

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2015**

**A LOCAL LAW ESTABLISHING CHAPTER 62 OF
THE TOWN CODE ENTITLED “UNATTENDED ANIMALS”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Town Board of the Town of North Hempstead finds that leaving pets inside overheated vehicles on hot days can result in suffering and even death of an animal. The Board thus finds that it is in the best interests of the Town to increase awareness of these dangers by establishing regulations making it a violation for pet owners to leave dogs and other animals unattended in their vehicles for a prolonged period of time without sufficient ventilation or water.

Section 2.

Chapter 62 of the Town Code is hereby established as follows:

Chapter 62. Unattended Animals

§62-1. Definitions.

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

AGRICULTURE AND MARKETS LAW

The Agriculture and Markets Law of the State of New York in effect as of the effective date of this chapter and as amended thereafter.

ANIMAL

All species of mammals except humans, as well as all species of birds.

ANIMAL WARDEN

An individual appointed by the Town Board of the Town of North Hempstead to assist in the enforcement of this chapter.

DIRECTOR OF THE ANIMAL SHELTER

The person appointed by the Town Board of the Town of North Hempstead to act as administrative officer of the Town of North Hempstead Animal Shelter.

ENFORCEMENT OFFICER

Any peace officer, police officer, public safety officer of Town of North Hempstead, Code Enforcement Officer of Town North Hempstead, Animal Warden of Town of North Hempstead or Dog Control Officer of Town of North Hempstead.

HARBOR

To provide food or shelter to any animal.

PERSON

Any individual, firm, partnership, unincorporated association, corporation or any other legal entity.

TOWN

The unincorporated areas of the Town of North Hempstead.

VEHICLE

A motor vehicle as defined in § 125 of the Vehicle and Traffic Law of the State of New York, or a trailer as defined in § 156 of such law.

§62-2. Violation.

It shall be a violation of this section for any person to place or confine an animal or permit such animal to be placed or confined or remain in an unattended vehicle without sufficient ventilation or under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as reasonably may be expected to cause suffering, disability or death.

§62-3. Enforcement; right of entry.

Any Enforcement Officer who finds an animal in a vehicle in violation of section 62-2 hereof may enter such vehicle, without civil or criminal liability, to remove the animal. The Enforcement Officer removing the animal shall take said animal or cause said animal to be delivered to the Town of North Hempstead Animal Shelter or, should the Enforcement Officer determine that the animal requires medical attention, to a veterinary facility.

§62-4. Notice.

In the event that the owner or custodian of said animal cannot otherwise be located, the Enforcement Officer shall leave in a prominent place on or in the vehicle a written notice bearing his name and department and the address where the animal may be claimed by the owner thereof. The Town of North Hempstead shall make reasonable efforts to contact the owner and give notice that the animal is in custody. The animal shall be returned to the

owner if the owner claims the animal within ten (10) days from the time the animal was removed from the vehicle and pays all reasonable charges which have accrued for the maintenance of the animal. If the owner of the animal does not claim the animal within the specified time, the Town of North Hempstead animal shelter may place the animal for adoption in accordance with the provisions of this chapter and the Agriculture and Markets Law of the State of New York.

§62-5. Issuance of Appearance Tickets.

- (a) An Enforcement Officer observing a violation of this chapter shall issue and serve an appearance ticket for such violation upon the driver of the vehicle in which such animal is confined or, if the driver of the vehicle is not present, the owner, lessee or registrant of the vehicle in which such animal is confined. The appearance ticket shall be in the form prescribed and in accordance with the provisions of the Agriculture and Markets Law and the Criminal Procedure Law.
- (b) Any person observing a violation of this chapter may personally appear at the department of Public Safety, the nearest police precinct or the office of the Town Attorney and report such violation. Said person may also sign and swear to the appropriate accusatory instrument as required by law and thereby commence prosecution of the alleged violator.

§62-6. Penalties for offenses.

Any person who shall violate any provision of this chapter shall be guilty of a violation punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both. Each day of continued violation shall constitute a separate additional violation.

§62-7. Exemptions.

- (a) This chapter will not apply to animals that are in a peace officer's or animal control officer's vehicle while such officers are engaged in their regularly assigned duties.
- (b) Nothing in this chapter shall be construed so as to prohibit the transportation of horses, cattle, sheep, poultry other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

§62-8. Severability.

If any section, provision or part thereof in this chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of this chapter as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.