

Town of Huntington, NY
Monday, January 4, 2016

Chapter 78. Animals

[HISTORY: Adopted by the Town Board of the Town of Huntington 6-12-1984 by L.L. No. 1-1984.^[1]
Amendments noted where applicable.]

[1] *Editor's Note: This local law also repealed former Ch. 78, Animals, adopted as follows: Art. I, 6-3-1969 as Ch. 17 of the 1969 Code of the Town of Huntington, as amended; Art. II, 5-2-1972 by Ord. No. 72-CE-12 (Ch. 44 of the 1969 Code of the Town of Huntington), as amended.*

Article I. General Provisions

[Amended 8-11-1992 by L.L. No. 4-1992; 9-13-1994 by L.L. No. 8-1994; 6-19-2001 by L.L. No. 11-2001; 4-16-2002 by L.L. No. 11-2002; 12-14-2010 by L.L. No. 30-2010]

§ 78-1. Legislative intent.

- (A) It is the intention of the Town Board to safeguard the health, safety and welfare of town residents and the public-at-large by providing for the rabies vaccination, seizure, disposal, and supervision of animals within the Town of Huntington, and by prohibiting the ownership, possession, harboring and maintenance of certain wild and dangerous animals.
- (B) The Town Board intends to control and regulate the disposal of dead animals and biological tissue waste to insure that same is performed in a safe and responsible manner and does not injure the public health or environment.

§ 78-2. Definitions.

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

ANIMAL CONTROL OFFICER

An individual who is authorized to enforce the provisions of this chapter pertaining to dogs and other animals, and includes a Dog Control Officer as defined in Article 7 of the New York State Agriculture and Markets Law or successor law.

IDENTIFICATION TAG

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

OFF-LEASH AREAS (DOG PARKS)

An area or tract of land within the Town of Huntington designated by the Town Board to be a place in which a dog or dogs are not required to be under restraint and may run at large.

OWNER

means any person who harbors or keeps any dog or other animal.

OWNER OF RECORD

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

PARK or PARKS

Includes all parks, park preserves, playgrounds, athletic fields, swimming pools, beaches, boardwalks, entrances, approaches, facilities and other recreational areas, including structures and buildings, owned or used by the Town.

PERSON

A person, partnership, corporation, association or other organized group of persons, business entity, municipality or other legal entity.

RESIDENT

An individual who maintains a residence within the Town of Huntington.

SENIOR CITIZEN

Anyone sixty (60) years of age or over.

SIDEWALK OR SIDEWALKS

The area between a highway or roadway and the abutting property owner's line.

STRAY DOG

Any dog off the property of the owner without a leash or any other physical restraint.

SURRENDER

A voluntary forfeiture of ownership and possession.

Article II. Dogs and Other Animals

[Amended 7-9-1985 by Ord. No. 85-CE-12; 8-11-1992 by L.L. No. 4-1992; 9-13-1994 by L.L. No. 8-1994; 6-19-2001 by L.L. No. 11-2001; 4-16-2002 by L.L. No. 11-2002; 12-16-2003 by L.L. No. 39-2003; 4-24-2007 by L.L. No. 12-2007; 8-28-2007 by L.L. No. 32-2007; 11-5-2008 by L.L. No. 32-2008; 12-14-2010 by L.L. No. 30-2010]

§ 78-3. Running at large prohibited.

- A. Any person owning, possessing or harboring a dog, pet or other animal shall be responsible for the conduct of the animal at all times. Except as to those persons owning, possessing or harboring cats, all persons owning, possessing or harboring a dog, pet or other animal shall be responsible for restraining and keeping the animal on his or her own property and shall not allow or permit a dog, pet or other animal to stray upon any private or public property.
- B. Except as permitted in off-leash areas and § 159-20(D), it is unlawful for any person owning, possessing or harboring a dog or other animal in the Town of Huntington to permit or allow such dog or animal to run at large on any public property, including but not limited to parks, roadways, highways, streets, walkways, pathways and sidewalks, or to permit such animal with or without a leash or restraint to enter any public beach, swimming, bathing or wading area, pond, fountain, stream or organized athletics area. The Director of Parks and Recreation and the Director of Public Safety, or their designees, may remove or otherwise ban dogs and other pets, or a specific dog or pet, from any park or part thereof, where he or she determines that same may be a nuisance or is necessary to protect the health and safety of the public or maintain peace and order.

