

ANIMALS

ARTICLE II

Dogs

[Adopted 6-5-1961; amended in its entirety 5-3-1993 by L.L. No. 3, 1993¹]

§5-4. Purpose.

The purpose of this Article shall be to preserve the public peace and good order in the Village of Brockport and to contribute to the public welfare and good order of its people by enforcing certain regulation and restrictions on the activities of dogs that are consistent with the rights and privileges of the other citizens in the Village of Brockport.

§5-5. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AT LARGE – An unleashed dog off the property of the owner.

DANGEROUS DOG – In addition to the definitions set forth in §108(24) of the Agriculture and Markets Law, a dog shall be considered a Dangerous Dog and subject to the provisions of §121(3) et seq. of the Agriculture and Markets Law if such dog, without justification, attacks a dog or cat and causes physical injury or death to such dog or cat. [Added 6-20-2005 by L.L. No. 2, 2005²]

DOGS – Both male and female dogs, unless the context requires otherwise.

FARM ANIMAL – An animal, other than a household pet, that is typically housed outside the primary residential structure. [Added 6-20-2005 by L.L. No. 2, 2005³]

LEASHED OR RESTRAINED BY A LEASH – The dog is equipped with a collar or, if the dog weighs over twenty-five (25) pounds, with a choke collar, to which is attached a leash not more than eight (8) feet long, both collar and leash to be of sufficient strength to restrain the dog, which leash shall be held by a person having the ability to control and restrain the dog by means of the collar and leash.

OWNER – Any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the care, custody and control of the minor's parents and/or the other head of household where the minor resides.

§5-6. Restrictions.

- A. It shall be unlawful to suffer or permit any dog to attack any person peaceably conducting himself in any place where such person may lawfully be.
- B. It shall be unlawful to keep or suffer to be kept on the premises occupied by the owner or harbinger of any dog which engages in habitual howling, barking or whining or to conduct itself in such a manner as to unreasonably disturb the comfort and repose of any reasonable person of normal sensitivities outside the owner's premises. Specifically, no dog shall be allowed to bark or make other noises for a period in excess of 10 consecutive minutes. The barking or other noises may be intermittent and not continuous. [Amended by L.L. No. 2, 2005⁴]

¹ Editor's Note: This local law was filed with the Secretary of State 5-10-1993.

² Editor's Note: This local law was filed with the Secretary of State 8-19-2005.

³ Editor's Note: This local law was filed with the Secretary of State 8-19-2005.

⁴ Editor's Note: This local law was filed with the Secretary of State 8-19-2005.

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- C. It shall be unlawful for the owner of any female dog to permit the dog off the premises of the owner or leave such dog out of doors and unconfined while such dog is in heat.
- D. It shall be unlawful to keep or suffer to be kept a dog in the habit of continually chasing or barking at automobiles, bicycles or other moving vehicles or which by its running at large shall cause disturbances or damages in the neighborhood, impair the safety or disturb the safety and comfort of any persons.
- E. It shall be unlawful to keep or suffer to be kept any dog which kills any other dog or farm animal without just cause.
- F. It shall be unlawful to keep or suffer to be kept any dog which destroys the property of a neighbor.
- G. It shall be unlawful to keep or suffer to be kept any dog which commits a nuisance in a public street, public building, public park or on any private property except with the consent of the owner of the property thereof.
- H. It shall be unlawful for the owner of a dog to permit such dog to be at large in the Village of Brockport, Monroe County, New York, unless under leash not exceeding eight (8) feet in length, other than when on the premises of the person owning, keeping, harboring or having custody and control of such dog or upon the premise of another with the knowledge, consent and approval of the owner of such premises or when hunting in the company and under the control of a hunter or hunters.
- I. It shall be unlawful for the owner of a dog to permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.
- J. It shall be unlawful to own or harbor a dog unless licensed as provided by Article 7 of the Agriculture and markets Law. Licenses shall not be required for dogs under the age of four (4) months which are not at large. [Amended by L.L. No. 2, 2005⁵]
- K. It shall be unlawful for any person who owns, possesses or harbors a dog to suffer, permit or allow such dog to defecate any place, except upon the property of such person, unless the feces are removed immediately in a sanitary manner. [Added 4-17-1995 by L.L. No. 5, 1995⁶] [Amended by L.L. No. 2, 2005⁷]
- L. It shall be unlawful for any person to own, possess, or harbor a Dangerous Dog. [Added by L.L. No. 2, 2005⁸]

§5-7. Judicial jurisdiction.

Any Town Justice of the Town of Sweden shall have jurisdiction to hear all actions and proceedings hereunder and of all prosecutions for the violation of this Article.

§5-8. Complaints.

