

LOCAL LAW NO. 23 of 2024

A LOCAL LAW amending chapter 150 of the Code of the Town of Southampton.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Legislative Intent.

The Town Board finds there is a strong correlation between instances resulting in commencement of dangerous dog proceedings, and instances where dogs are unleashed on streets and sidewalks that are accessible to the public. The proposed leash law is meant to eliminate a large percentage of risk by regulating a common situation where dogs are unleashed, while preserving spaces within the Town where it is acceptable to have dogs off leash and honor the traditions, and customs of the residents of the Town of Southampton.

SECTION 2. Amendment.

Chapter (or section) 150 of the Southampton Town Code is hereby amended by deleting the stricken words and adding the underlined words as follows:

ACCESS ROAD, TOWN

A Town-owned public right-of-way open for passage of vehicles, people and animals to a body of water, beach, park or recreational area.

ACCESS ROAD, TRUSTEE

A Town Trustee-owned right-of-way open for passage of vehicles, people and animals to a body of water, beach, park or recreational area.

AT LARGE

(1) Streets and Sidewalks

All animals must be leashed while within areas of streets and sidewalks that are accessible to the public (Including Trustee Roads and Private Roads), and any animal off leash shall be considered at large. No police work dog in use for police work shall be deemed to be at large within areas of streets and sidewalks.

(2) All Other Areas

In all other areas outside of incorporated villages, any animal that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the animal shall be considered at large, unless permission for such presence has been obtained. No animal shall be deemed to be at large if it is accompanied by and under the immediate supervision and control of the owner or other responsible person, or is a police work dog in use for police work, or is accompanied by its owner or other responsible person and is actively engaged in showing, hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

[Amended 11-30-2010 by L.L. No. 37-2010]

BAY BEACH AREA

As defined in § 111-31, Article VII, of Chapter 111, Beaches, Parks and Waterways.

BEACH RECREATION FACILITY

As defined in § 111-1 of the Town Code, active public parkland within the bounds of the Bay Beach Area and Ocean Beach Area that is owned by the Town of Southampton and specifically designated for use by Town residents and visitors for recreational purposes. Some beach recreational facilities are "bathing beaches" while others are "unprotected waterfronts" and may be referred to as "beach access areas."

BREEDER

Any person, partnership, or corporate entity, whether operated separately or in connection with another business, rescue, shelter, or other organization, that sells more than one litter of animals within any twelve-month period,

whether wholesale or retail, or offers to sell, exchange, or offer for adoption with a charge dogs, cats, or any other domestic animal.

[Added 8-8-2023 by L.L. No. 26-2023]

BRIDLE PATH

A path or trail designated by the Town for horseback riding.

CEMETERIES, TOWN-OWNED OR ABANDONED

As outlined in § 291 of the Town Law.

CIRCUS

Any institution featuring exhibits for the purpose of entertainment and includes, but is not limited to, exhibitions and performances by clowns, acrobats and/or animals, provided that nothing in this chapter shall be construed as authorizing any display of wild or exotic animals otherwise prohibited by the Code of the Town of Southampton.

COMMERCIAL ANIMAL ESTABLISHMENT

Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

DISPLAY

To undertake the display of any animal(s) in an act, circus, public show, trade show, photographic opportunity, carnival, ride, parade, petting zoo, race, performance or similar undertaking in which animals are set out to be viewed and/or are required to perform tricks, fight or participate in performances for amusement or entertainment. "Display" shall not include educational exhibitions by institutions that are accredited by the American Zoo and Aquarium Association or the Association of Sanctuaries or operated by any agency of the state, county or local government. "Displayed" means to be the subject thereof.

[Amended 4-24-2012 by L.L. No. 4-2012]

DOG

Any domesticated canine, except guide dogs or service dogs, duly licensed and trained to assist the impaired, visually or otherwise.

DOG WALKING TRAIL

A trail designated by the Town for the walking of dogs by the owner or other responsible person.

DOMESTIC ANIMAL

Any domesticated cat, sheep, horse, cattle, llama, goat, swine, fowl, duck, goose, swan, turkey or rabbit.

