injure another person or pet.

B. A dog which bites any person shall be confined by the owner of said dog and kept under observation for a period of at least seven (7) days, and all expenses incurred incidental to said dog bite shall be paid by the owner of the biting dog. In the event that the biting dog must be disposed of, its head must not be damaged in any way, to provide proper examination by an investigating agency. If at the end of the seven-day observation period the dog is alive and healthy and said dog fulfills all other conditions of this chapter, it be released from confinement.

§ 55-7.1. Noise disturbances. [Added 6-21-1996 by L.L. No. 11-1996; Amended 9-16-2004 by L.L. No. 12-2004]

No person shall cause, suffer, allow or permit any pet dog to create a noise disturbance across a real property line. For purposes of this section, a "noise disturbance

from a barking dog" shall be a dog barking continuously for a period of time deemed appropriate by the Dog Control Officer. Such barking shall be prima facie evidence of a violation of this chapter.

§ 55-8. Poisoning prohibited. [Amended 9-11-1972]

No person or persons shall feed or place so as to constitute a direct or obvious hazard to man or dog or shall offer or tempt any dog with any liquid or meat or any food product which shall cause prostration, convulsion, pain or suffering as a prelude to death, cause death or be proven to be toxic or lethal in the amount present to any man or dog by competent medical or veterinary authority.

§ 55-9. Penalties for offenses. [Amended 9-11-1972; 5-14-1999 by L.L. No. 2-1999]

Any person owning or harboring a dog in violation of any of the provisions of this chapter shall be guilty of a violation punishable by imprisonment of a term not in excess of 15 days and/or fine not to exceed \$250 for each offense.

§ 55-10. Attendance to injured dogs and cats. [Added 4-19-1985]

The Dog Control Officer is hereby given authority by the Town Board of the Town of Shelter Island to attend to and remove injured dogs and cats from the public highways and public streets, parks and public places of Shelter Island.

§ 55-11. Seizure; fees. [Added 9-16-2004 by L.L. No. 12-2004]

A. Any dog found in violation of the provisions of this chapter may be seized pursuant to the provisions of §118 of the Agriculture and Markets Law.

B. Every dog seized shall be properly cared for, sheltered, fed and watered for the ten-day redemption period, except for a dog seized under Article 26, §373, Subdivision 2, of the Agriculture and Markets Law, in which case §374 shall apply.

C. 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 the impoundment fees set forth in §118 of said article. The following impoundment shall apply:

(1) Twenty-five (\$25.00) dollars for the first 24 hours or part thereof and fifteen (\$15.00) for each additional twenty-four-hour period or part thereof for the first impoundment of any dog owned by that person. The Animal Control Officer is authorized to waive this fee if he determines that the dog has a license and sufficient identifying information to be returned to the owner. [Amended 3-1-2013 by L.L. No. 2-2013]

(2) Fifty (\$50.00) dollars for the first 24 hours or part thereof and twenty (\$20.00) for each additional twenty-four-hour period or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person.

(3) Seventy-five (\$75.00) dollars for the first 24 hours or part thereof and twenty-five (\$25.00) dollars for each additional twenty-four-hour period or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subsection C of this section, whether or not such owner chooses to redeem his or her dog.

E. If the owner of an unredeemed, injured dog is known, such owner shall be required to pay the impoundment fees, license fee and any fee for veterinary services before the dog is released from an animal hospital, whether or not such owner chooses to redeem his or her dog.

F. Any dog which is unredeemed at the end of the ten-day redemption period, shall be made available for adoption or disposed of pursuant to §118 of the Agriculture and Markets Law. The fees for adoption of said animals shall be set from time to time by the Town Board

G. Voluntary surrender shall give authority to the Dog Control Officer to accept and dispose of unwanted, owned dogs if the following conditions are met:

(1) The owner agrees to dispense with the usual redemption provisions when turning in an unwanted, licensed dog.

(2) The owner executes a consent and/or affidavit in a form prescribed by the Town agreeing to the disposition of said dog. Such consent and/or affidavit shall include the following:

(a) Unless specifically requested by the owner, the adoption or destruction of said dog shall be at the discretion of the Dog Control Officer, absolving the Dog Control Officer and the Town of all liability.

(b) The maximum number of days an adoptable dog shall be held before being disposed of shall be thirty (30) days.

(3) The owner has purchased the appropriate license in order to establish proof of ownership, absolving the Town of all liability.

(4) The owner agrees to pay a fee for the surrender of such dog. Such surrender fee shall be set from time to time by the Shelter Island Town Board.

(5) The Dog Control Officer shall have the authority to discontinue the service of voluntary surrender at such times when accepting dogs would create a condition whereby seized dogs could not be properly sheltered and cared for.