

**A LOCAL LAW TO AMEND CHAPTER 78 OF THE CODE OF
THE VILLAGE OF FREEPORT ENTITLED "ANIMALS AND
FOWL", BY AMENDING §78-2, ENTITLED "DOGS AT
LARGE" BY AMENDING SECTION § 78-2-1.**

**BE IT ENACTED BY THE BOARD OF TRUSTEES FOR THE INCORPORATED
VILLAGE OF FREEPORT, AS FOLLOWS:**

1. Chapter 78, §78-2-1, which reads as follows, is hereby adopted:

§78-2-1. Unattended animals.

- A. It shall be a violation of this section for any person to place an animal or permit such animal to be placed or confined or remain in an unattended vehicle without sufficient ventilation or under other conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of water or such circumstances as reasonably may be expected to cause suffering, disability or death.
- B. Nothing in this chapter shall be construed as to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.
- C. Any police officer, peace officer, employee of the Building Department or dog control officer of the Village of Freeport who finds an animal in a motor vehicle in violation of subsection A hereof may enter a motor vehicle, without civil or criminal liability, to remove the animal. The person removing the animal shall take said animal or cause said animal to be delivered to an animal shelter or other place of safekeeping in the Town of Hempstead. This section can be enforced by the American Society for the Prevention of Cruelty to Animals, the Nassau County Society for the Prevention of Cruelty to Animals or any law enforcement officer, peace officer, dog control officer of the Village of Freeport or the Freeport Department of Buildings.
- D. In the event that the owner or custodian of said animal cannot otherwise be located, the person shall leave in a prominent place on or in the vehicle a written notice bearing his name and department and the address where the animal may be claimed by the owner thereof. The animal shelter have custody of the animal shall make reasonable efforts to contact the owner and give notice that the animal is in its custody. The animal shall be surrendered to the owner if the owner claims the animal within 10 days from the time the animal was removed from the vehicle and pays all reasonable charges which have accrued for the maintenance of the animal. If the owner does not claim the animal within the specified time, the animal shelter may place the animal

~~for adoption in accordance with provisions of this chapter and the Agriculture and Markets Law of the State of New York.~~

- E. It shall be a violation of this section for any person to leave a dog unattended outdoors for over 30 minutes in inclement weather or under other conditions or for such a period of time as may endanger the health or well-being of such dog due to heat, lack of water or such other circumstances, such as a weather advisory by any federal, state, county, town, village government or as reasonably may be expected to cause suffering, disability or death. It shall be a rebuttable presumption that any temperature below 35° F or above 85° constitutes inclement weather.

2. This local law shall take effect immediately upon filing with the Office of the Secretary of State.