DUNE AREA

A naturally occurring accumulation of sand in wind-formed ridges or mounds landward of the beach, often characterized by the natural growth of beach grass (*Ammophila breviligulata*). Included in this definition are deposits of fill placed for the purpose of dune construction.

EDUCATIONAL EXHIBITION

For the purposes of this chapter, an animal use or exhibition in which the entirety of the use or exhibition is devoted to imparting knowledge or information about the exhibited animal's behavior, habitat, life cycle, migratory patterns, feeding habits or similar pedagogical information and is conducted by an individual or individuals who is/are accredited or similarly qualified to impart such information. At no time during an educational exhibition will any animal be made to perform any behavior that is not intrinsically natural to the animal.

[Amended 4-24-2012 by L.L. No. 4-2012]

GROOMING SHOP A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

GUIDE DOG

A canine duly licensed and trained to assist the visually impaired.

HARBOR

To provide food or shelter to any animal.

IDENTIFICATION TAG

A tag issued by the Town Clerk of the Town of Southampton which sets forth the identification number together with the name of the Town and state, the relevant Town telephone number, and any other information deemed necessary by the Town Clerk.

[Added 11-30-2010 by L.L. No. 37-2010]

KENNEL

Any premises wherein any person engaged in the business of boarding, buying, letting for hire, training for a fee or

selling dogs or cats. Any premises wherein any person is harboring more than four unspayed or unneutered dogs or cats shall be considered a kennel for the purposes of this chapter.

NATURE PRESERVE As defined in § 231-3.

OCEAN BEACH AREA

As defined in § 111-31, Article VII, of Chapter 111, Beaches, Parks and Waterways.

OWNER

Any person who harbors or keeps any animal. "Owner" may also mean that the person who has last obtained the issuance of a license for a dog pursuant to the provisions of this chapter shall be presumed to be the owner of such dog. In the event that any animal found in violation of this chapter shall be owned by a person less than 18 years of age, the owner shall be deemed to be the parent or guardian of such person (or head of the household in which said person resides). Anyone who redeems a lost, abandoned, or seized animal from the Town contracted animal shelter shall be considered the owner of such animal for all purposes.

[Amended 11-30-2010 by L.L. No. 37-2010; 8-8-2023 by L.L. No. 26-2023]

OWNER OF RECORD

The person in whose name a dog was last licensed pursuant to this chapter.

[Added 11-30-2010 by L.L. No. 37-2010]

PARK

As defined in § 330-5, active and passive public land designated for park purposes by the Town of Southampton.

PARKING-BY-PERMIT-ONLY AREA

As defined in § 111-1, parking areas of a beach recreation facility, park recreation facility, recreation center designated pursuant to § 111-2 and posted pursuant to § 111-4A, or an access road (both Town and Trustee) regulated pursuant to Chapter 312, Vehicles and Traffic, that is restricted to vehicles displaying a resident or nonresident permit.

PARK RECREATION FACILITY

As defined in § 111-1, active public parkland outside the bounds of the Bay Beach Area and Ocean Beach Area that is owned by the Town of Southampton and specifically designated for use by Town residents and visitors for recreational purposes and managed by the Town Department of Parks and Recreation.

PERFORMING ANIMAL EXHIBITION

Any spectacle, display, act or event other than circuses, in which performing animals are used.

PERSON

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

PET SHOP

Any person, partnership or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells or boards any species of animal.

RECREATION CENTER

As defined in § 111-1, land, buildings, improvements and equipment for use by Town residents and visitors for recreational purposes.

RESIDENT An individual who maintains a residence within the Town of Southampton.

[Added 11-30-2010 by L.L. No. 37-2010]

SERVICE ANIMAL

A canine or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks the animal has been trained to provide must be directly related to the person's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disabilities Act.^[1] Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

[Amended 8-8-2023 by L.L. No. 26-2023]

TRAIL

As defined in § 295-2.

TRAINING FACILITY

A facility or property where training of two or more animals occurs for compensation, whether monetary or otherwise, whether animals are boarded on the premises or transported to the premises for training.

