**Chapter 38**

**ANIMALS**

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**[HISTORY: Adopted by the Town Board of the Town of Sodus as indicated in article histories. Amended 12-8-10 by L.L. No. 1-2010. Amendments noted where applicable.]**

ARTICLE I

**Dog Control**

**[Amended 12-8-10 by L.L. No. 1-2010]**

**§38-1. Title (Amended 12-8-10):**

This Article shall be known as the “Dog Licensing Ordinance” of the Town of Sodus, Wayne County, New York.

**§38-2. Purpose (Amended 12-8-10):**

The purpose of this Article shall be to preserve the public peace and good order in the Town of Sodus and to contribute to the public welfare, safety and good order of its people by establishing certain regulations providing for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

**§38-3. Authority (Amended 12-8-10):**

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

**§38-4. Definitions (Added 12-8-10, by L.L. No. 1-2010):**

All terms not specifically defined herein shall have the meaning assigned to such terms within §108 of the New York Agriculture and Markets Law.

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

ADOPTION – The delivery of any dog, seized or surrendered, to any natural person eighteen years of age or older, for the limited purpose of harboring as a pet.

AGRICULTURE AND MARKETS LAW – The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter and as thereafter amended.

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

CLERK – The clerk of the Town of Sodus.

DETECTION DOG – Any dog that is officially trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting items such as controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DOG WARDEN OR DOG CONTROL OFFICER – A person or persons appointed by the Town Board of the Town of Sodus to assist in the enforcement of this Article, and for the purposes of and during the enforcement of this Chapter only, such a “dog warden” is deemed to be a peace officer.

DOGS – Any member of the species canis familiaris.

EUTHANIZE – To bring about death by a humane method.

GUIDE DOG – Any dog that is officially trained to aid a person who is blind and that is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred.

HARBOR – To provide food or shelter to any dog.

HEARING DOG – Any dog that is officially trained to aid a person with a hearing impairment and that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training.

IDENTIFICATION TAG – A tag issued by the Town clerk which sets forth the identification number, together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

OWNER – Includes any person who owns, keeps, harbors or has the care, custody and control of a dog. Dogs owned by persons under the age of eighteen shall be deemed to be in the custody and control of parents or other head of the household where the minor resides.

PACK – Three (3) or more dogs running together or in any manner forming a group of dogs.

POLICE WORK DOG – Any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

RECOGNIZED REGISTRY ASSOCIATION – Any nationally recognized breed associations qualifying under Article 7 of New York Agriculture and Markets Law.

SENIOR RESIDENT – Any resident of the Town age 65 or older.

SERVICE DOG – Any dog that is officially trained to do work or perform tasks for the benefit of a person with a disability, as such person is defined in Subdivision 22 of Section 292 of the New York State Executive Law, provided that such dog is or will be owned by such person or that person’s parent, guardian or other legal representative.

THERAPY DOG – Any dog that is officially trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

WAR DOG – Any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG – Any dog that is officially trained to aid in the search for missing persons and that is actually used for such purposes, provided, however, that such services provided by said dog shall be performed without charge or fee.

**§38-5. Dog Licensing Requirements and Procedures (Amended 12-8-10):**

1. **Licensing of Dogs**: All dogs within the Town of Sodus four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk a dog license application together with the license application fee, any applicable license surcharges, and such additional fees as may be established by the Town of Sodus. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog’s life, in which case vaccination shall not be required. In the case of a spayed or neuter

dog, each application shall be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Clerk. Each license issued shall be valid for a period of one year and shall be renewable yearly thereafter on or before the anniversary date of the original license. This license shall not be transferable.

