

## NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Babylon, County of Suffolk, State of New York, at a regular meeting thereof held on the 15th day of February, 2023 duly adopted a resolution, an abstract of which is as follows:

### RESOLUTION NO. 116 FEBRUARY 15, 2022 ADOPTING LOCAL LAW 5 OF 2023 AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 106 (DOGS AND OTHER ANIMALS)

WHEREAS, the Town Board of the Town of Babylon seeks to adopt a local law amending the Town Code so as to limit the manner and length of time in which dogs may be restrained outdoors; and

WHEREAS, the Town Board of the Town of Babylon duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst NY 11757 and on the 1st day of February, 2023 upon the question of the enactment of Local Law No. 5 of 2023 of the Town of Babylon, Suffolk County, New York, being such a local law; and

WHEREAS, in accordance with Part 617.5(c)(26), State Environmental Quality Review (SEQR), the adoption of this local law is classified a Type II Action and not subject to environmental review under SEQR; and

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon, that Local Law 5 of 2023 of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and is effective upon its filing with the New York State Department of State:

### LOCAL LAW 5 OF 2023 AMENDING THE CODE OF THE TOWN OF BABYLON

AMEND as follows:

#### CHAPTER 106 DOGS AND OTHER ANIMALS ARTICLE I DOGS

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#### § 106-3. ~~Licensing; running Dogs at large~~

[Amended 7-7-1970; 11-20-1979 by Res. No. 3; 10-21-2003 by L.L. No. 27-2003; 8-16-2011 by L.L. No. 15-2011]

~~It shall be a violation, punishable as provided in § 106-9 of this article, for any person owning, harboring, possessing or having care or custody or responsibility for any dog~~

- A. ~~Which is not licensed;~~
- B. ~~To affix to any dog any false or improper identification or purebred license tag;~~
- C. ~~Which is not securely confined or which is running loose or at large upon any public highway, sidewalk or other public place in the Town, or upon the premises of another without the knowledge or consent of the owner or inhabitant of said premises. There shall be a rebuttable presumption that a dog running loose or at large on the premises of another does so without the knowledge or consent of the owner of said premises.~~
  - A. ~~Dogs at large prohibited; restraining dogs~~
    - (1) ~~It shall be a violation of this section for any owner to permit a dog, whether licensed or unlicensed, to be at large within the Town other than on the owner's premises. For purposes of this section, a dog on a leash of six feet or more shall be considered a "dog at large."~~
    - (2) ~~No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to a stationary object outdoors, or cause such animal to be so restrained, for longer than one continuous hour in any continuous twelve-hour period.~~
    - (3) ~~Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash.~~
    - (4) ~~Any person who tethers, leashes, fastens, secures, restrains, chains or ties a dog to a stationary object outdoors shall provide such animal with adequate food, water and shelter, and shall restrain the dog with a device having swivels at both ends that is of an adequate length for the type, age and size of the dog being restrained; provided, however, that the requirement to provide adequate food, water and shelter shall not apply to a person who restrains a dog for a period of time that is 15 minutes or less in duration.~~
  - B. ~~Notwithstanding the provisions of this section, no person shall tether leash, fasten, chain, tie, secure or restrain any dog for any amount of time with a device that:~~
    - (1) ~~Is a choke collar or pinch collar; or similar collar that restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog which may cause choking or substantial discomfort to the dog;~~
    - (2) ~~Is embedded, partially embedded or may become embedded in the dog's skin;~~
    - (3) ~~Weights more than 1/8 of the dog's total body weight, but in no event shall such weight exceed 10 pounds;~~
    - (4) ~~Is less than 10 feet in length for a running cable trolley and 15 feet in length for a tether to a stationary object;~~
    - (5) ~~Is too short to allow the dog continuous access to adequate food, water, and shelter or to urinate or defecate in an area separate from where it must eat, drink, or lie down;~~