[Added 8-8-2023 by L.L. No. 26-2023]

WILD OR EXOTIC ANIMAL Any or all of the following animals, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. The words in parentheses are intended to act as examples only and are not to be construed as being an exhaustive list or to otherwise limit the generality of each group of animals. Domestic animals as specified under New York State Agriculture and Markets Law § 108(7) are specifically exempted from this list and are not to be considered wild or exotic for the purposes of this chapter.

- A. Nonhuman primates and prosimians (such as chimpanzees, monkeys);
- B. Felidae, except domesticated cats;
- C. Canidae, including wolf hybrids and except domesticated dogs;
- D. Ursidae (bears);
- E. Elephants;
- F. Marine mammals (such as seals and sea lions);
- G. Crocodylians (such as alligators and crocodiles);
- H. Marsupials (such as kangaroos and opossums);
- I. Ungulates (such as hippopotamus, rhinoceros, giraffe, zebra, deer);
- J. Hyenas;
- K. Mustelidae (such as skunks, weasels, otters and badgers);
- L. Procyonae (such as raccoons and coatis);
- M. Endentates (such as anteaters, sloth and armadillos);
- N. Viverridae (such as civets and genets);
- O. Cetaceans (such as whales and dolphins).
- P. Poisonous reptiles (such as rattlesnakes, cobras, and Gila monsters).

[1] Editor's Note: See 42 U.S.C. § 12101 et seq.

§ 150-5 Prohibited acts. [Amended 3-23-2004 by L.L. No. 11-2004; 2-28-2006 by L.L. No. 15-2006]

It shall be unlawful for any owner of any dog or other domestic animal to permit or allow such dog or other domestic animal, in the Town of Southampton, to:

- A. Be at large.
- B. Disturb the comfort, peace or repose of any persons in the vicinity by long or frequent noise or odor.
- C. Cause damage or destruction to property or commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such dog or domestic animal.
- D. Chase or otherwise harass any person in such a manner as reasonable to cause intimidation or to put such person in reasonable apprehension of bodily harm.
- E. Defecate on a Town-owned beach recreation facility, park recreation facility, park, recreation center, or the Ocean Beach Area and Bay Beach Area or within 150 feet in proximity to an access road (both Town and Trustee) that has been regulated as a parking-by-permit-only area under Chapter 312, Vehicles and Traffic, without the owner or other responsible person cleaning up such waste.
- F. Enter the dune area other than upon a designated walkway (if a walkway is designated and posted) or enter areas restricted and posted for protection of piping plovers and other endangered species.
- G. Enter a restricted area that has been duly promulgated as a rule or regulation and posted pursuant to Chapter 111, Beaches, Parks and Waterways, by the Superintendent of the Department of Parks and Recreation.

§ 150-5.1 Dogs or domestic animals at beaches, parks, trails and recreation centers.

[Added 6-12-2001 by L.L. No. 23-2001; amended 3-23-2004 by L.L. No. 11-2004; 2-28-2006 by L.L. No. 15-2006]

A. Beach recreation facilities. Except as provided in § 150-5.1A(1) below, dogs and domestic animals will be allowed on all Town-owned beach recreation facilities only from October 1 through March 30, provided that said dog or domestic animal is under the immediate supervision and control of the owner or other responsible person and provided further that any animal waste is removed. However, in any case, no dog or domestic animal shall be allowed within 50 feet of any symbolic fencing or areas posted for protection of piping plovers and other endangered species. The Superintendent of Parks and Recreation shall ensure installation of signage at beach recreation facilities to notify persons of these prohibitions, any additional rules and regulations promulgated pursuant to Chapter 111, Beaches, Parks and Waterways, and applicability of penalties for offenses.

(1) The Parks Superintendent may in his/her discretion promulgate a rule permitting dogs and other animals to be allowed on the parking area of the following beach recreational facilities:

- (a) Foster Memorial Beach Recreation Facility ("Long Beach," Noyac);
- (b) Sand Bar Beach Access Area (Hampton Bays).