Nothing contained in (B) herein is intended to apply to a guide dog, a hearing dog, service dog,

- (C) working search dog, war dog, detection dog or therapy dog as defined in Article 7 of the New York State Agriculture and Markets Law while under the control of the person needing assistance, and police work dogs utilized by law enforcement agencies while under the control of law enforcement for law enforcement purposes.

§ 78-4. Designated off-leash areas.

- (A) Nothing in this article is intended to prohibit a dog from running at large in such off-leash areas as the Town Board may designate after a public hearing. The Town Board may hold a public hearing on its own motion. The Directors of Parks and Recreation, General Services and Planning and Environment shall submit their recommendations to the Town Board prior to the dedication of any land as a designated off-leash area. The Town Board may dedicate such land upon such terms and conditions as it deems advisable to protect the health and safety of residents or to promote public peace and order, and may discontinue such use at any time.
- (B) Licenses and permits. All dogs in the off-leash area must be licensed as required by this chapter and all applicable laws or rules. All persons bringing a dog to a designated off-leash area must carry and have available for inspection by the Town a permit issued by the Director of Parks and Recreation which shall be produced upon request. The application for an off-leash permit shall be provided by the Department of Parks and Recreation, and shall be filed by the applicant with a copy of a valid dog license, a current rabies vaccination certificate issued by a licensed veterinarian if the vaccination information listed on the dog's license is missing or the vaccination has expired, proof of Town residency and such other proof or information as may be required by the Director, together with payment of the applicable fee. The Director may deny an application as he deems advisable. If an application is granted, the permit shall identify the name and address of the dog owner, the owner's business and home telephone number, and the name, age, sex, breed, color and markings of the dog. Once issued, the permit is not transferrable to another dog and shall expire one (1) year from the date of issuance. At the discretion of the Director, a two-year permit may be issued upon the payment of the applicable fee.
- (C) No animal other than dogs are permitted in off-leash areas. No more than twenty (20) dogs in an off-leash area at one time. Any person who takes a dog into a designated off-leash area must have physical control of the dog by means of a leash when entering and leaving the off-leash area, and must maintain voice control over the dog and keep the dog in sight at all times while in the off-leash area. Each person bringing a dog into an off-leash area shall be responsible for the conduct of such animal and shall be responsible for all injury to person or property caused by the dog. Dogs showing aggression toward other persons or dogs must be immediately leashed and removed from the off-leash area. Each person bringing a dog into the off-leash area shall carry the proper equipment for removing feces, and shall remove the feces from the designated area and dispose of same in a sanitary manner by placing the feces deposited by such dog in an appropriate receptacle. Professional dog trainers may not use an off-leash area for the conduct of their business and no person shall bring more than two (2) dogs to the park at one time.
- (D) The Director of Parks and Recreation may adopt such rules and regulations as he deems advisable for the safe use and operation of off-leash areas. The Director of Parks and Recreation and the Director of Public Safety may temporarily ban dogs or a specific dog from any off-leash area where he or she determines that same may be a nuisance or is necessary to maintain peace and order, or necessary to protect the health and safety of the public. If a dog is repeatedly permitted or allowed to commit acts in violation of this article, the Director of Parks and Recreation may revoke the permit issued to the dog upon notice to the owner by certified mail, return receipt requested.

§ 78-5. Denial of Entry.