- (6) Is not designed for dogs;
  - (7) Has weights attached or contains links that are more than one-quarter-inch thick;
  - (8) Because of its design or placement is likely to become entangled around itself, the dog, objects or other animals;
  - (9) Is long enough to allow the animal to move outside of its owner's property; and
  - (10) Would allow the restrained animal to move over an object, including but not limited to any type of fencing or barrier or edge that could result in the strangulation of or injury to such animal.
- C. Notwithstanding the provisions of this section, any tether, leash, fastener, chain, tie, or restraint shall be attached to a properly fitting collar or harness designed for this purpose worn by the dog, with enough room between the collar and the dog's throat through which two adult fingers may fit; provided, however, that such collar or harness is in compliance with subdivision B(1) above.
  - D. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain any dog for any amount of time if such dog is less than six months of age, sick or injured, or a nursing mother whose offspring is present.
  - E. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain more than one dog at a time on a permissible device.
  - F. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, secure, restrain, chain, tie, pen or otherwise confine a dog outdoors for more than 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 potable water or such other circumstances, such as a weather advisory by any federal, state, county, or town government or as reasonably may be expected to cause suffering, disability or death. It shall be a rebuttable presumption that any temperature below 32° F. or above 90° F. constitutes inclement weather.
  - G. Notwithstanding the provisions of this section, no person shall allow a tethered, leashed, fastened, chained, tied, secured or restrained dog to be taunted, prod, hit, harassed, threatened, attacked or otherwise harmed by humans or other animals.
  - H. Upon a finding of any violation(s) of this section, any dog seized pursuant to the provisions of this chapter or any other state or federal law, shall be returned to the owner or custodian only upon proof that the violation(s) have been cured.
  - I. Violations of this section may be supported by evidence, including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.
  - J. The provisions of this section shall not be construed to prohibit the department, the American Society for the Prevention of Cruelty to Animals, the Suffolk County Society for the Prevention of Cruelty to Animals or any law enforcement officer or peace officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.
  - K. The provisions of Subsection A of this section shall not apply to the officers or employees of any federal, state or city law enforcement agency using dogs in the scope of their employment.
  - L. Nothing in this section shall be construed to affect any other protections afforded to animals under any provision of law, including, but not limited to, the requirement of adequate shelter pursuant to § 353-b of the New York State Agriculture and Markets Law.
  - M. If any clause, sentence, paragraph, subdivision, or part of this section, or the application thereof to a particular person, animal or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this section directly involved in the controversy in which such judgment shall have been rendered.

**§ 106-4. Seizure of dogs at large.**

[Amended 4-19-1983 by Res. No. 2; 8-16-2011 by L.L. No. 15-2011; 1-24-2012 by L.L. No. 1-2012]

- A. Animal Control Officers of the Town shall be and are hereby authorized and directed to seize all dogs:
  - (1) Whether or not tagged or licensed, not restrained by a leash, found off the owner's premises and to confine same at the Town shelter.
  - (2) Which are not licensed, whether on or off the owner's premises, pursuant to Article 7 of the New York State Agriculture and Markets Law Article-7, and to confine same at the Town shelter.
- B. Dogs seized and confined to the Town shelter shall be held prior to euthanasia as set forth in Article 7 of the New York State Agriculture and Markets Law.

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**§ 106-7. Licensing of dogs.**

[Added 11-20-1979 by Res. No. 3; amended 7-18-2006 by L.L. No. 20-2006]

- A. Every dog, regardless of age, owned or kept, harbored, housed, sheltered or lodged in the Town of Babylon must be licensed with the Town of Babylon. A license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.
- B. The owner, lessee, occupant or person in charge of any property in the Town of Babylon upon which a dog is kept, harbored, housed, sheltered or lodged is guilty of a violation if said dog is not licensed, regardless of the ownership of the dog.
- C. It shall likewise be a violation to affix to any dog a false or improper identification or purebred license tag.

- B. D. The Town Clerk shall thereafter be authorized to appoint a superior Dog Control Officer as an assistant in the issuance of said dog licenses. The issuance of any license by such officer shall be under the control and supervision of the Town Clerk.

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**ARTICLE II  
ANIMALS AND FOWL**

**§ 106-11. Tethering or leashing of animals.**

- A. No person shall allow any horse, cattle, swine, goat, ~~dog~~ or other animal, owned, possessed, kept or harbored by him to be on or at any highway, street, sidewalk or other public place or off the land or premises of the owner or person keeping, possessing or harboring such animal, unless such animal is tethered or leashed and under the full and immediate control of the person owning, possessing, keeping or harboring it.
- B. ~~The provisions of this section shall not apply to dogs used by the owners thereof or with the consent of the owners thereof, for purposes of lawfully hunting game during the seasons prescribed therefor by the laws of the United States of America and the State of New York.~~

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ADDITIONS ARE INDICATED BY UNDERLINE  
DELETIONS ARE INDICATED BY ~~STRIKETHROUGH~~ or [ ]

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Dated: February 15, 2023, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON  
GERALDINE COMPITELLO, TOWN CLERK