

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**County**

**City**

of Rockville Centre

**Town**

**Village**

**Local Law No. 9 of the year 2010**

**A local law to regulate the ownership and possession of certain animals in the**

*(Insert Title)*

**Village of Rockville Centre.**

**Be it enacted by the Board of Trustees of the**  
*(Name of Legislative Body)*

**County**

**City**

of Rockville Centre **as follows:**

**Town**

**Village**

Section one. Chapter 87 of the Code of the Village of Rockville Centre is hereby amended, by adding thereto a new article, to be Article I-A, to read as follows:

"Article I-A. Certain Dogs Prohibited.

§87-1.2 Pit bulls and Rottweilers prohibited.

**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

A. Except as otherwise expressly provided herein, it shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell any pit bull or Rottweiler within the Village.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

(1) KEEPER -- Any person who possesses, keeps, exercises control over, maintains, harbors, transports or sells a pit bull or Rottweiler, whether or not that person is the owner.

(2) OWNER -- Any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells a pit bull or Rottweiler.

(3) PIT BULL -- Any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier; or any dog of mixed breed displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds, the characteristics being identifiable even if there are technical deficiencies in any particular dog's conformance thereto; or any dog identifiable by a licensed veterinarian, animal control officer or any other knowledgeable person whose identification is deemed credible by the Building Inspector or the Animal Control Officer, as having any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier as any element of its breeding.

(4) ROTTWEILER -- any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for this breed, the characteristics being identifiable even if there are technical deficiencies in any particular dog's conformance thereto; or any dog identifiable by a licensed veterinarian, animal control officer or any other knowledgeable person whose identification is deemed credible by the Building Inspector or Animal Control Officer as having Rottweiler as the major element of its breeding,

(5) SECURE TEMPORARY ENCLOSURE -- A secure enclosure used for purposes of transporting a pit bull or Rottweiler and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the pit bull or Rottweiler. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull or Rottweiler cannot exit the enclosure on its own.

C. Exceptions. The prohibition of this section shall not apply in the following enumerated circumstances.

(1) Any person who is the owner or keeper of a pit bull or Rottweiler in the Village on the effective date of this section may apply for a pit bull or Rottweiler license for each such pit bull or Rottweiler, to be renewed annually on or before the first day of

July in each year. Such application shall be subject to a fee as determined by the Board of Trustees. No pit bull or Rottweiler licenses will be issued with respect to any other pit bull or Rottweiler. Any owner or keeper who has applied for and received a pit bull or Rottweiler license in accordance with this section, and who maintains the pit bull or Rottweiler at all times in compliance with the pit bull or Rottweiler license requirements of this section and all other applicable requirements of law, may keep such licensed pit bull or Rottweiler within the Village during the term of such permit.

(2) Any veterinarian or animal hospital, or animal grooming business, lawfully doing business in the Village may temporarily harbor and transport any pit bull or Rottweiler for the purposes of veterinarian treatment or grooming of such pit bull or Rottweiler.

(3) Any person may transport a pit bull or Rottweiler through the Village while in continuous transit between a location outside the Village and another location outside the Village, or between a location outside the Village and a location in the Village where such pit bull or Rottweiler is permitted to be kept, provided that the pit bull or Rottweiler is sufficiently secured and remains within the vehicle transporting the pit bull or Rottweiler during such transport.

(4) Any animal shelter authorized by the Village or having authority to harbor and/or transport any animal to, from or in the Village may temporarily harbor and transport any pit bull or Rottweiler for purposes of enforcing the provisions of this section.

(5) Any humane society operating an animal shelter which is registered and licensed by the Village may temporarily hold any pit bull or Rottweiler that it has received or otherwise recovered, but only for so long as it takes to contact a municipal animal shelter and either turn the pit bull or Rottweiler over to the municipal animal shelter or receive permission to destroy or have destroyed the pit bull or Rottweiler pursuant to the provisions of this section.

