

LOCAL LAW #2-2025
"ANIMAL CONTROL LAW"
RESOLUTION (2 07-2025)

§ 38-1. Title.

This article shall be known as the "Animal Control Law" of the Town of Sodus, Wayne County, New York.

§ 38-2. Purpose.

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.

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.

All terms not specifically defined in this Chapter shall have the meaning assigned to such terms within 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 18 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 animal 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 — Any member of the species *canis familiaris*.

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, a dog control officer is deemed to be a peace officer.

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 purchases the dog license, who owns, keeps, harbors or who has the care, custody and control of a dog. Dogs owned by persons under the age of 18 shall be deemed to be in the custody and control of parents or other head of the household where the minor resides.

PACK — Three 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 Control Officer

- A. The Sodus Town Board shall appoint a Dog Control Officer and may choose to appoint one or more Deputy Dog Control Officers to assist the Dog Control Officer or act in his or her absence.
- B. The Dog Control Officer shall be empowered as prescribed by New York State Agriculture and Markets Law § 113.
- C. The Dog Control Officer shall have the duty of enforcing this chapter and making such reports required by the Town Board in addition to other duties assigned by law and as may be specified in a written agreement approved by the Town Board of Sodus.
- D. The Dog Control Officer shall conduct investigations of all complaints, including but not limited to alleged dog bites, reported to him and/or to the Town of Sodus, including but not limited to

visiting and photographing the location of the incident, observing the temperament of the dog and photographing the dog, observing and photographing any alleged injuries, interviewing witnesses, and preparing written reports containing their observations.

- E. The Dog Control Officer and Deputy Dog Control Officer shall cooperate with New York State and Wayne County law enforcement as necessary to fulfill their duties under this law.
- F. The Dog Control Officer shall also administer any responsibilities of the Town for rabies response pursuant to Article 21, Title IV, of the New York State Public Health Law.
- G. The Dog Control Officer and any Deputy Dog Control Officers shall all be appointed by and serve at the pleasure of the Town Board.
- H. Neither the Dog Control Officer, nor any Deputy Dog Control Officer, need be a resident or elector of the Town of Sodus, provided that she or he resides in Wayne County in the State of New York.
- I. In lieu of or in addition to the appointment of a Dog Control Officer, the Town may contract with another municipality within Wayne County or an incorporated humane society or similar incorporated dog protective association to provide the services of, and exercise the powers of, the Dog Control Officer.
- J. Every dog seized by the Dog Control Officer shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agriculture and Markets Law of the State of New York.
- K. The Dog Control Officer shall pursue all nonpayment of fees and violations with a Town Justice of the Town of Sodus.

§ 38-6. Responsibility of Owner.

The Owner of every dog which at any time is kept, brought or comes into the Town of Sodus will be responsible for the strict observance and control of such dog with respect to all rules and regulations contained in this **Chapter 38** at all times.

§ 38-7. Dog licensing requirements and procedures.

- A. Licensing of dogs. All dogs within the Town of Sodus four months of age or older, unless otherwise exempted, shall be licensed. The Owner of each dog required to be licensed shall obtain and complete at the Town Clerk's Office 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 neutered dog, each application shall be accompanied 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. An unexpired license may be transferred by the Town Clerk to another Sodus resident upon receipt of proof of change of ownership and current rabies vaccination.
- B. 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.

C. Identification of dogs.

- (1) 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.
- (2) An identification tag is not required to be worn while a dog is participating in a dog show.
- (3) The official identification number shall constitute the official identification of the dog to which it is assigned.
- (4) 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.
- (5) 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.
- (6) Grace period – non-residents. A dog harbored within the Town of Sodus which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, or to a resident of New York State and the dog is licensed by another New York municipality, shall for a period of 30 days be exempt from the licensing and identification provisions herein.
- (7) Grace period – foster dogs. A dog being fostered in the Town of Sodus which is licensed in another New York municipality shall for a period of 30 days be exempt from the licensing and identification provisions herein.

D. 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 10 days of such change, the Owner shall file a written report of such change with the Town Clerk.

E. Exempted dogs. Exempted from payment of the Town's license fee are applications submitted for a dog license for any active guide, hearing, service, war, working search, detection, police and therapy dogs. No special tags will be issued. State surcharges must still be paid and will be \$1 for spayed/neutered dogs and \$3 for unspayed/ unneutered dogs.

F. Refunds/prorated fees. The Town will not refund dog license fees or prorate fees.

G. Annual license fee. Each license will be valid for one year. All license fees are due annually prior to their anniversary date.

