

**NOTICE OF ENACTMENT  
LOCAL LAW NO. FIFTEEN OF 2023**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton, on December 15, 2023, adopted Introductory # 13 of 2023 as LOCAL LAW FIFTEEN of 2023, hereby "amending Ch. 68 Animals; Article 1 Dog Control".

**LOCAL LAW NO. 15-2023  
(INTRO. # 13-2023)**

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

SECTION I. PURPOSE. In order to more effectively further the Village of East Hampton's goals and efforts to protect the health, safety and well-being of persons and property within the Village, as impacted by the presence and keeping of dogs therein, and to protect the health, safety and well-being of dogs and other animals, and foster the humane treatment thereof, the Trustees of the Village of East Hampton now hereby amend Chapter 68 of the Code of the Village of East Hampton.

SECTION II. Chapter 68 of the Code of the Village of East Hampton is hereby amended as follows:

**ARTICLE I  
Dog Control  
[Adopted 3-17-2000 by L.L. No. 2-2000 (Ch. 13A of the 1971 Code)]**

**§ 68-1. Definitions.**

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

AT LARGE — Any dog that meets both of the following:

- A. The dog is not effectively restrained by its handler's use of a leash or chain no more than six feet long.
- B. The dog is:
  - (1) On property open to the public (with the exception of beaches, to which the provisions of Village Code §77 shall apply); or
  - (2) On private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained.

HARBOR — To provide food or shelter to any dog.

OWNER — Any person who harbors, keeps or possesses any dog. In the event that any animal found in violation of this chapter shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person (or head of household in which said person resides). "Owner" also means that the person who has last obtained the issuance of a license for a dog pursuant to the provisions of the Agricultural and Markets Law shall be presumed, for the purposes of this chapter, to be the "owner" of such dog.

PERSON — Includes an individual, any combination of individuals, a partnership or corporation.

UNREASONABLE NOISE — Acoustic energy that exceeds the standards set forth in Chapter 196, Noise, of the Code of the Village of East Hampton.

**§ 68-2. Prohibited acts.**

**A.** It shall be unlawful for:

- (1) Any owner to fail to license any dog which is six months of age or older.
- (2) Any owner to fail to have any dog identified as required by Article 7 of the Agriculture and Markets Law.
- (3) Any person to knowingly affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs, or purebred license tag.

**B.** It shall be unlawful for any owner of a dog to allow or permit such dog to:

- (1) Be at large.
- (2) Disturb the comfort, peace, repose of any person in the vicinity by unreasonable noise.
- (3) Cause damage or destruction to property or commit a nuisance within the Village or upon the premises of a person other than the owner of such dog.
- (4) 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.
- (5) Habitually chase or run alongside of motor vehicles, bicycles, joggers or pedestrians.
- (6) Obstruct vehicular traffic.
- (7) Endanger itself.
- (8) Cause physical harm to persons.

**C.** It shall be unlawful for any person owning, harboring or possessing any animal to:

- (1) Fail to provide proper shelter for such animal.
- (2) Cause or permit such animal to enter onto any Village-owned property where it is posted that such entry is prohibited; provided, however, that the presence of an animal on a beach, as defined in Chapter 77, Art. I, of the Village Code, shall be regulated as provided for in said Chapter 77, Art. I, of the Village Code.
- (3) Any person owning, harboring, walking or in custody of a dog that defecates on a private road or street, a public road, street, sidewalk, public property or private property without the permission of the property owner shall be responsible for cleaning up such waste immediately. **[Amended 4-16-2021 by L.L. No. 10-2021<sup>1</sup>]**
- (4) Violate, or to allow or permit such animal to be in violation of, any section of this chapter.

**§ 68-3. Confinement of dogs.**

**A.** It shall be unlawful and a violation of this chapter for any person to tether, leash, fasten, secure, restrain, chain

or tie a dog to any stationary object outdoors, or cause such dog to be restrained, in a manner that:

- (1) Endangers such dog's health, safety or well-being;
- (2) Restricts such dog's access to suitable and sufficient food and water;
- (3) Does not provide such dog with shelter appropriate to its breed, physical condition, and the climate as defined by § 353-b of the New York State Agriculture and Markets Law; or
- (4) Unreasonably limits the movement of such dog because it is too short for the dog to move around.

- B. Notwithstanding the provisions of Subsection A of this section, no person shall tether, leash, fasten, secure, restrain, chain or tie a dog for any amount of time with a device that:
- (1) Is a choke collar or pinch collar, or otherwise causes such dog to choke;
  - (2) Has weights attached or contains links that are more than one-quarter-inch thick;
  - (3) Because of its design or placement, is likely to become entangled;
  - (4) Is long enough to allow such dog to move outside of its owner's property; or
  - (5) Would allow the restrained dog to move over an object or edge that could result in the strangulation of or injury to such dog.

#### **§ 68-4. Animal care.**

- A. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse a dog or any animal or cause, instigate or permit any dogfight.
- B. No owner of an animal shall abandon such animal.
- C. Companion animals in vehicles.
- (1) A person shall not confine a companion animal in a motor vehicle in extreme heat or cold without proper ventilation or other protection from such extreme temperatures where such confinement places the companion animal in imminent danger of death or serious physical injury due to exposure to such extreme heat or cold.
  - (2) Any person who knowingly, recklessly, or negligently violates the provisions of subdivision one of this section shall be guilty of a violation.
  - (3) Village police officers, emergency medical services personnel, and firefighters shall not be held criminally or civilly liable for actions taken reasonably and as authorized under Section 353-d of the New York State Agriculture and Markets Law.
  - (4) Nothing contained in this section shall be construed to affect any other protections afforded to companion animals under any other provisions of this Code or the New York State Agriculture and Markets Law.

#### **§ 68-5. Seizure and redemption.**

- A. Any owner of any dog found in violation of the provisions of this chapter may have his or her dog seized pursuant to the provisions of Article 7 of the Agriculture and Markets Law, except that no dog violating § 68-2B(2) shall be seized on the basis of said violation.
- B. Every dog seized shall be properly cared for, sheltered, fed and watered for the ten- day redemption period.
- 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 an impoundment fee.

+Editor's Note: This local law also provided for the redesignation of former Subsection C(3) as Subsection C(4).

**§ 68-6. Filing of complaint.**

Any person who observes a dog in violation of this chapter may file a complaint under oath with a justice of the town, or file a complaint with a police officer or any Dog Control Officer under contract to the Village of East Hampton, 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. Such complaint may serve as the basis for enforcing the provisions of this chapter.

**§ 68-7. Appearance tickets.**

Any Dog Control Officer, peace officer, when acting pursuant to his or her official duties, or police officer in the employ of or under contract to the Village, having reasonable cause to believe that a person has violated this chapter, shall issue and serve upon such person an appearance ticket for such violation.

**§ 68-8. Penalties for offenses.**

- A. Any person who violates any provision of § 68-2A of this article shall, upon conviction, be subject to the penalties set forth in Article 7 of the Agriculture and Markets Law.
- B. Any person who violates any provision of § 68-4 of this article shall, upon conviction, be subject to the penalties set forth in Article 26 of the Agriculture and Markets Law.
- C. Any person who violates any other provision of this article shall, upon conviction, be subject to the following penalties:
  - (1) For a first offense, a fine of not more than \$50.
  - (2) For a second offense, a fine of not less than \$50 nor more than \$100.
  - (3) For each subsequent offense, a fine of not less than \$100 nor more than \$250.

**SECTION II. SEVERABILITY.**

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**SECTION III. EFFECTIVE DATE**

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: January 5, 2024

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
By: Pamela J. Bennett  
Village Clerk