No person, owner, agent and/or employee of any commercial or retail establishment, or association within the Town of Huntington shall prevent a guide dog, hearing dog, therapy dog, or service dog (as defined in Article 7 of the New York State Agriculture and Markets Law), while under the control of a person needing assistance from entering their premises or a public location.

§ 78-6. Seizure; redemption; fees.

- (A) The Animal Control Officer or any peace officer shall seize any dog under the following circumstances.
- (1) Is running at large and not under the immediate and full control of the owner or the control of the person-in-charge of the dog.
 - (2) Is not licensed, whether the dog is located on or off the owner's or person-in-charge's property.
 - (3) Any licensed dog which is not in the control of the dog's owner or custodian, or not on the property of the dog's owner or custodian, if there is probable cause to believe that the dog is dangerous.
 - (4) Any dog that in the opinion of the Animal Control Officer, police officer or peace officer poses an immediate threat to the public safety.
- (B) Every dog seized, until disposed of, shall be properly sheltered, fed, watered and cared for the redemption period specified in this chapter.
- (C) The owner of a dog seized may redeem the dog within seven (7) days, except that the owner of a dog bearing a license tag may redeem the dog within twelve (12) days, by paying the following impoundment fees, in addition to a rabies vaccination fee of fifteen (\$15.) dollars in the event that the redeemed dog requires vaccination to prevent the spread of rabies, and a licensing fee in the event that the redeemed dog is not licensed, to the Town Clerk or Animal Control Officer:
- (1) Twenty-Five (\$25.) dollars for the first impoundment of each dog; Thirty-Five (\$35.) dollars for the second impoundment and Fifty (\$50.) dollars for the third impoundment and each impoundment thereafter.
 - (2) In addition to the fees enumerated above, there shall be an additional ten (\$10.) dollar fee for the boarding of any dog for each day or a portion thereof.
- (D) In the case of adoption of a seized dog, an adoption fee of eighty (\$80.) dollars shall be paid to the Town of Huntington. In addition, said dog must be vaccinated to prevent the spread of rabies and spayed/neutered before adoption. If said dog is not vaccinated, a vaccination fee of fifteen (\$15.) dollars shall be due and payable to the Town of Huntington. At the time of adoption, a license shall be obtained for the dog upon payment of appropriate fees by the new owner of record. All proceedings by the Animal Control Officer or any peace officer for seizure and impounding of dogs and/or the redemption, disposition or adoption thereof shall be conducted and/or collected pursuant to the provisions of the Agriculture and Markets Law or successor law.

§ 78-7. Commission of nuisances and other offenses.

- (A) No person owning, possessing or harboring a dog or having the right or ability to prevent it shall knowingly, carelessly or negligently permit such dog or other animal to commit any nuisance in or upon any public property, including but not limited to parks, roadways, highways, streets, walkways, pathways, sidewalks or off-leash areas; or upon the floor of any tenement house which is used in common by tenants thereof; or upon the fences of any premises or the walls or stairways of any building abutting on a public street, avenue, park, public square or place; or upon the floor of any

theater, store, factory or any building which is used in common by the public, including all public rooms or places therewith connected; or upon the floor of any depot or station; or upon the station platform or stairs of any railroad or other common carrier; or upon the roof of any tenement house used in common by tenants thereof; or upon the floor of any hall, stairway or office of any hotel, motel or lodging house which is used in common by guests thereof; nor shall any person omit to do any reasonable and proper act or take any reasonable and proper precaution to prevent any such dog or other animal from committing such a nuisance in, on or upon any of the places or premises herein specified.

- (B) No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, urinate, defecate on or deface any public property, including but not limited to parks, roadways, highways, streets, walkways, pathways, sidewalks or off-leash areas, or any place where people congregate or walk or on any private property without the permission of the owner of said private property.
- (C) Exceptions. Dogs may be curbed on that portion of a roadway or street lying between the curblines. A person who curbs a dog shall immediately remove, in a suitable container, all feces deposited by such dog. The feces removed from the designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any dog curbed, except that a person who is visually impaired and/or disabled and is accompanied by a guide or service dog shall be exempted.