B. Access roads (Town and Trustee). Dogs and domestic animals are prohibited on-access roads regulated as parking-by-permit-only areas pursuant to Chapter 312, Vehicles and Traffic, from July 1 through Labor Day between the times of 9:00 a.m. and 6:00 p.m. at the following locations and subject to the provisions listed below:

(1) Location: on the Ocean Beach Area and Bay Beach Area within 150 feet in proximity to an access road (both Town and Trustee) and on the parking areas, travel lanes, and within the rights-of-way of said access road. The area of 150 feet is defined as follows:

- (a) Beginning from the apex of the road and measuring 75 feet to the left and 75 feet to the right and then encompassing a quadrangle area down to the low-water mark.
- (2) Dogs and domestic animals are permitted at the above locations at all other times.
- (3) Standards of conduct and further restrictions. Any dog or domestic animal shall be under the immediate supervision and control of the owner or other responsible person, and all solid animal waste shall be promptly removed.

[Amended 11-30-2010 by L.L. No. 37-2010]

(4) These restrictions on dogs and domestic animals shall be further subject to any terms of any applicable management agreement with the Southampton Town Trustees.

(5) Further restrictions may be imposed from time to time as conditions may warrant with regard to areas posted for protection of piping plovers and other endangered species, and lands of the County of Suffolk, Town of Southampton, the Nature Conservancy, or if posed as a special management concern area. Further restrictions may also be promulgated from time to time by the Southampton Town Trustees or the Superintendent of Parks and Recreation consistent with the recommendations of the U.S. Fish and Wildlife Services' Atlantic Coast Piping Plover Revised Recovery Plan, including potential requirements for pets to be leashed and under the control of their owner or other responsible person at all times, particularly, between the months of April 1 through August 31. However, in any case, no dog or domestic animal shall be allowed within 50 feet of any symbolic fencing or areas posted for protection of piping plovers and other endangered species.

(6) The Superintendent of Parks and Recreation shall ensure installation of signage at all access roads (both Town and Trustee) which have been designated as a parking-by-permit-only area under Chapter 312, Vehicles and Traffic, to notify persons of these prohibitions, and additional rules and regulations promulgated pursuant to Chapter 111, Beaches, Parks and Waterways, or in accordance with the terms of any management agreement with the Town Trustees, as the case may be, and applicability of penalties for offenses.

C. Upland parks; leash law in effect. It shall be unlawful for any person to allow a dog or domestic animal to be in any of the following locations unless said dog or domestic animal is leashed and is under the immediate supervision and control of the owner or other responsible person and any animal waste is promptly removed at the following locations and subject to the provisions listed below:

[Amended 8-8-2023 by L.L. No. 26-2023]

(1) Locations:

- (a) Park recreation facilities and parks, and subject to any additional rules promulgated by the Superintendent of Parks and Recreation pursuant to Chapter 111, Beaches Parks and Waterways.
- (b) Areas designated as a nature preserve pursuant to Chapter 231, except for horses on established bridle paths in nature preserves.
- (c) Cemeteries, Town-owned and abandoned, as outlined in § 291 of the Town Law.

(2) The Superintendent of Parks and Recreation shall ensure installation of signage at all park recreation facilities and parks where rules and regulations have been promulgated pursuant to Chapter 111, Beaches, Parks and Waterways, including designated dog walking trails, bridle paths, and restricted areas, to notify persons of these prohibitions, additional requirements and applicability of penalties for offenses.

D. Trails. It shall be unlawful for any person to allow a dog or domestic animal to be on any Southampton Town-owned trail, unless said dog or domestic animal is leashed or is under the immediate supervision and control of the owner or other responsible person, and provided further that any animal waste is removed. All dogs or domestic animals are prohibited in those areas designated as a nature preserve pursuant to Chapter 231, except for horses on established bridle paths in nature preserves. On Town-owned trails that originate at a Town-owned park recreation facility, the Superintendent of Parks and Recreation shall ensure installation of signage at all parks where rules have been promulgated pursuant to Chapter 111, Beaches, Parks and Waterways, to notify persons of

these prohibitions, requirements and applicability of penalties for offenses.

