

PROPOSED LOCAL LAW -2021

A LOCAL LAW TO ESTABLISH THE DANGEROUS DOG REGISTRY AND TO REQUIRE CERTAIN NOTICE WITH RESPECT THERETO

WHEREAS, there are numerous Nassau County residents who own dogs; and

WHEREAS, the vast majority of these dogs pose no harm to fellow animals and people, and greatly enhance the lives of their owners and everyone they encounter; and

WHEREAS, unfortunately, there are incidents where dogs attack or threaten to attack other dogs or people, causing pain and potential injury; and

WHEREAS, pursuant to New York State Agriculture and Markets Law § 123, a court may judicially determine that a dog is a “dangerous dog” if it has been involved in an attack or a threatened attack; and

WHEREAS, such determination triggers certain statutory requirements, such as microchipping and spaying or neutering, and ultimately allows the court to evaluate and decide whether a dog should be euthanized or permanently confined; and

WHEREAS, Nassau County residents should be aware of these dogs and where they are housed; and

WHEREAS, to keep the public sufficiently informed, this Legislature wishes to establish a Dangerous Dog Registry and certain notice requirements; NOW, THEREFORE

BE IT ENACTED by the County Legislature of the County of Nassau County as follows:

Section 1. Title XX is added to the Miscellaneous Laws of Nassau County as follows:

Title XX
Benny’s Law

§ 1. Short title. This law shall be known as Benny’s Law.

§ 2. Registry of Dangerous Dog Determinations

a. The Nassau County Police Department is hereby authorized, empowered and directed to contract with the Nassau County Society for the Prevention of Cruelty to Animals to create and maintain an online registry that shall list all dogs housed in Nassau County that have been judicially deemed “dangerous dogs” pursuant to New York State Agriculture and Markets Law § 123, and shall include the judicial order rendering such a determination. The following information shall be listed with regard to “dangerous dogs”: the address where the “dangerous dog” is housed, the date of the event that led to the court’s “dangerous dog” determination, the duration of the “dangerous dog” designation, and the “dangerous dog’s” breed, gender, weight, age and color. Further, upon the judicial determination that a dog housed in Nassau County is deemed “dangerous,” or upon the entrance of a dog into Nassau County that has been deemed “dangerous” by a court of competent jurisdiction, its owner shall register the dog with the Nassau County Society for the Prevention of Cruelty to Animals and shall provide to the Nassau County Society for the Prevention of Cruelty to Animals all information required to be posted by this Local Law.

§ 3. Notice Requirements.

a. For any judicial determination that a dog housed in Nassau County is deemed “dangerous”, the Nassau County Society for the Prevention of Cruelty to Animals shall provide to the owner of such dog a copy of this Local Law, a copy of the notice and affidavit described in §3(b) of this Local Law, a listing of businesses and services that can assist with the identification of addresses

within a one thousand foot radius of the home address of the “dangerous dog” and an explanation of the owner’s obligations pursuant to this Local Law.

- b. Not more than ten business days after notification to the owner of a “dangerous dog” by the Nassau County Society for the Prevention of Cruelty to Animals pursuant to §3(a) of this Local Law, its owner shall mail the judicial determination and a notice to all addresses within a one thousand feet radius of his or her residence that states the following: “This notice is mailed pursuant to Title XX of the Miscellaneous Laws of Nassau County to inform you that the dog housed at (address) was judicially determined to be a ‘dangerous dog’ pursuant to New York State Agriculture and Markets Law § 123.” The “dangerous dog” owner shall submit a signed and notarized affidavit verifying that the notice has been mailed to the residences required pursuant to this section to the Nassau County Society for the Prevention of Cruelty to Animals. Said affidavit shall be posted onto the website required by section 2(a) of this local law.

§ 4. Enforcement and Penalty.

- a. This Title shall be enforced by the Nassau County Police Department and the Nassau County Society for the Prevention of Cruelty to Animals.
- b. Any violation of this Title shall be punishable by a fine not exceeding \$500 for the violation. Each day or part of a day in which any such violation continues shall constitute a separate violation punishable by a fine not exceeding \$100 for the violation.

§ 2. Severability

If any section or subdivision of this title is held to be wholly or partially invalid by a final decree or a court of competent jurisdiction, the remainder of this title shall be valid, and no other section or subsection shall be deemed invalid.

§ 3. SEQRA Determination

If is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly is of a class of actions which do not have a significant effect on the environment, and no further review is required.

§ 4. Effective Date

This law shall take effect immediately.