§ 78-8. Presumption of ownership.

For the purposes of this article, it shall be presumed that any dog or other animal harbored in a residential dwelling is owned and possessed by all adults residing in the residential dwelling wherein the dog or other animal is being harbored.

§ 78-9. Rabies vaccination required.

- (A) Any person owning, possessing or harboring a dog four (4) months of age or over in the Town of Huntington shall be required to have the dog vaccinated to prevent the spread of rabies, except that a rabies vaccine is not required as follows:
 - (1) To a dog brought into the Town for a period not to exceed fifteen (15) days; dogs in the custody of an incorporated society devoted to the care of lost, stray or homeless animals; dogs confined to public or private hospitals devoted to the treatment of sick animals; and dogs confined to educational or research institutions for the purpose of research.
 - (2) To a dog whose health would be adversely affected by a rabies vaccination, provided that a written statement, certified by a duly licensed veterinarian, specifying such condition is presented to the Animal Control Officer or the Town Clerk and filed with the Town Clerk's office.
- (B) Any person owning, possessing or harboring a dog who fails or refuses to submit the dog for vaccination within ten (10) days after a request by an Animal Control Officer, peace officer, police officer or health officer shall be in violation of this chapter.

§ 78-10. License requirements.

- (A) License required. Any person owning, possessing or harboring a dog four (4) months of age or over in the Town of Huntington 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 this chapter.

(B) Exemptions.

- (1) No license is required for any dog under the age of four (4) months and which is not at-large, or residing in a pound or shelter maintained by or under contract by the Town of Huntington, 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) No license is required of service dogs as the term is defined in Article 7 of the Agriculture and Markets Law, or successor law. The person owning, possessing or harboring such a dog bears the burden of demonstrating to the satisfaction of the Town Clerk that the dog is a service dog and exempt from licensing.
- (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.

§ 78-11. Application for a license.

- (A) Applications for a license or a renewal thereof shall be accompanied by a non-refundable processing fee of eight dollars and fifty cents (\$8.50) for an altered dog and eighteen dollars and fifty cents (\$18.50) for an unaltered dog. A senior citizen discount of five (\$5.00) dollars shall be applicable to the base fee upon proper proof. A portion of the fee shall be paid over to the agency designated pursuant to Article 7 of the Agriculture and Markets Law to be used for animal population control efforts. An application for a license or renewal shall be in the form prescribed by the Huntington Town Clerk and shall provide for the following minimum information:
- (1) The name, residence address and telephone number of each owner; and
 - (2) The name, sex, approximate age, breed, color, markings and other identifying details of the dog; and
 - (3) State whether the dog has been spayed or neutered; and
 - (4) Such other information or documentation deemed necessary by the Town Clerk to effectuate the purpose of this chapter.
- (B) 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 received the rabies vaccine; 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.
- (C) 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 an altered dog.
- (D) No individual under the age of eighteen (18) years shall be deemed an owner of record and be issued a dog license.

§ 78-12. Issuance of license; identification tag.

- (A) Upon validation by the Town Clerk or authorized dog 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.
- (B) 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.
- (C) 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 the sum of three (\$3) dollars to the Town Clerk for a replacement tag.

§ 78-13. 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 last day of the eleventh 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 may be issued for one (1) year from the date of the statement.

§ 78-14. Change of ownership; lost or stolen dog; death.

- (A) 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 ten (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.
- (B) Lost or stolen dog. If any dog which has been licensed is lost or stolen, the owner of record shall, within ten (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.
- (C) 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.

§ 78-15. Surrender of dog by owner for destruction or adoption; fees.