[Amended 8-8-2023 by L.L. No. 26-2023]

E. Recreation center and community centers. Except for guide dogs or service dogs, it shall be unlawful to allow a dog or domestic animal to be within a Town-owned recreation center or community center. Notwithstanding this general prohibition within recreation centers and community centers, the Superintendent of Parks and Recreation or the Commissioner of General Services may authorize a waiver of this restriction as a condition of a facility use permit or, in his or her discretion, for recreational programming.

F. A violation of a rule or regulation promulgated by the Superintendent of Parks and Recreation and posted pursuant to Chapter 111, Beaches, Parks and Waterways, as such rule or regulation pertaining to dogs or other domestic animals shall also be deemed to be a violation of this chapter.

G. A violation of a rule or regulation posted by the Superintendent of Parks and Recreation pursuant to Chapter 111, Beaches, Parks and Waterways, in accordance with any applicable annual management agreement with the Southampton Town Trustees as such rule or regulation pertaining to dogs or other domestic animals shall also be deemed to be a violation of this chapter.

§ 150-6 Confinement of female dogs in heat.

[Amended 8-8-2023 by L.L. No. 26-2023]

Every female dog in heat, as determined by a licensed veterinarian, shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another intact (not neutered) animal except for planned breeding.

§ 150-7 Animal care.

[Amended 7-12-1994 by L.L. No. 32-1994; 11-30-2010 by L.L. No. 37-2010]

The Town of Southampton Animal Control Officer shall, if authorized by the Town Board, act as an agent or officer of the Suffolk County Society for the Prevention of Cruelty to Animals for the purpose of enforcing Article 26 of the Agriculture and Markets Law, relating to the humane treatment of animals.

§ 150-8 Performing animal exhibitions.

[Amended 5-10-2005 by L.L. No. 18-2005]

A. Display of exotic animals. It shall be a violation of this section to exhibit or display any live, wild or exotic animal as defined in § 150-4 of this chapter within the Town of Southampton.

B. In the event that nonwild or nonexotic animals are displayed or exhibited, the use of electric prods or shocking devices, flank or bucking straps, wire tie-downs, sharpened spurs, bull hooks and bullwhips, or any mechanical, electrical or manual device which will cause or is likely to cause physical injury, pain or suffering are specifically prohibited. No animal shall be made to perform any act which is inherently dangerous or unnatural or that is likely to result in injury to the animal.

C. All nonwild or nonexotic animals brought into Southampton for display or performance must have proof of required vaccinations or a valid certificate of health from a licensed veterinarian dated within one year of the date of display or exhibit. Animals must be free of any outward signs of injury, illness and disease and must be maintained in such condition for the term of the display or exhibit and must be able to meet all other requirements as set forth in § 150-9.

D. The provisions of this chapter shall not apply to the displaying, raising, breeding, boarding, training, or showing of horses, the display of wild or exotic animals by American Zoo and Aquarium Association (AZA) accredited institutions, the Association of Sanctuaries or educational exhibitions as defined in § 150-4 of this chapter, and provided that a commercial enterprise permit has been granted pursuant to § 150-9 of this chapter and, if appropriate, New York State and federal licenses have been obtained.

[Amended 4-24-2012 by L.L. No. 4-2012]

§ 150-9 Permits for commercial enterprises.

[Amended 5-10-2005 by L.L. No. 18-2005]

A. No person, partnership or corporation shall operate a commercial animal establishment without first obtaining a permit in compliance with this section.

B. Upon a showing by an applicant for a permit that he/she is willing and able to comply with the regulations

promulgated by the Southampton Town Department of Animal Control under supervision of the Town Code Compliance and Emergency Management Administrator, a permit shall be issued upon a satisfactory inspection and payment of the applicable fee as established by resolution of the Town Board.

[Amended 11-30-2010 by L.L. No. 37-2010; 8-8-2023 by L.L. No. 26-2023]

C. The permit period shall begin with the fiscal year and shall run for one year. Renewal applications for permits shall be made 30 days prior to and up to 60 days after the start of the fiscal year. Application for a permit to establish a new commercial animal establishment under the provisions of this article may be made at any time.

D. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his/her name upon a satisfactory re-inspection and payment of a transfer fee as noted in the fee schedule.

