

ANIMALS

§ 5-1.

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Chapter 5

ANIMALS

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**[HISTORY: Adopted by the Board of Trustees of the Village of Saltaire 9-22-1973 as L.L. No. 1, 1975. Amendments now where applicable.]**

GENERAL REFERENCES

Animal Noise -- See Ch. 36.

§ 5-1. **General restrictions on dogs.**

A. [Amended 5-31-1980 by L.L. No. 1, 1980; 7-15-1983 by L.L. No. 1, 1983; 4-21-1990 by L.L. No. 3,-1990] At no time shall any person owning or having charge or custody of a dog suffer or permit it to:

- (1) Be upon a walk or public place or upon any private property other than the owner's except under a leash, not to exceed eight (8) feet in length, and in complete control.
- (2) Enter any store, public building, village playground or any other public area designated by the Board, except when trained and used for the assistance of handicapped persons.
- (3) Enter the area between Bay Promenade and the Great South Bay and between the westernmost bulkhead adjacent to West Walk and the easternmost bulkhead adjacent to Pennant Walk, from May 1 through October 31.

- (4) Enter and remain upon the ocean beach, from May 1 through October 31, except between the hours of 6:00 p.m. and 8:00 a.m.
  - (5) Run at large in any place within the village other than such areas as may be especially designated by the Board.
- B. At no time during the year shall any person owning or having charge or custody of a dog suffer or permit it to enter upon any bathing dock or to enter upon the ferry dock, except for the purpose of embarking or disembarking a boat. [Amended 5-31-1980 by L.L. No. 1, 1980]
  - C. A person owning or having charge or custody of a dog which fouls any walk, bay or ocean beach or public place or which fouls any part of any improved Village-owned or private property, other than such person's own property, shall promptly remove the fecal matter, utilizing a plastic bag, container, contrivance, tool or device to scoop or pick up any feces deposited by the dog. [Amended 5-31-1980 by L.L. No. 1, 1980; 4-21-1990 by L.L. No. 3, 1990]
  - D. The presence of a dog in the places or areas prohibited in Subsection A(2) or A(3) herein or the presence of a dog not under leash and in complete control as provided for in Subsection A(1) herein or the occurrence of any of the acts specified in Subsection C herein shall constitute presumptive evidence that the owner or person having charge or custody of such dog suffered or permitted such presence or acts.
  - E. A person owning or having charge or custody of a dog that is on a walk or other public place or upon any private property other than the owner's shall have the dog on a leash as required by Section 5-1(A)(1) above, and the leash shall have attached to it at all times at least one bag sufficient for collecting any animal waste from the dog as is required under this Chapter for use by the person owning or having charge or custody of the dog. [Added 1-24-2017 by L.L. No. 2, 2017]

**§ 5-2. Restrictions on cats.**

No person owning or having charge or custody of a cat shall suffer or permit it to run at large within the village at any time, unless the same is provided with a harness or collar to which is securely attached a bell of sufficient size and sound to serve as a warning for the protection of bird life.

**§ 5-3. Abandonment prohibited.**

No person owning or having charge or custody of an animal shall abandon it upon leaving the village.

**§ 5-4. Prohibited animals. [Amended 4-21-1990 by L.L. No. 3, 1990]**

No person shall suffer or permit any livestock or wild animal to be brought into the village. No horse shall be brought into the village except along the ocean beach and only when being ridden by or under the control of the person owning or having charge or custody of said animal.

**§ 5-5. Feeding of deer. [Amended 9-17-1988 by L.L. No. 6, 1988; 4-21-1990 by L.L. No. 3, 1990]**

- A. Legislative findings. It is hereby found and declared that the presence of large numbers of wild deer within the village constitutes a health and safety hazard to the inhabitants of the village, in the dangers of transmission of disease, physical injury to people and damage to property. It is the intent of the Board to mitigate these dangers by restricting the availability of feed or other inducements which attract deer into the village and thereby to limit the potential dangers posed by their presence.
- B. Feeding of deer prohibited. It is prohibited to install, erect or maintain any device for the feeding of deer or to leave feed in exposed or open containers or scattered loosely for such purpose.

**§ 5-6. Hunting. [Added 4-21-1990 by L.L. No. 3, 1990; amended 12-1-1990 by L.L. No. 12, 1990]**

Except as provided herein, no person shall engage in the hunting of any animal within the village. Hunting of game birds only shall be permitted, with the written prior permission of the Board. Such hunting shall be permitted only between November 1 and March 1, in such areas and during such times as the Board shall determine. The Board shall charge a fee for each hunting permit, in such amount as it may from time to time, by resolution, determine.