1. **Purebred Licenses**: The owner of one or more purebred dogs registered by a recognized registry association may annually make application for a purebred license, in lieu of or in addition to the individual licenses required by this Chapter. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk a dog purebred license application together with the license application fee, any applicable license surcharges, and such additional fees as may be established by the Town of Sodus. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog’s life, in which case vaccination shall not be required. In the case of a spayed or neutered dog, each application shall be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Clerk. Each license issued shall be valid for a period of one year and shall be renewable yearly thereafter on or before the anniversary date of the original license. This license shall not be transferable.
2. **Animal Shelters**: Dogs of any age held at a shelter pursuant to a contract or agreement with the Town of Sodus, humane society or dog protective association are exempt from the licensing requirements set forth herein. The Town of Sodus does not allow the licensing of dogs by a shelter. Shelters shall send all dog owners to the Clerk of the town in which the dog will be harbored for licensing. Shelters also will provide written notice of individuals adopting dogs from their facility for harboring within the Town of Sodus to the Town Clerk, and such list shall be provided no less frequently than monthly.
3. **Identification of dogs:**
4. The Town Clerk shall assign a Town identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.
5. An identification tag is not required to be worn while a dog is participating in a dog show.
6. The official identification number shall constitute the official identification of the dog to which it is assigned.
7. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.
8. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no additional charge. Any replacement tag shall be at the owner’s expense, the charge to be determined by the Town.
9. **Grace Period:** A dog harbored within the Town of Sodus which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York shall for a period of thirty (30) days be exempt from the licensing and identification provisions herein.
10. **Change of Ownership, Lost or Stolen Dogs:** In the event of a change in the ownership of any dog licensed by the Town of Sodus, or change in address of the owner of record of any such dog, or in the event that any such dog has been lost or stolen, within ten (10) days of such change, the owner shall file a written report of such change with the Town Clerk.

**§38-6. Seizure of dogs; Redemption Periods; Impoundment fees (Amended 12-8-10)**:

1. Any peace officer or Dog Warden of the Town of Sodus shall have the authority to administer and enforce the provisions of this chapter, and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off of the owner’s premises.
2. Any peace officer or Dog Warden of the Town of Sodus shall seize any dog:
3. Found at large not wearing the identification tag required under Article 7 of the New York Agriculture and Markets Law or any dog in violation of §38-5 of this Article, or
4. Found in violation of §38-6 of this Article, or
5. Found in violation of §§38-12, 15, or 16, of Article II of this Chapter, or
6. That which poses an immediate threat to public safety.
7. Every dog so seized shall be properly fed and cared for at the owner’s expense until disposition thereof, as herein provided, and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York and provisions of this Chapter.
8. If any dog is in violation of §§38-5 or 38-6 of this Article or §§38-12, 15, or 16 of Article II herein and the dog is wearing a license tag, the Dog Warden or peace officer shall make good faith efforts to ascertain the owner of the dog and give immediate written notice to the owner, or an adult member of the family, stating that the dog is in violation of this Article and will be seized unless the situation is rectified or unless the court shall rule otherwise. Alternatively, the Dog Warden or peace officer may seize any dog found

in violation of §§38-5 or 38-6 of this Article or §§38-12, 15, or 16 of Article II herein and shall give immediate written notice of such seizure to the owner or adult member of the family.

1. Each dog seized which is not identified, whether or not licensed, shall be held for a period of five (5) days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces to the Town Clerk proof the dog is licensed and identified and pays a fee of not less than $15 for each impoundment, provided that for impoundments occurring within one year of the first impoundment, the owner shall pay not less than $20 for the first 24 hours or part thereof and $3 for each additional 24 hours or part thereof for the second impoundment occurring with ine year of the first impoundment, and not less than $30 for the first 24 hours or part thereof and $3 for each additional 24 hours or part thereof for the third and subsequent impoundments occurring within one year of the first impoundment. Fees also must be paid to the Town Clerk for the cost of the seizure and then-current rate per day charged by the impoundment facility to defray the cost of feeding and maintaining said dog.
2. If an owner is entitled to redeem a dog pursuant to Subsection E above, and if not redeemed, the owner shall forfeit all title to the dog and the dog shall be put up for adoption or caused to be destroyed by the impoundment facility. The impoundment facility that destroys the dog shall immediately dispose of the same and make a monthly written report of such destruction and disposition to the Town Clerk, who shall keep a record thereof.
3. Potentially Rabid Dogs:
4. The Dog Warden 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 purposes of determining whether such dog is affected by rabies, and if so affected, it may be destroyed.
5. The owner of such dog shall, upon demand, deliver the possession of such dog to the Dog Warden, or any officer authorized to seize the same, and shall, upon demand, pay to the Town of Sodus the cost of such confinement and treatment or destruction of the dog.
6. Complaints:
7. Any person who observes or has knowledge of a dog violating any section of this Chapter may file a complaint under oath with the Justice of the Town of Sodus specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog, and the name and address, if known, of the owner or other person harboring the dog.
8. Upon receipt by said Justice of any complaint against the conduct of any particular dog, said Justice may summon the alleged owner or other person harboring said dog to appear in person before him or her; if the summons is disregarded, said Justice may permit the filing of information and issue a warrant for the arrest of such person.
9. After complaint and hearing, a Justice of the Town of Sodus may direct any dog owner who is in violation of this Chapter to pay a fine and/or to dispose of the offending dog or to deliver the same to the Dog Warden for humane destruction.
10. The Dog Warden shall make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the municipal identification number of the dog (if any), the location where seized, the reason for the seizure and the owner’s name and address, if known.