E. Annual permits must be in compliance with the policies set forth by the Southampton Town Department of Animal Control under supervision of the Town Code Compliance and Emergency Management Administrator. A copy of the policy shall be made available in the Town Clerk's office. Annual permits shall be issued upon payment of fees as noted on the fee schedule for:

[Amended 11-30-2010 by L.L. No. 37-2010; 8-8-2023 by L.L. No. 26-2023]

(1) Each circus.

(2) Each performing animal exhibition, except for those involving dogs and cats as set forth in § 150-8D of this chapter.

F. Each business located on separate tax map parcel shall be considered a separate enterprise for the purposes of § 150-9 > of this chapter and as such shall require an individual permit.

G. Government-operated zoological parks shall be exempt from the provisions of this section.

H. Veterinary hospitals and clinics owned and operated by veterinarians licensed to practice in New York State are exempt from the provisions of this section.

§ 150-10 Issuance and revocation of permits. [Amended 5-10-2005 by L.L. No. 18-2005]

A. The Town Code Compliance and Emergency Management Administrator may revoke any permit if the person holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the Southampton Town Department of Animal Control, or any law governing the protection and keeping of animals. Upon a violation of this article, on the recommendation of the Animal Shelter Supervisor, the commercial enterprise permit shall be suspended upon notice and hearing before the Public Safety Commission.

[Amended 11-30-2010 by L.L. No. 37-2010; 8-8-2023 by L.L. No. 26-2023]

B. If the Southampton Town Department of Animal Control refuses to issue or revokes a permit, the permittee may apply to the Public Safety Commission upon payment of the applicable fee. After a public hearing, the Public Safety Commission may grant or refuse said permit by resolution.

[Amended 11-30-2010 by L.L. No. 37-2010; 8-8-2023 by L.L. No. 26-2023]

C. Any business whose permit is revoked shall, within 10 days thereafter, humanely dispose of all animals owned, kept or harbored.

D. It shall be a condition of any permit issued under § 150-9 that a representative of the Town Animal Control Department shall be permitted to inspect all animals and all facilities associated with animals, including their housing and care.

[Amended 11-30-2010 by L.L. No. 37-2010]

E. No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment.

F. Should any business fail to operate for the term on the permit, whether for voluntary or involuntary reasons, no portion of the permit fee shall be refunded.

§ 150-11 License requirements. [1] [Added 11-30-2010 by L.L. No. 37-2010]

A. License required. Any person owning, possessing or harboring a dog four months of age or over in the Town of Southampton shall obtain a current license for said dog and shall place and keep on such dog a collar to which shall be securely attached a valid identification tag for that dog, in accordance with the requirements of this chapter. The owner of each dog required to be licensed shall obtain, complete, and return to the Town Clerk a dog license application, together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town Clerk.

B. Exemptions from license requirement.

- (1) No license is required for any dog under the age of four months and which is not at-large, or residing in a pound or shelter maintained by or under contract by the Town of Southampton, Suffolk County, or State of New York, or a duly incorporated society for the prevention of cruelty to animals, or a duly incorporated humane society or duly incorporated dog protective services.
- (2) Any dog harbored within the Town of Southampton which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from the licensing and identification provisions of this chapter.
- (3) No license is required of a dog confined to a public or private hospital devoted solely to the treatment of sick animals, or confined for the purpose of research by any college or other educational or research institution.

C. Application for a license.

- (1) Applications for a license or a renewal thereof shall be accompanied by a nonrefundable processing fee as established by resolution of the Town Board. An application for a license or renewal shall be in the form prescribed by the Southampton Town Clerk and shall provide for the following minimum information:
 - (a) The name, residence address and telephone number of each owner; and
 - (b) The name, sex, approximate age, breed, color, markings and other identifying details of the dog; and
 - (c) State whether the dog has been spayed or neutered; and
 - (d) Such other information or documentation deemed necessary by the Town Clerk to effectuate the purpose of this chapter.
- (2) Exempted from payment of the license fees are applications submitted for a dog license for any service animal, working search, detection, police, military and therapy dogs.