**§ 5-7. Dangerous Dogs. [Added 8-9-2003 by L.L. No. 3, 2003]**

The Village finds that the uncontrolled keeping of dangerous dogs by Village residents or guests can endanger the health, safety and welfare of the Village residents and their property and cause risks to public health and good order

## A. Definition of Terms.

As used in this Village Code, the following words shall have the following meanings:

- (1) *Dog*. Dog shall mean male and female members of the species *Canis Familiaris*.
- (2) *Confined*. Confined shall mean securely confined or restrained and kept on the owner's premises, either within a building or other suitable enclosure or securely fastened on a chain, wire or other effective tether so that the dog cannot reach any person on any adjacent premises or any public walk or place.
- (3) *Run at Large*. Run at large shall mean to be not confined and in a public place or on private land without the knowledge, consent and approval of the owner thereof.
- (4) *Animal Control Officer*. Animal Control Officer shall mean the person authorized by the Village Board of Trustees to enforce the provisions of Section 5.7 hereof.
- (5) *Owner*. Owner shall mean any person or persons owning, keeping or harboring a dog and entitled to claim lawful custody thereof. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of the Village Code shall deemed to be the owner of such dog. If the owner of any dog in violation of this chapter shall be under eighteen years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for its acts in violation of the Village Code.
- (6) *Dangerous Dog*. Dangerous dog shall mean any dog which
  - (a) without justification menaces, threatens, attacks or bites a person who is peaceably conducting him or herself in any place where he or she may lawfully be;

- (b) without justification menaces, threatens, attacks or bites another dog or cat or animal peaceably conducting itself in any place where it may lawfully be;
- (c) poses a serious and unjustified imminent threat of harm to one or more persons or pets

#### B. Prohibitions

If a dog shall attack a person peaceably conducting himself in any place where he may lawfully be, such person or any other person witnessing the attack may destroy such dog immediately or in pursuit thereafter, and no liability in damages or otherwise shall be incurred on account of such destruction.

#### C. Complaints

- (1). Any person who observes a dog in violation of this section may file a complaint with a Saltaire Security Officer who shall immediately inform the complainant of his right to commence a proceeding before the Saltaire Village Court as provided herein. If there is reason to believe that a dog is a dangerous dog, a Saltaire Security officer may commence a proceeding under this section himself with or without a complaint.
- (2). Any person who observes a dog in violation of this section may file a complaint with the Village Justice.
- (3). Complaints under this section shall specify 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.
- (5). Upon receipt of a complaint under this section, the Village Justice shall immediately determine whether there is reasonable cause to believe the dog is a dangerous dog and, if so, shall issue an order to the animal control officer, directing him immediately to seize such dog and hold it pending judicial determination as herein provided.

#### D. Hearing.

- 1. Whether or not the Village Justice finds there is reasonable cause for such seizure, he shall, within nine (9) days and upon written notice to the owner of the dog of not less than two (2) days, hold a hearing on the complaint.
- 2. If satisfied that the dog is a dangerous dog, the Village Justice may then order the animal control officer to cause the dog to be euthanized immediately, turned over to the Town Dog Warden, or may order the owner to confine securely the dog permanently. Such

order shall require the owner to confine the dangerous dog indoors or in an enclosed and locked pen or structure as provided for in the order. Such pen or enclosure shall have a secure top and sides and shall be designed to prevent an unauthorized entry of a person and the escape of the dog.

E Defenses.

A dog shall not be declared to be a dangerous dog if the court determines that the conduct of the dog was justified because

- (1) the threat, injury or damage was sustained by a person who at the time was committing a crime or offense upon the owner or upon the property of the owner of the dog; or
- (2) the injured person tormented, abused or assaulted the dog; or
- (3) the dog was responding to pain or injury, or was protecting itself or its offspring

F Violation of Court Order.

If the owner fails to confine a dangerous dog as required by order of the Village Court, the Village Justice may upon written notice to the owner of the dog of not less than two (2) days, hold a hearing and, upon finding a violation of the Court's order, direct the disposition of the animal including direction to the animal control officer to destroy the dog.

G. Seizure and Impounding.

The animal control officer or any Saltaire Security officer is hereby empowered to seize any dog that has violated the provisions hereof. Such dog shall be impounded or taken to such place as may be designated by the Village Board of Trustees as a place of detention, until disposition thereof shall have been made in accordance with the provisions of the hereof.

H. Non-liability of Village and Employees.

No liability shall be imposed upon the animal control officer nor upon any employee of the Village, for destruction of any animal pursuant to the provisions hereof.

I. Costs.

The owner of a dog determined to be a dangerous dog shall be responsible for all costs incurred by the Village which shall include but not be limited to cost of apprehension, transportation, impounding, euthanasia and legal fees.

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