- A. The Animal Control Officer of the Town of Huntington, in addition to the powers granted by law, may, upon application of a resident of the Town of Huntington and surrender of the dog to the dog shelter, accept any dog owned by such resident for immediate adoption or destruction, at the discretion of the Animal Control Officer. Such application shall be in a form prescribed by the Animal Control

Officer and shall include the name and address of the applicant, a description of the dog and the number of its license, if any. Such application shall contain a statement that the applicant is the sole and absolute owner of the dog described and a request and consent that the Animal Control Officer kill such dog or hold such dog for adoption at the discretion of such officer.

- B. Any dog belonging to a qualified resident senior citizen of the Town of Huntington shall be transported to the dog shelter, free of charge, by the Animal Control Officer or other duly designated person.
- C. Fees.
 - (1) A resident of the Town of Huntington who surrenders a dog to the Animal Control Officer for adoption or destruction shall pay a fee of fifty (\$50.) dollars.
 - (2) A qualified resident senior citizen of the Town of Huntington shall receive a discount of five (\$5.) dollars when he/she surrenders a dog to the Animal Control Officer or other duly designated person for adoption or destruction.
 - (3) In the case of an adoption of a dog, a fee of eighty (\$80.) dollars shall be paid to the Town of Huntington. In addition, said dog must have been spayed/neutered and vaccinated to prevent the spread of rabies. At the time of adoption, a license shall be obtained for the dog upon payment of appropriate fees.

§ 78-16. Liability of Town.

No liability shall be imposed upon the Animal Control Officer of the Town of Huntington or upon the Town of Huntington or any employee of the Town of Huntington for destruction of any animal or animals pursuant to the provisions of Town Law or this article.

§ 78-17. (Reserved)

§ 78-18. Penalties for offenses.

- A. Except as otherwise provided in this article, any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine of up to five hundred (\$500.) dollars for the first offense, not less than two hundred and fifty (\$250.) dollars nor more than one thousand (\$1,000.) dollars for the second offense, and not less than seven hundred and fifty (\$750.) dollars nor more than two thousand five hundred (\$2,500.) dollars for the third and subsequent offense committed within eighteen (18) months of the first offense.
- B. Any person or owner who has committed an offense against § 78-5 shall be guilty of a violation and shall be held liable on conviction thereof to a fine or penalty of not less than five hundred (\$500.) dollars nor more than five thousand (\$5,000.) dollars for a conviction of a first offense; upon conviction of a second violation where the offense is committed within a period of five (5) years of the first offense, a fine of not less than one thousand (\$1,000.) dollars nor more than ten thousand (\$10,000.) dollars; and upon conviction of a third or subsequent violation where the offense is committed within a period of five (5) years of the first and second offense shall constitute a misdemeanor punishable by a fine of not less than one thousand five-hundred dollars (\$1,500.) nor more than fifteen thousand (\$15,000.) dollars or imprisonment not to exceed six (6) months, or both.
- C. Any person committing an offense against the provisions of § 78-9 shall be guilty of a violation punishable by a fine of not more than one hundred (\$100.) dollars. In the event the subject dog is

reported to have bitten a person or another domestic warm-blooded animal, said person shall be subject to an additional fine of not more than five hundred (\$500.) dollars.

- D. Any person committing an offense against the provisions of § 78-7 shall be guilty of a violation punishable by a fine not exceeding two hundred fifty (\$250.) dollars or by imprisonment for a period not exceeding fifteen (15) days for each such infraction, or by both such fine and imprisonment.

Article III. Cats

[Added 9-13-1994 by L.L. No. 8-1994; amended 4-7-1998 by L.L. No. 12-1998; 4-16-2002 by L.L. No. 11-2002; 4-24-2007 by L.L. No. 12-2007; 11-5-2008 by L.L. No. 32-2008; 12-14-2010 by L.L. No. 30-2010]

§ 78-19. Surrender of cat by owner for destruction or adoption; fees.

