

**Chapter 57**  
**ANIMAL CONTROL**

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**[IDSTORY: Adopted by the Board of Trustees of the Village of Sodus Point 11-19-1998 by L.L. No. 7-1998.<sup>1</sup> Amendments noted where applicable.]**

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**§ 57-1. Title.**

This chapter shall be known as the "Animal Control Law of the Village of Sodus Point, New York."

**§ 57-2. Legislative authority.**

This chapter is enacted pursuant to the provisions of § 124 of the Agriculture and Markets Law of the State of New York.

**§ 57-3. Purpose.**

The Village Board of the Village of Sodus Point has determined that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons and damaged property and have created nuisances within the village. The purpose of this chapter is to protect the health, safety and well-being of persons and property and to preserve public peace and good order in the village by establishing certain regulations and restrictions on the activities of dogs and the keeping of domestic animals that are consistent with the rights and privileges of other residents of the village.

**§ 57-4. Animal Control Officer.**

Pursuant to § 114 of the Agriculture and Markets Law, the Village Board of the Village of Sodus Point shall maintain its own Animal Control Officer or contract for animal control officer services with any other municipality or with any incorporated humane society or similar incorporated animal protective association. Such officer shall have the authority and powers

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<sup>1</sup> Editor's Note: This local law superseded former Ch. 57, Animals, which contained Art. I, Animals at Large, adopted 12-17-1958; Art. II, Pigs, adopted 12-17-1958; and Art. III, Dog Control, adopted 7-17-1997 by L.L. No. 2-1997.

that are set forth in § 114 of the Agriculture and Markets Law and shall be responsible for enforcing the Agriculture and Markets Law and this chapter.

**§ 57-5. Definitions.**

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

**CONTROL OFFICER** - A person or persons appointed by the Village of Sodus Point for the purpose of enforcing these regulations.

**DANGEROUS DOG** - Any dog which:

- A. Without justification attacks a person and causes physical injury or death; or
- B. Poses a serious and unjustified imminent threat of harm to one or more persons.

**DOG** - Any member of the species *Canis familiaris*, both male and female, licensed or unlicensed.

**DOMESTIC ANIMAL** - Any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer which is raised under license from the Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the State Department of Environmental Conservation before release from captivity.

**HARBOR** - To provide food or shelter to any dog or domestic animal.

**IDENTIFICATION TAG** - A tag which sets forth an official identification number as required by the provisions of the New York State Agriculture and Markets Law.

**LEASHED** - Restrained by a leash no greater than 12 feet in length, attached to a collar or harness of sufficient strength to restrain the dog or domestic animal and which shall be held by a person having the ability to control the animal at hand.

**OWNER** - Any person who keeps, harbors or has custody and control of a dog or domestic animal. Dogs or domestic animals owned by a minor shall be deemed to be in the custody and control of parents or other head of household where the minor resides. Any person harboring a dog or domestic animal for a period of one week shall be deemed the owner of the dog or domestic animal for the purpose of enforcing these regulations.

**RUN AT LARGE** - An unleashed dog or domestic animal off the premises of the owner.

**§ 57-6. Prohibited acts.**

- A. It shall be unlawful for any owner of a dog in the Village of Sodus Point to permit or allow such dog within the Village of Sodus Point to:
  - (1) Run at large.
  - (2) Be off the owner's property unless leashed.

- (3) Engage in habitual loud howling, barking or whining or conduct itself in such a manner as to annoy for a period of time in excess of 10 minutes any person other than that of the owner or harborer of such dog.
- (4) Cause damage or destruction to public or private property, defecate or otherwise commit a nuisance upon the property other than that of the owner or harborer of the dog.
- (5) Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- (6) Chase, leap on or otherwise harass bicycles or motor vehicles.
- (7) Kill or injure any dog, cat or other household pet.
- (8) Be unlicensed when six months old.
- (9) Not have a current and valid New York State identification tag on its collar while off the premises of the owner.
- (10) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property not belonging to the owner of such dog.

B. It shall be unlawful to harbor or maintain a domestic animal within the Village of Sodus Point.

**§ 57-7. Dangerous dogs.**

Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York shall be dealt with in accordance with Article 7 of said Agriculture and Markets Law.

**§ 57-8. Potentially rabid dogs.**

The Animal Control Officer or any peace officer is hereby authorized to seize or direct the confinement of any dog which is reported to have attacked or injured a human being. Any such dog shall be confined by the owner for such length of time as may be necessary for the purpose of determining whether such dog is affected by rabies, and, if so affected, it may be disposed of in accordance with the laws of New York State.

**§ 57-9. Complaint of violation; appearance tickets; enforcement; fees.**

- A. Any person who observes or has knowledge of anyone violating any provision of this chapter may file a signed complaint under oath with the Animal Control Officer, specifying the objectionable conduct, the date thereof, the description of the dog or domestic animal and the name and address, if known, of the owner or other person harboring said dog or domestic animal.

- B. Upon receipt by the Animal Control Officer of any such complaint, or in the event that any dog or domestic animal is found by the Animal Control Officer to be in violation of any provision of this chapter, the Animal Control Officer shall, if possible, seize and take into custody said dog or domestic animal and, in any event, issue or deliver to the owner of said dog or domestic animal an appearance ticket pursuant to § 114, Subdivision 4, of the Agriculture and Markets Law of the State of New York, detailing the violations and instructing the owner to appear before the Justice Court of the Village of Sodus Point, or to answer such appearance ticket by registered or certified mail, return receipt requested, within five days of the date of such violation. If said appearance ticket is disregarded by such person, the Animal Control Officer or complainant may file an information with said Court, which court shall then issue a warrant for the arrest of such person.
- C. The Sodus Point Police Department shall, along with the Animal Control Officer, be charged with the enforcement of this chapter. The Animal Control Officer shall report as needed to the Sodus Point Police Department.
- D. In the event that any dog or domestic animal has been seized or taken into custody by the Animal Control Officer, its owner shall be required to pay to the Village Clerk of the Village of Sodus Point the sum as set forth from time to time by resolution of the Village Board for each day during which said dog or domestic animal shall be boarded by the Animal Control Officer.

**§ 57-10. Penalties for offenses.**

Violations of this chapter shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both such fine and imprisonment.