(6) A person may temporarily transport into and hold in the Village a pit bull or Rottweiler only for the purpose of showing such pit bull or Rottweiler in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the Board of Trustees in advance of such event, must obtain any other permits or licenses required by law, and must provide protective measures adequate to prevent pit bulls or Rottweilers from escaping or injuring the public. The person who transports and holds a pit bull or Rottweiler for showing shall, at all times when the pit bull or Rottweiler is being transported within the Village to and from the place of exhibition, contest, or show, keep the pit bull or Rottweiler confined in a "secure temporary enclosure," as defined in this section.

(7) Failure by an owner or keeper to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull or Rottweiler to

immediate impoundment and/or disposal pursuant to this section and shall operate to prevent the owner or keeper from asserting such exception as a defense in any prosecution under this section.

D. Pit bull or Rottweiler license requirements. The owner or keeper of any pit bull or Rottweiler who may apply for an annual pit bull or Rottweiler license pursuant to this section shall at the time of application for the annual pit bull or Rottweiler license comply with or otherwise provide sufficient evidence that the owner or keeper is in compliance with all of the following regulations:

(1) The owner or keeper of the pit bull or Rottweiler shall keep current the license for such pit bull or Rottweiler through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license. A pit bull or Rottweiler license tag will be issued to the owner or keeper at the time of issuance of the license. Such license tag shall be attached to the pit bull or Rottweiler by means of a collar or harness and shall not be attached to any pit bull or Rottweiler other than the pit bull or Rottweiler for which the license was issued. If the pit bull or Rottweiler tag is lost or destroyed, a duplicate tag may be issued upon the payment of a fee established by the Board of Trustees.

(2) The owner or keeper must be at least 21 years of age.

(3) At the time of application for such license or renewal thereof, the owner or keeper shall present to the Village Clerk proof that the owner or keeper has procured liability insurance in the amount of at least \$100,000, covering any damage or injury which may be caused by the pit bull or Rottweiler during the twelve-month period covered by the pit bull or Rottweiler license. The policy shall contain a provision requiring the insurance company to provide written notice to the Village Clerk not less than 15 days prior to any termination of the policy and not less than five days subsequent to cancellation or expiration of the policy.

(4) The owner or keeper, at the owner's or keeper's own expense shall have had the pit bull or Rottweiler spayed or neutered and shall present to the Village documentary proof from a licensed veterinarian that this sterilization has been performed. This requirement shall be waived upon a written statement from a licensed veterinarian that the procedure should not or cannot be performed for reasons of the health or age of the animal.

(5) The Village Clerk shall maintain a file containing the license numbers, pit bull or Rottweiler tag numbers, and the names and addresses of the owner or keepers. The owner or keeper shall notify the Village Clerk in writing of any change of address, or change of location where the licensed pit bull or Rottweiler is being harbored or kept.

(6) At all times when a pit bull or Rottweiler is at the property of the owner or keeper, the owner or keeper shall keep the pit bull or Rottweiler confined, either in a secure, temporary enclosure, or within the premises of the owner or keeper, or within a

fenced enclosure from which the dog cannot escape. At all times when a pit bull or Rottweiler is away from the property of the owner or keeper, the owner or keeper shall keep the pit bull or Rottweiler either securely leashed and muzzled, or in a "secure temporary enclosure," as that term is defined in this section.

(7) The owner or keeper shall notify the Village Clerk within five days in the event that the pit bull or Rottweiler is lost, stolen, dies, or has a litter. In the event of a litter, the owner or keeper must deliver the puppies to a municipally authorized animal shelter, or otherwise permanently remove the puppies from the Village, and provide the Village Clerk with sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner or keeper be allowed to keep in the Village a pit bull or Rottweiler puppy born after the effective date of this section and which is more than eight weeks old. Any pit bull or Rottweiler puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to this section.

(8) The owner or keeper shall have posted at each possible entrance to the owner or keeper's property where the pit bull or Rottweiler is kept a conspicuous and clearly legible pit bull or Rottweiler sign. Such pit bull or Rottweiler sign must be at least eight inches by 10 inches in rectangular dimensions and shall contain only the words "PIT BULL DOG" or "ROTTWEILER DOG" in lettering not less than two inches in height.