All complaints concerning alleged violations of this Article shall be communicated to the Town of Sweden Dog Control Officer or Deputy Dog Control Officer. All such complaints shall be investigated, and it shall be the duty of the Town of Sweden Dog Control Officer or Deputy Dog Control Officer in the appropriate case to proceed with civil or criminal enforcement of the Article or any provision of law pertaining hereto.

⁵ Editor's Note: This local law was filed with the Secretary of State 8-19-2005.

⁶ Editor's Note: This local law was filed with the Secretary of State 4-27-1995.

⁷ Editor's Note: This local law was filed with the Secretary of State 8-19-2005.

⁸ Editor's Note: This local law was filed with the Secretary of State 8-19-2005.

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§5-9. Appearance tickets.

The Town of Sweden Dog Control Officer or Deputy Dog Control Officer, having reasonable cause to believe that a person has violated this Article, shall issue and serve upon such person an appearance ticket for such violation. The appearance ticket shall be in the form prescribed by the Village Board by resolution in accordance with provisions of § 124 of the Agriculture and Markets Law and this Article. An answer to such appearance ticket may be made within five (5) days of the violation, by registered or certified mail, return receipt requested, in lieu of a personal appearance on the return date at the time and court specified in the appearance ticket, in accordance with the provisions of § 124 of the Agriculture and Market Law and this Article.

§5-10. Enforcement; seizure of dogs at large.

It shall be the duty of the Town of Sweden Dog Control Officer or Deputy Dog Control Officer to enforce the provisions of this Article and to seize all dogs found at large in violation of the Article or which are ordered seized by a Town Justice.

§5-11. Notification and redemption procedures; fees.

- A. For any dog seized pursuant to §5-10 above, the following notification and redemption procedures shall be followed;
 - (1) Unidentified dogs, whether or not licensed, shall be held for a period of five (5) days from the day seized, during which time the owner may redeem the dog.
 - (2) For identified dogs, whether or not licensed, the owner shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the redemption procedures. If notification is made personally, the dog shall be held for seven (7) days after the date of notice; if notification is made by mail, the dog shall be held for a period of nine (9) days, during which period the owner may redeem the dog.
- B. In either of the above cases, the owner must produce proof of licensing and pay seizure and impoundment fees in order to redeem the dog. The seizure and impoundment fees shall be as set from time to time by the Village Board of Trustees.

§5-12. Failure to redeem.

If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be sold or destroyed by the Town of Sweden Dog Warden. In the case of sale, the purchaser must pay all accrued charges to the Village Clerk or the Town of Sweden Dog Control Officer and obtain a license for such dog. The Dog Control Officer who destroys a dog shall immediately dispose of the carcass and take a written report of such destruction and disposition to the Village Clerk, who shall keep a record thereof.

§5-13. Kennel fees.

The Village Board of Trustees, pursuant to § 118 of the Agriculture and Markets Law and § 5-11 of this chapter, will from time to time set forth fees to be charged the owner of a dog seized and kept at the Town of Sweden kennel, such fees to be paid to the Village Clerk before the dog may be redeemed.

§5-14. Authorization

The Town of Sweden Dog Control Officer is hereby authorized to pick up unwanted dogs that are owned by residents who are financially unable to take proper care of their pets, including

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the cost of rabies vaccination and licensing, when such owner requests the village to dispose of these animals, in accordance with the following rules:

- A. The owner must execute a form relinquishing all claim of ownership to the dog and agreeing to its disposition according to law and absolving the village and the Town of Sweden Dog Control Officer of any liability.
- B. No fee will be charged for the first call, and any number of dogs may be taken. Any dog or dogs remaining on the premises must be properly licensed. For second or successive calls, owners will be required to pay the cost of euthanasia charged to the village.

§5-15. Limitation of pickup; discontinuance.

The village reserves the right to pick up those unwanted dogs as space is available in the kennel or to discontinue the service by resolution of the Village Board of Trustees, if necessary.

§5-16. Penalties for offenses.

Any person who violates or knowingly permits violation of this article shall be subject to a fine of not more than \$75, except that, where the person was found to have violated this article or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may not be more than \$150; where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than \$300 or imprisonment for not more than 15 days, or both. Nothing contained in this section is intended to eliminate, reduce, diminish or replace the provisions set forth in § 121 of the Agriculture and Markets Law with respect to fines, civil penalties or imprisonment with respect to dangerous dog violations. [Amended by L.L. No. 2, 2005⁹]

§5-17. Severability; repealer.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the ordinance shall be deemed valid and effective. Any ordinance or part thereof in conflict herewith is hereby repealed.

⁹ Editor's Note: This local law was filed with the Secretary of State 8-19-2005.