

§ 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, other uncontrolled behavior of licensed and unlicensed dogs, and feeding of wildlife 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 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.

FOOD – Bread products, corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, feed, grain, vegetables, and commercially sold wildlife feed, or livestock feed, but excludes live naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground or are within reach of wildlife.

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, domestic or wild animal off the premises of the owner.

WILDLIFE – Undomesticated animals or **BIRDS** living in the wild.

§ 57-6. Prohibited acts.

A. It shall be unlawful for any owner of a dog or domestic animal in the Village of Sodus Point to permit or allow such dog or domestic animal 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, whining or likeness thereof, 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 harbinger of such dog or domestic animal.
- (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 harbinger 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, Injure, or continuously harass any dog, cat or domestic animal.
- (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.
- (11) Deposit waste or urinate on the private property of another who does not have knowledge of the dog's presence thereon and does not assent thereto.

B. It shall be unlawful to harbor or maintain a domestic animal within the Village of Sodus Point or to intentionally feed wildlife making food readily available for consumption on private or public property. A person shall be deemed to have purposely fed or caused wildlife to be fed if the person places food, as defined in this section, in any form, (not including live vegetation such as ornamental landscaping or flowers) on the ground, or within reach of wildlife. The provisions of this subsection shall be construed onto all persons and situations with the Village limits except as follows:

1. The placement of food into two or fewer feeders, on private property, kept at a minimum of 5 feet above the ground surface of which are intended for birds and constructed to do so; **BIRD FEEDERS SHALL NOT EXCEED EIGHTEEN (18) INCHES IN LENGTH, EIGHTEEN (18) INCHES IN WIDTH AND TWENTY FOUR (24) INCHES IN HEIGHT.**
2. Any time during which the animal control officer, veterinarian, peace officer, Village of Sodus Point employee, or federal or state wildlife official may place food in order to monitor, trap, treat, manage, hunt, or remove wildlife who is acting within the scope of the person's authority.

§ 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 having jurisdiction, 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 information with said Court, which court shall then issue a warrant for the arrest of such person.

C. The Village of Sodus Point Police Department, Wayne County Sheriff and the New York State Police, along with the Village of Sodus Point Animal Control Officer, shall be charged with the enforcement of this chapter. The Animal Control Officer shall report as needed to the aforesaid enforcement agencies.

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.