E. Impoundment and disposal of unlicensed pit bull or Rottweiler. Notwithstanding any provisions of this chapter, a police officer, the Building Inspector, or an authorized Animal Control Officer, or the authorized designee of such person, is authorized to immediately impound any pit bull or Rottweiler found in the Village which is not licensed pursuant to this section, or does not fall within the exceptions listed in this section, and arrange for such pit bull or Rottweiler to be transported to an authorized animal shelter. Such animal shelter may house or dispose of such pit bull or Rottweiler in such manner as animal shelter may deem appropriate, except as the procedures in paragraph F of this section otherwise require.

F. Appeal procedure; Pit bull or Rottweiler classification.

(1) When a police officer, or the Building Inspector or an Animal Control Officer has impounded any pit bull or Rottweiler dog pursuant to this section, and the owner or keeper of such dog disputes the classification of such dog as a pit bull or Rottweiler, the owner or keeper of such dog may appeal the decision by filing a written petition with the Village Clerk for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The Village Clerk will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than 10 days prior to the date of the hearing. Where the Village Clerk receives no written request from the owner or keeper for a hearing within seven days of impoundment, the pit bull or Rottweiler shall be destroyed or otherwise disposed of by the animal shelter..

(2) The hearing, if any, will be held before the Village Administrator. Any facts which the petitioner wishes to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. The Village Administrator shall make a final determination whether the dog is a pit bull or Rottweiler as defined in this section. Such final determination shall be considered a final order subject to review pursuant to Article 78 of the New York Civil Practice Law and Rules.

(3) If the dog is found to be a pit bull or Rottweiler, it shall be destroyed, unless the owner or keeper produces evidence deemed sufficient by the Village Administrator that the pit bull or Rottweiler is to be permanently taken out of the Village and the owner or keeper pays the cost of impoundment. If the dog is found not to be a pit bull or Rottweiler, the dog shall be released to the owner or keeper, with no impoundment fees imposed, unless the animal was impounded as a result of being at large. The procedures in this paragraph F shall not apply, and the owner or keeper is not entitled to such a hearing, with respect to any dog which was impounded as the immediate result of an attack or bite. In those instances, the dog shall be handled pursuant to the provisions of the Village Code with respect to dangerous and/or vicious animals.

G. Enforcement and penalties.

(1) Upon warrant duly issued by a court of appropriate jurisdiction, or as otherwise authorized by law, a police officer, the Building Inspector or an authorized Animal Control Officer may enter any residence or business for the enforcement of this section.

(3) Any pit bull or Rottweiler which is neither licensed pursuant to this section, nor otherwise permitted to be within the Village pursuant to this section, or is found at large, is subject to immediate impoundment.

(4) The owner or keeper of any pit bull or Rottweiler which is exempted from the prohibition of this section, and who is found to have violated any provision of this section, shall be subject on a first offense to a fine of not more than \$250; on a second offense to a fine of not more than \$500; and on a third offense to a fine of not more than \$1,000.

(5) The owner or keeper of any pit bull or Rottweiler which is not exempted from the prohibition of this section, and who is found to have violated any provisions of this section, shall on a first offense be subject to a fine of not more than \$500; on a second or subsequent offense to a fine of not more than \$1,000; and the dog shall be subject to immediate impoundment pursuant to paragraph E of this section.

(6) In addition to, or in lieu of, any other penalty provided by law, any owner or keeper who is found to have violated any part of this section shall be subject to a term of imprisonment of not more than 15 days.

(7) The penalties provided herein shall be in addition to any other penalties provided by law."

Section two. Severability. In the event that any provision of this law shall be determined by a court of appropriate jurisdiction to be illegal or otherwise unenforceable, then only that particular provision shall not be enforced, and all other provisions of this law shall remain in full force and effect.

Section three. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

(Name of Legislative Body)  
I hereby certify that the local law annexed hereto, designated as local law No. 9 of 2010 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on June 8, 2010, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**5. (City local law concerning Charter revision proposed by petition.)**

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\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_20\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_1\_\_, above.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body.

(Seal)

Date: June 8, 2010

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

Village Attorney  
Title

County

City

of Rockville Centre

Town

Village

Date: June 8, 2010