[Amended 8-8-2023 by L.L. No. 26-2023]

D. Rabies certification. The application for a license or renewal shall be accompanied by a statement certified by a licensed veterinarian showing that the dog has a current rabies vaccination history, or, in lieu thereof, a statement certified by a licensed veterinarian that, because of the dog's age or other reason, the life of the dog would be endangered by the administration of the vaccine.

E. In the case of an altered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian or a sworn affidavit signed by the owner in the form acceptable to the Town Clerk showing that the dog has been spayed or neutered, except that such certificate or affidavit is not required if same is already on file with the Town Clerk. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that, because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for an altered dog.

F. No individual under the age of 18 years shall be deemed an owner of record and be issued a dog license.

G. Issuance of license.

- (1) Upon validation by the Town Clerk or authorized Animal Control Officer, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.
- (2) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

H. Identification tag.

- (1) The Town Clerk shall assign an identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times, except that the tag is not required to be worn while the dog is participating in a dog show.
- (2) No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.
- (3) Any person wishing to replace a tag previously issued shall pay a fee, as determined by resolution of the Town Board, to the Town Clerk for a replacement tag.

I. Term of license and renewals. All licenses issued pursuant to this article, and any renewal thereof, shall expire on the last day of the last month of the period for which they are issued, except that no license or renewal shall be issued for a period expiring after the day of the 11th month following the expiration date of the current rabies certificate for the dog being licensed. In the event an applicant for a license or renewal presents a statement

certified by a licensed veterinarian, in lieu of a rabies certificate, then the license or renewal shall be issued for one year from the date of the statement.

J. Change of ownership; lost or stolen dog; death.

(1) Change in owner or address. In the event of a change in ownership of any dog which has been licensed pursuant to this chapter or change of address of the owner of record of any dog, the owner of record shall, within 10 days of the change, file with the Town Clerk a written notification of such change. Such owner of record shall be liable for any violation of this chapter until such filing is made or until the dog is licensed in the name of the new owner.

(2) Lost or stolen dog. If any dog which has been licensed is lost or stolen, the owner of record shall, within 10 days of discovery of such loss or theft, file with the Town Clerk a written notification of such event. In the case of loss or theft, the owner of record shall not be liable for any violation of this chapter committed after such notification has been made.

(3) Death of dog. In case of the death of a licensed dog, the owner of record shall notify the Town Clerk of the dog's death either before or upon receipt of a renewal notice from the Town Clerk.

K. Violations. It shall be a violation, punishable as provided for in § 150-15, for:

(1) Any owner to fail to license any dog; or

(2) Any owner to fail to have any dog identified as required by § 150-11; or

(3) Any person to knowingly affix to any dog any false or improper identification tag.

[1] Editor's Note: Former § 150-11, Enforcement, was repealed 3-23-2004 by L.L. No. 11-2004. See now § 150-14.

§ 150-12 Seizure; fees.

[Amended 4-14-1992 by L.L. No. 13-1992; 7-12-1994 by L.L. No. 32-1994; 6-12-2001 by L.L. No. 23-2001; 3-23-2004 by L.L. No. 11-2004; 5-10-2005 by L.L. No. 18-2005; 11-30-2010 by L.L. No. 37-2010]

A. Any dog found in violation of the provisions of §§ 150-5, 150-6, and 150-11 of this chapter may be seized pursuant to the provisions of § 117 of the Agriculture and Markets Law.

B. Every animal seized shall be properly cared for, sheltered, fed and watered for not less than the redemption periods set forth in § 117 of the Agriculture and Markets Law.

C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to this chapter and by paying impoundment fees set forth by the Town of Southampton or the organization that the Town contracts with to provide shelter services.

D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees whether or not such owner chooses to redeem his or her dog.

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

F. Any animal which is unredeemed at the end of the redemption period shall be made available for adoption or euthanized pursuant to §§ 117 and 118 of the Agriculture and Markets Law.

G. Voluntary surrender shall give authority to the Town of Southampton, or the organization that the Town contracts with to provide shelter services, or any of its agents and officers to accept and dispose of unwanted, owned animals if the following conditions are met:

(1) The authority to dispense with the usual redemption provisions in those cases where an owner surrenders an unwanted animal.