**§38-7 Jurisdiction** **(Amended 12-8-10):**

Any Justice of the Town of Sodus shall have jurisdiction of all actions and proceedings hereunder and of all prosecutions for the violation of this Chapter.

**§38-8 Penalties for Offenses** **(Amended 12-8-10):**

The violation of any provisions of this Article shall be deemed an offense under this Article, and each separate offense shall constitute a separate additional violation. Any person convicted of a violation of this Article shall be liable for a fine of not less than Twenty-Five Dollars ($25.00) for a first violation; not less than Fifty Dollars ($50.00) for a second violation; and not less than One Hundred Dollars ($100.00) for each subsequent violation. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the New York Agriculture and Markets Law.

**§38-9 Dog License Fees** **(Amended 12-8-10):**

Fees shall be set by resolution of the Town Board of the Town of Sodus. Pursuant to New York Municipal Home Rule Law §10 and New York Agriculture and Markets Law §110, by the adoption of this local law, the Town of Sodus, County of Wayne hereby authorizes the Town Board of the Town of Sodus, County of Wayne to establish, by resolution, a schedule of dog license fees, enumeration fees and tag replacement fees. The Town Board of the Town of Sodus, County of Wayne may exercise this authority as needed hereafter by resolution.

Exempted from payment of Town license fees are applications submitted for a dog license for any qualifying guide, hearing, service, war, working search, detection, police and therapy dogs. No special tags will be issued. State surcharges remain applicable.

ARTICLE II

**Animal Control**

**§38-10. Title** **(Amended 12-8-10):**

This Article shall be known as the “Animal Control Ordinance” of the Town of Sodus, Wayne County, New York.

**§ 38-11. Fencing required (Amended 12-8-10):**

Every person who shall own, keep or suffer to be kept any cattle, swine, sheep, horses, goats or fowl upon any premises owned or occupied by him shall provide and maintain in good repair fencing of sufficient strength and height and so located as to prevent any animals from straying off such premises owned or occupied by him or her onto lands owned by another or onto a public highway.

**§ 38-12. Running at large prohibited:**

1. No person who shall own, keep or suffer to be kept upon any premises owned or occupied by him any cattle, swine, sheep, horses, goats or fowl shall permit or allow any such animals to run at large or to enter the premises of any other person or any public highway.
2. Any hunting dog which is in the field, whether hunting or training, and the owner or harborer is out with such dog, will not be considered running at large. **[Added 6-7-1990 by L.L. No. 1-1990]**
3. Any dog that is within reasonable distance of the owner’s immediate property that is not causing or being a nuisance shall not be considered running at large, but it will be at the discretion of the Dog Control Officer. **[Added 6-7-1990 by L.L. No. 1**

**§ 38-13. Presumption of Ownership:**

Any person harboring any animal for a period of two weeks prior to any violation of this article shall be deemed to be the owner for purposes of this article.

**§ 38-14. Condition of Premises:**

Any premises or enclosure occupied by or used for harboring or keeping any cattle, swine, sheep, horses, goats or fowl shall be kept in a clean, sanitary condition at all times.

**§ 38-15. Continued Noises** **[Added 12-8-1982 by L.L. NO. 2-1982]:**

No person shall keep, suffer or permit to be kept on the premises occupied by such person any dog or other animal or bird which, by its continual barking, howling, whining or other frequent

or long-continued noises, shall unreasonably disturb the comfort and repose of other persons residing in the neighborhood.

