

October 20, 2020
Resolution # 2

WHEREAS, the Department of Environmental Control has reviewed Chapter 12 of the Islip Town Code to ensure compliance with Article 7 of the Agriculture and Markets Law; and

WHEREAS, certain modifications are also deemed necessary to portions of the Islip Town Code, Chapter 12: Animals, Article V. Penalties §12-34, entitled “Penalties for offenses”, in order to properly prosecute and fine such violations under penal law; and

WHEREAS, the Commissioner of Environmental Control has recommended these modifications to Chapter 12 to ensure the health, safety and welfare of animals within the Town of Islip.

WHEREAS, a Public Hearing was held on October 20, 2020 to consider enacting Local Law No. 3 of 2020 amending Chapter 12: Animals, Article I. General §12-2, entitled “Leash for dogs at large required”, and Regulation of Dogs, §12-4 of the Islip Town Code entitled “Nuisances,” Article IV. Equine Livestock, Pigeons and Poultry, §12-27(A)(12), entitled “Keeping, possessing and maintaining of equine livestock”, Article V. Penalties, §12-34, entitled “Penalties for offenses”, and §12-35, entitled “Severability”.

NOW, THEREFORE, on a motion of Councilperson Trish Bergin,
seconded by Councilperson John C. Cochrane, Jr, be it

RESOLVED, that the Town is hereby authorized to enact Local Law No. 3
of 2020 amending Islip Town Code, Chapter 12: Animals.

Upon a vote being taken the result was: carried 5-0

CHAPTER 12: ANIMALS

Article I. General Regulation of Dogs

§12-2 Leash for dogs at large required

[Amended 7-1-1975; 1-4-1977]

A. It shall be unlawful ~~and an infraction~~ hereunder for any owner of any dog to allow such dog, whether licensed or unlicensed, to be at large within the Town.

§ 12-4 Nuisances.

[Amended 7-1-1975; 11-30-2010 by L.L. No. 12-2010]

No person owning, harboring, keeping, or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on, or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or on any public property whatsoever, or on any private property without the permission of the owner of said property. ~~The restriction in this section shall not apply to that portion of a street lying between the curblines.~~

Article IV. Equine Livestock, Pigeons and Poultry

§12-27 Keeping, possessing and maintaining of equine livestock

(A)(12) The property owner of equine livestock is able to produce, upon demand, a valid permit for each head of equine livestock. A permit for each head of equine livestock must be obtained from the Building Director of the Department of Planning and Development of the Town of Islip for a fee to be determined by the Commissioner and shall be valid for a two-year period running from the date of issuance. [Amended 9-12-2000]

Article V. Penalties

§ 12-34 Penalties for offenses.

A. A person violating any provision of Chapter 12, Articles I and/or II shall be guilty of an offense and, shall be a violation, punishable by: a fine not exceeding \$500 or imprisonment for up to 30 days, or both by such fine and imprisonment.

1. For a first offense, a fine of not less than \$25 and not exceeding \$300 or by imprisonment for a period not to exceed 15 days, or both.

2. For any second conviction, committed within a period of five years of the first conviction, such violation will be subject to a fine of not less than \$50 nor more than \$300 or by imprisonment for a period not to exceed 15 days, or both.

3. For a third or subsequent offense, after having been convicted two or more times within a period of five years, a fine of not less than \$200 and a maximum fine of \$500 or by imprisonment for a period not to exceed 15 days.

B. Any person who violates a provision of Chapter 12, Articles III and/or IV shall be guilty of a violation, punishable by:

1. For a first offense, a fine of not less than \$50 and not exceeding \$500 or by imprisonment for a period not to exceed 15 days, or both.

2. For any second conviction, committed within a period of five years of the first conviction, such violation will be subject to a fine of not less than \$100 nor more than \$500 or by imprisonment for a period not to exceed 15 days, or both.

3. For a third or subsequent offense, after having been convicted two or more times within a period of five years, a fine of not less than \$200 and a maximum fine of \$500 or by imprisonment for a period not to exceed 15 days.

§ 12-35 Severability.

If any article, section, subsection, subdivision, paragraph, sentence, phrase, clause, word or portion of this chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this chapter.