(2) Requirement that the owner execute a consent and/or affidavit in a form prescribed by the municipality agreeing to the disposition of said animal. The adoption or destruction of said animal shall be in accordance with the euthanasia policy as adopted by Town Board resolution or as adopted by the organization that the Town contracts with to provide shelter services, absolving the Town of Southampton, its agents and officers, and the Southampton Town Animal Shelter of all liability.

(3) The authority for the Southampton Town Department of Animal Control or the organization that the Town contracts with to provide shelter services to discontinue the service at such times when accepting animals would create a condition whereby seized animals could not be properly sheltered and cared for.

[Amended 8-8-2023 by L.L. No. 26-2023]

(4) Surrender fee. The fee for the surrender of an animal to the Animal Shelter shall be set by the Town of Southampton or the organization that the Town contracts with to provide shelter services.

H. Statutory license fees shall be in accordance with this chapter.

I. The Southampton Town Department of Animal Control, the organization that the Town contracts with to provide shelter services, or their designee shall have the authority to waive adoption, redemption, boarding and surrender fees at their discretion, when appropriate.

[Amended 8-8-2023 by L.L. No. 26-2023]

§ 150-13 Filing of complaint.

[Amended 7-12-1994 by L.L. No. 32-1994; 3-23-2004 by L.L. No. 11-2004; 11-29-2011 by L.L. No. 41-2011]

Any person who observes a dog or other domestic animal in violation of this chapter may file a complaint under oath with a Justice of the Town of Southampton specifying the nature of the violation, the date thereof, a description of the dog or other domestic animal and the name and residence, if known, of the owner of such dog or such other domestic animal. Such complaint may serve as the basis for enforcing the provisions of this chapter or for referring the matter to other appropriate state, county or local agencies for possible action.

§ 150-14 Enforcement; appearance tickets.

[Amended 3-23-2004 by L.L. No. 11-2004; 11-30-2010 by L.L. No. 37-2010]

Any park ranger, bay constable, code enforcement officer, animal control officer, peace officer, when acting pursuant to his or her special duties, or police officer in the employ of or under contract to the Town of Southampton observing a violation of this chapter in his or her presence shall issue and serve an appearance ticket for such violation. All of the enforcement personnel indicated above are authorized to enforce the provisions of this chapter.

§ 150-14.1 Feeding geese and other wild animals prohibited.

[Added 6-26-2012 by L.L. No. 8-2012; amended 8-8-2023 by L.L. No. 26-2023]

A. It shall be unlawful for any person to place, deposit, scatter, spread, distribute or otherwise disseminate on public property, including Town facilities, any type of foodstuff, including but not limited to corn, wheat or other grains, bread, crackers, popcorn, scraps, or any other substance or foodstuff, as to make it available to be eaten by a goose or geese and other wild animals.

B. Notwithstanding the provisions of Subsection immediately above, nothing contained within this section shall make it unlawful to place, deposit, scatter, spread, distribute or otherwise disseminate corn, wheat or other grains, plants and/or seeds on public property in conjunction with lawful and legitimate agricultural, fishing or hunting activities.

§ 150-15 Penalties for offenses.

[Amended 3-23-2004 by L.L. No. 11-2004; 5-10-2005 by L.L. No. 18-2005; 8-8-2023 by L.L. No. 26-2023]

A. Any person violating this chapter shall be subject to a penalty no greater than \$250 for a first conviction, a minimum of \$250 but no greater than \$500 for a second conviction, and a minimum of \$500 but no greater than \$1,000 for a third or subsequent conviction. In lieu of a fine, a judge may allow for community service not to exceed 24 hours per violation. Any violation of this section shall be a violation level offense.

B. Anyone convicted pursuant to this section shall be required to pay a mandatory animal welfare surcharge of \$100. The animal welfare surcharge shall be paid to the clerk of the court or administrative tribunal that rendered the conviction.

C. Each day or part of a day on which a violation continues shall constitute a separate violation.

SECTION 3. Authority.

The proposed law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and §10(1)(ii)(d)(3).

SECTION 4. 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 provisions so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

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