- A. The Animal Control Officer of the Town of Huntington, in addition to the powers granted to him by law, may, upon application of a resident of the Town of Huntington and surrender to the dog shelter, accept any cat owned by such resident for immediate adoption or destruction, at the discretion of the Animal Control Officer.
- B. Any cat belonging to a qualified resident senior citizen of the Town of Huntington shall be transported to the dog shelter free of charge by the Animal Control Officer or other duly designated person.
- C. Fees.
- (1) A resident of the Town of Huntington who surrenders a cat to the Animal Control Officer for adoption or destruction shall pay a fee of fifty (\$50.) dollars.
 - (2) A qualified resident senior citizen of the Town of Huntington shall receive a discount of five (\$5.) dollars when he or she surrenders a cat to the Animal Control Officer or other duly designated person for adoption or destruction.
 - (3) In the case of an adoption of a cat, a fee of eighty (\$80) dollars shall be paid to the Town of Huntington. In addition, said cat must have been spayed/neutered and vaccinated to prevent the spread of rabies. In the case of adoption by an animal humane society, the adoption fee shall be waived if said society provides a notarized statement to the Animal Control Officer or other duly designated person certifying that said cat shall be spayed/neutered and vaccinated, and that proof of same shall be filed with the Animal Control Officer or duly designated person within ten (10) days of adoption. Failure to subsequently file such proof shall result in said humane society being ineligible for any further waiver of adoption fees pending said filing.
 - (4) In addition to any other fee required to be paid hereinabove, a rabies vaccination fee of fifteen (\$15.) dollars shall be paid in the event that a redeemed or adopted cat requires vaccination to prevent the spread of rabies.

§ 78-20. Rabies vaccination required.

- (A) Any person owning, possessing or harboring a cat four (4) months of age or over in the Town of Huntington shall be required to have the cat vaccinated to prevent the spread of rabies, except that a rabies vaccine is not required as follows:
- (1) To a cat brought into the Town for a period not to exceed fifteen (15) days; cats in the custody of an incorporated society devoted to the care of lost, stray or homeless animals; cats confined to

public or private hospitals devoted to the treatment of sick animals; and cats confined to educational or research institutions for the purpose of research.

- (2) To a cat whose health would be adversely affected by a rabies vaccination, provided that a written statement, certified by a duly licensed veterinarian, specifying such condition is presented to the Animal Control Officer or the Town Clerk.
- (B) Any person owning; possessing or harboring a cat who fails or refuses to submit the cat for vaccination within ten (10) days after a request by an Animal Control Officer, peace officer, police officer or health officer shall be in violation of this chapter.

§ 78-21. (Reserved)

§ 78-22. Liability of Town.

No liability shall be imposed upon the Animal Control Officer of the Town of Huntington or upon the Town of Huntington or any employee of the Town of Huntington for destruction or adoption of any animal or animals pursuant to the provisions of Town Law or this article.

§ 78-23. Penalties for offenses.

- A. Except as provided otherwise in this section, any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine of up to five hundred (\$500.) dollars for the first offense, not less than two hundred and fifty (\$250.) dollars nor more than one thousand (\$1,000.) dollars for the second offense, and not less than seven hundred and fifty (\$750.) dollars nor more than two thousand five hundred (\$2,500.) dollars for the third and subsequent offense committed within eighteen (18) months of the first offense.
- B. Any person committing an offense against the rabies vaccination requirements hereinabove shall be guilty of a violation punishable by a fine of not more than one hundred (\$100.) dollars. In the event that the subject cat is reported to have bitten a person or another domestic warm-blooded animal, said person shall be subject to an additional fine of not more than five hundred (\$500.) dollars.

Article IV. Pigeons, Chickens and Ducks

[Added 4-24-2007 by L.L. No. 12-2007; amended 2-10-2009 by L.L. No. 1-2009; 2-9-2010 by L.L. No. 1-2010]

[1] *Editor's Note: This article was redesignated as Art. IV, §§ 78-24 through 78-29 by L.L. No. 30-2010, adopted 12-14-2010.*

§ 78-24. Pigeons.