**§ 38-16. Nuisances** **[Added 6-7-1990 by L.L. No. 1-1990]:**

No person being the owner or agent of the owner of any dog shall permit such dog to commit any nuisance within the Town of Sodus or cause damage to the person or property of others. The following are declared public nuisances and are set forth herein for explanatory purposes only and are not to be considered as excluding other types of nuisances:

1. Chasing and/or barking at moving vehicles or persons on foot.
2. Causing damage to property of others.
3. Jumping upon any vehicle or person.
4. Depositing waste or urinating on the private property of another who does not have knowledge of the dog’s presence thereon and does not assent thereto.
5. Running together in a pack or in any way forming a pack of dogs. For the purpose of this section, the word “pack” is hereby defined to be three or more dogs.
6. No unspayed female dog in season shall be permitted to be outside a building or fenced enclosure.
7. Any dog attacking or chasing deer at any time.

**§38-17. Evidence of Violation (Added 12-8-10, by L.L. No. 1-2010):**

Except as otherwise stated herein, the presence of any cattle, swine, sheep, horses, goats, fowl, or dogs on the premises of any other person without his permission or upon any public highway shall be prima facie evidence of a violation of this article by the owner of the animal or animals.

**§38-18. Seizure; Redemption Periods; Impoundment fees** **(Added 12-8-10, by L.L. No. 1- 2010):**

The procedures governing seizure, redemption, impoundment, complaints, hearing, and record-keeping under this Article shall be as set forth in §§38-6 and 38-7 of this chapter.

**§38-19. Penalties for Offenses** **(Added 12-8-10, by L.L. No. 1-2010)**:

The violation of any provision of this Article shall be deemed an offense under this Article, and each separate offense shall constitute a separate additional violation. A violation of this article shall be an offense punishable by a fine not to exceed $100.

**§38-20. Severability and Effective date** **(Added 12-8-10, by L.L. No. 1-2010):**

The provisions of this Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

This Local Law will take effect 1/1/2011 and shall be filed with the Secretary of State.

AND BE IT FURTHER RESOLVED, that the Town Board directs that the Town Clerk duly notice and publish the same.

Town of Sodus Dog Licensing Fees pursuant to Local Law 1-2010 (Dog Licensing and Animal Control); Fees Established:

1. **License Fees Neutered/Spayed/Unneutered/Unspayed**: The annual fee for a dog license issued by the Town of Sodus shall be $10.00 for neutered and spayed dogs ($7.50 for Senior Residents) and $15.00 for unneutered and unsprayed dogs ($12.50 for Senior Residents).
2. **Purebred Licenses**: The annual fee for purebred licenses issued by the Town of Sodus shall be $25.00 for 1-10 purebred dogs and 11-100 purebred dogs.
3. **Exempted dogs**: Exempted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs. State certification will be required. No special tags will be issued. State surcharge will be $1 for spayed/neutered and $3 for unspayed/unneutered.
4. **Refunds/Prorated Fees**: The Town will not refund dog license fees or prorate fees.
5. **Annual License Fee**: Each license will be valid for one year. All license fees are due annually prior to their anniversary date.
6. **New York State Surcharge**: In addition to the license fee established by the Town of Sodus and set forth herein, each applicant for a dog license shall pay a New York State surcharge of $1.00 if the dog to be licensed is altered, or a surcharge of $3.00 if the dog sought to be licensed is unaltered. Each purebred dog licensed shall be subject to the same New York State surcharge of $1.00 if the dog to be licensed is altered, or $3.00 if the dog sought to be licensed is unaltered.
7. **Late Fee**: All fees owed are subject to a $5.00 late fee if 60 days or more overdue for each dog.
8. **Enumeration Fee**: Each applicant found with an unlicensed dog or late renewal at the time enumeration is conducted shall be assessed a Town surcharge of $3.00 for each such

dog, which shall be retained by the Town and used to defray the cost of an enumeration of dogs living within the Town.

1. **Replacement Tags**: Replacement Tags will be $3.00 each.