

SWEDEN CODE

ARTICLE I

Dog Control

[Adopted 10-13-1976]

§84-1. Title.

This article shall be known as the “Sweden Dog Ordinance.”

§84-2. Purpose.

The purpose of this article shall be to preserve the public peace and good order in the Town of Sweden and to contribute to the public welfare and good order of its people by enforcing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of the owners of dogs and the rights and privileges of the other citizens in the Town of Sweden.

§84-3. Definitions.

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

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

DANGEROUS DOG – In addition to the definitions set forth in Section 108, Subdivision 24, of the Agriculture and markets Law, a dog shall be considered a dangerous dog and subject to the provisions of Section 121, Subdivision 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.<sup>1</sup>

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

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 – Includes 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 for the minor’s parents or other head of the household where the minor resides.

§84-4. 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 any dog which, by its barking, howling, whining or other frequent or long-continued noises for an unreasonable length of time, disturbs the peace and quiet of other persons.
- 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 moving vehicles or which by its running at large shall cause

<sup>1</sup> Amended by Local Law No. One (1) of 2005.

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 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 a large in the Town of Sweden, 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 the custody and control of such dog or upon the premises 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 six (6) months which are not at large.

§84-5. Penalties for offenses.<sup>2</sup>

Any person who violates or knowingly permits violation of this Article shall be subject to a fine of not more than seventy-five dollars (\$75.), except that, where the person was found to have violated this Article or Article 7 of the Agriculture and Market Law within the preceding five (5) years, the fine may be not more than one hundred fifty dollars (\$150.), where the person was found to have committed two (2) or more such violations within the preceding five (5) years, it shall be punishable by a fine of not more than three hundred dollars (\$300.) or imprisonment for not more than fifteen (15) days, or both.<sup>3</sup> Nothing contained in this section is intended to eliminate, reduce, diminish or replace the provisions set forth in Section 121 of the Agriculture and Markets Law with respect to fines, civil penalties or imprisonment with respect to dangerous dog violations.<sup>4</sup>

§84-6. 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.

§84-7. Complaints.<sup>5</sup>

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

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<sup>2</sup> Editor's Note Amended at time of adoption of Code, see Ch 1, General Provisions, Art I.

<sup>3</sup> Amended by Town Board Resolution Number 95 adopted August 24, 2004.

<sup>4</sup> Amended by Local Law No. One (1) of 2005.

<sup>5</sup> Editor's Note: Amended at time of adoption of Code, see Ch. 1, General Provisions, Art. I.

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§84-8. Appearance tickets.<sup>6</sup>

The 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 this 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 Markets Law and this Article.

§84-9. Enforcement; seizure of dogs at large.<sup>7</sup>

It shall be the duty of the 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.

§84-10. Notification and redemption procedures; fees.<sup>8</sup>

- A. For any dog seized pursuant to §84-9 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 day 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 Town Board.

§84-11. Failure to redeem.<sup>9</sup>

If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be sold or destroyed by the Dog Warden. In the case of sale, the purchaser must pay all accrued charges to the Town Clerk or the 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 Town Clerk, who shall keep a record thereof.

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<sup>6</sup> Editor's Note: Amended at time of adoption of Code, see Ch. 1, General Provisions, Art. I.

<sup>7</sup> Editor's Note: Amended at time of adoption of Code, see Ch. 1, General Provisions, Art. I.

<sup>8</sup> Editor's Note: Amended at time of adoption of Code, see Ch. 1, General Provisions, Art. I.

<sup>9</sup> Editor's Note: Amended at time of adoption of Code, see Ch. 1, General Provisions, Art. I.

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ARTICLE II

Impoundment Fees  
[Adopted 8-10-1977]

§84-12. Kennel fee. [Amended 9-24-1996; 2-24-1998]

The Town Board, pursuant to §118 of the Agriculture and Markets Law and §84-10 of the Town of Sweden Dog Ordinance<sup>10</sup> does hereby set a rate of \$10<sup>11</sup> per day, to be charged the owner of a dog seized and kept at the town kennel, such fees to be paid to the Town Clerk before the dog may be redeemed and to be not less than the minimum as stated in this section.

ARTICLE III

License Fees  
[Adopted 9-24-1996 by L.L. No. 2-1996<sup>12</sup>

§84-13. Establishment of fees.

Commencing on January 1, 1997, the local fee for dog licenses, in addition to other statutory charges, is hereby set as follows:

- A. For a spayed or neutered dog: \$5
- B. For an unsprayed or unneutered dog: \$5.
- C. For a purebred license: \$10.

ARTICLE IV

Pickup of Unwanted Dogs  
[Adopted 12-30-1986]

§84-14. Authorization.

The 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 the cost of rabies vaccination and licensing, when such owner requests the town 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 town and its employees 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 town. [Amended 4-11-2000]

§84-15. Limitation of pickup; discontinuance.

The town reserves the right to pickup these unwanted dogs as space is available in the kennel or to discontinue the service by resolution of the Town Board, if necessary.

<sup>10</sup> Editor's Note: See Ch. 84, Art. I.

<sup>11</sup> Amended by Town Board Resolution Number 96 adopted August 24, 2004.

<sup>12</sup> Editor's Note: This local law also superseded former Art. III, License Fees, adopted 9-27-1978 by L.L. No. 2-1978.