- A. General regulations. It shall be unlawful to cause, permit or allow pigeons to be kept in such manner as to constitute a nuisance or to create a hazard to public health or in any manner which either annoys, disturbs, injures or endangers or tends to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of other persons or the public. All pens, lofts or houses maintained for the keeping of pigeons in all zoning districts shall comply with the set back and side yard requirement set forth at § 198-13(B)(4) pertaining to the keeping of household pets.
- B. Specific regulations.

- (1) The pens, lofts or houses in which such pigeons are kept must be cleaned once each day and maintained in a sanitary condition, free of refuse, debris and any other dirt or excess food, so as not to endanger the public health and safety.
- (2) Pigeon refuse and feed must be stored in metal containers and securely covered with metal covers.
- (3) There shall be at least one (1) square foot of floor space in any loft or house in which such pigeons are kept for each such pigeon kept therein, but in no event shall any person keep, maintain, house or possess more than fifty (50) pigeons on any premises.
- (4) Pens, lofts or houses shall be suitably screened from the view of surrounding residences and surrounding streets by a fence or by shrubs, unless said pen, loft or house is located in such a manner as not to be visible from the surrounding residences and streets.

§ 78-25. Chickens and Ducks.

- A. It shall be unlawful to cause, permit or allow chickens or ducks to be kept in such manner as to constitute a nuisance or to create a hazard to public health or in any manner which either annoys, disturbs, injures or endangers or tends to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of the public.
- B. Regulations.
 - (1) No person shall keep, maintain, house or possess more than eight (8) chickens or ducks or any combination thereof on any premises.
 - (2) All pens, coops or houses maintained for the keeping of chickens or ducks in all zoning districts shall comply with the setback and side yard requirements set forth at § 198-13(B)(4), pertaining to the keeping of household pets.
 - (3) The pens, coops or houses in which such chickens or ducks are kept must be cleaned once each day and maintained in a sanitary condition, free of refuse, debris and any other dirt or excess food, so as not to endanger the public health and safety.
 - (4) Chicken or duck refuse and feed must be stored in metal containers and securely covered with metal covers.
 - (5) There shall be no less than two (2) square feet nor more than five (5) square feet of floor space per chicken or duck in any pen, coop or house in which such chickens or ducks are kept. The pen, coop or house shall be large enough to provide adequate access for cleaning and egg collecting.
 - (6) Pens, coops or houses shall be suitably screened from the view of surrounding residences and surrounding streets by a fence or by shrubs, unless said pen, coop or house is located in such a manner as not to be visible from the surrounding residences and streets.
 - (7) Chickens and ducks shall be confined at all times to the property on which they are kept, possessed or maintained.
 - (8) Any chickens or ducks maintained, housed or possessed and all eggs produced from said chickens or ducks shall be for the sole use and consumption of the homeowner or tenant in possession and shall not be offered for resale.
 - (9) In no instance will roosters be permitted.

§ 78-26. Additional requirements.

All structures in which pigeons, chickens and ducks are kept are considered accessory structures and shall require all necessary permits.

§ 78-27. through § 78-28. (Reserved)

§ 78-29. Penalties for offenses.

Except as otherwise provided in this article, any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine of up to five hundred (\$500.) dollars for the first offense, not less than two hundred and fifty (\$250.) dollars nor more than one thousand (\$1,000.) dollars for the second offense, and not less than seven hundred and fifty (\$750.) dollars nor more than two thousand five hundred (\$2,500.) dollars for the third and subsequent offense committed within eighteen (18) months of the first offense.

Article V. Prohibited Animals

[Added 4-24-2007 by L.L. No. 12-2007; amended 12-14-2010 by L.L. No. 30-2010]

§ 78-30. Prohibition and Exemptions

- A. No person shall knowingly own, possess, harbor or maintain a wild or dangerous animal as set forth in §11-0103(6)(e) of the Environmental Conservation Law, and any amendment or successor law.
- B. The provisions of this Article shall not apply to any duly-licensed and established research facility; animal or veterinary health care facility; zoo; circus; wildlife exhibit; animal show or other amusement or event for which a valid permit has been obtained; or for the transportation of such animals to or through the Town for participation in the activities delineated under this section.

§ 78-31. through § 78-32. (Reserved)

§ 78-33. Seizure of Animals.

Any police officer, peace officer or animal control officer is authorized to seize any animal owned, possessed, harbored, maintained or running at large in violation of this Article. Every animal seized shall be properly fed and cared for.

§ 78-34. Penalties for Offenses

Any person who violates any provision of this Article shall be guilty of a violation and shall be held liable on conviction thereof to a fine or penalty of not less than five hundred (\$500.) dollars for each animal nor more than five thousand (\$5,000.) dollars for a conviction of a first offense; upon conviction of a second offense committed within a period of five years of the first offense, a total of not less than one thousand (\$1,000.) dollars nor more than ten thousand (\$10,000.) dollars; and upon conviction of a third or subsequent violation where the offense is committed within a period of five (5) years of the first and second offense, said offense shall constitute a misdemeanor punishable by a fine of not less than one thousand five hundred (\$1,500.) dollars nor more than fifteen thousand (\$15,000.) dollars, or imprisonment not to exceed six (6) months or both.

Article VI. Disposal of Dead Animals

[Amended 8-11-1992 by L.L. No. 4-1992; 9-13-1994 by L.L. No. 8-1994; 4-16-2002 by L.L. No. 11-2002; 12-16-2003 by L.L. No. 39-2003; 4-24-2007 by L.L. No. 12-2007; 11-5-2008 by L.L. No. 32-2008; 12-14-2010 by L.L. No. 30-2010]

§ 78-35. Disposal by cremation.

No dead animal or other biological tissue shall be disposed of in the Town of Huntington by any means other than cremation in an approved facility. All cremation shall be performed at the crematorium owned and operated by the Town of Huntington or at licensed facilities providing equal crematory services.

§ 78-36. Transportation of dead animals.

The commercial transport of dead animals or biological tissue waste within the Town of Huntington shall be conducted according to the following standards:

- A. Containers shall be leakproof or of impervious material, closed to prevent escape of any material or odor, carried in suitable closed vehicles and protected against vermin, insects, tampering or other intrusion.
- B. Such commercial service shall comply with all regulations with respect to crematory services, hours of delivery and all other requirements as shall be deemed necessary or proper by the Director of the Department of Environmental Waste Management of the Town of Huntington.

§ 78-37. Fees.

- A. The fees for euthanization shall be as follows:
 - (1) For each dog: included in surrender fee.
 - (2) For each cat: included in surrender fee.
 - (3) For each litter of newborn kittens or pups: ten (\$10.) dollars.
- B. The fees for cremation services shall be as follows:
 - (1) For each dog: thirty (\$30) dollars.
 - (2) For each cat: twenty (\$20) dollars.
 - (3) For each litter of kittens and pups: twenty (\$20) dollars.
 - (4) Other small animals, each under fifty (50) pounds twenty (\$20) dollars per animal.
- C. The Director of Public Safety may, from time to time, recommend changes in the fees to the Town Board.

§ 78-38. Burial in cemeteries.

No dead animals shall be buried within the Town of Huntington except at a duly authorized and regulated animal cemetery.

§ 78-39. (Reserved)

§ 78-40. Penalties for offenses.

Any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine of up to five hundred (\$500.) dollars for the first offense, not less than two hundred and fifty (\$250.) dollars nor more than one thousand (\$1,000.) dollars for the second offense, and not less than seven hundred and fifty (\$750.) dollars nor more than two thousand five hundred (\$2,500.) dollars for the third and subsequent offense committed within eighteen (18) months of the first offense.