H. 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 if the dog to be licensed is altered, or a surcharge of \$3 if the dog sought to be licensed is unaltered.

- I. 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, tag replacement fees and late fees. The Town Board of the Town of Sodus may exercise this authority as needed hereafter by resolution.

§ 38-8. Seizure of dogs; redemption periods; impoundment fees.

- A. Any peace officer or Dog Control Officer of the Town of Sodus shall seize any dog:
- (1) Found at large not wearing the identification tag required under Article 7 of the New York Agriculture and Markets Law and §38-7 of this article, or any dog in violation of § 38-7 of this article, or
 - (2) Found in violation of § 38-7, § 38-12, § 38-15 or § 38-16, of this article, or
 - (3) Which poses an immediate threat to public safety.
- B. 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.
- C. If any dog is in violation of § 38-7, § 38-12, § 38-15, or § 38-16 of this article and the dog is wearing a license tag, the Dog Control Officer 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 Control Officer or peace officer may seize any dog found in violation of § 38-7, § 38-12, § 38-15, or § 38-16 herein and shall give immediate written notice of such seizure to the Owner or adult member of the family.
- D. Impoundment fees. Each dog seized which is not identified, whether or not licensed, shall be held for a period of five 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 the fee set by the Town Board for each impoundment. For any impoundments occurring within one year of the first impoundment, the Owner shall pay not less than 1.5 times the fee imposed by the Town Board for the second impoundment occurring within one year of the first impoundment, and not less than 2 times the fee established by the Town Board 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 for the then-current rate per day charged by the impoundment facility to defray the cost of feeding and maintaining said dog.
- E. If an Owner is entitled to redeem a dog pursuant to Subsection D above, and if not redeemed within 10 days, 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.
- F. Potentially rabid dogs.

- (1) The Dog 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 purposes of determining whether such dog is affected by rabies, and if so affected, it may be destroyed.
- (2) The Owner of such dog shall, upon demand, deliver the possession of such dog to the Dog Control Officer, 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.

§ 38-9 Complaints.

- A. Any person who observes or has knowledge of a dog violating any section of this chapter may file a complaint under oath with the Dog Control Officer, the Deputy Dog Control Officer or any 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.
- B. No anonymous complaints will be accepted.
- C. Upon receipt by a 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 an information and issue a warrant for the arrest of such person.
- D. 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 Control Officer for humane destruction.
- E. The Dog Control Officer 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.

§ 38-10. Jurisdiction.

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 article.

§ 38-11. Fencing required.

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; dogs off property must be leashed; exceptions

- A. 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, fowl, or dogs shall permit or allow any such animals to run at large or to enter the premises of any other person or any public highway.

- B. No person who owns a dog shall permit such dog to be at large in the unless under leash not exceeding six 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 said premises or when hunting in the company and under the control of a hunter or hunters..

§ 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.

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.

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.

- A. Chasing and/or barking at moving vehicles or persons on foot.
- B. Causing damage to property of others.
- C. Jumping upon any vehicle or person.
- D. Depositing waste on the private property of another who does not have knowledge of the dog's presence thereon and does not assent thereto.
- E. Running together in a pack or in any way forming a pack of dogs. For purposes of this section, the work "pack" is hereby defined to be three or more dogs.
- F. No unspayed female dog in season shall be permitted to be outside a building or fenced enclosure.
- G. Any dog attacking or chasing deer at any time.

§ 38-17. Evidence of violation.

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 their 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. Penalties for offenses.

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. Any person convicted of a violation of this article shall be liable for a fine of not less than \$100 for a first violation; not less than \$200 for a second violation; and not less than \$500 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.

§ 38-19. Severability and effective date.

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.

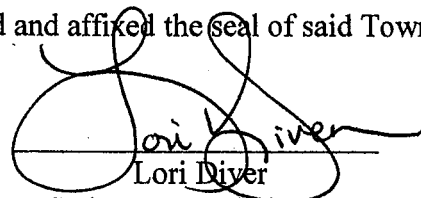
STATE OF NEW YORK)
COUNTY OF WAYNE)

I, Lori Diver, Town Clerk of the Town of Sodus, Wayne County, New York,

DO CERTIFY that I have compared the attached document with the original thereof recorded in my office of the Regular Town Board Meeting held July 8, 2025, in the Town of Sodus, Wayne County, New York; and that the same is a true and correct copy of said original and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Sodus.

Date: July 21, 2025



Lori Diver
Sodus Town Clerk, RMC

**TOWN OF SODUS
DOG FEES
RESOLUTION
Effective Date August 1, 2025**

Town of Sodus Fees set by resolution pursuant to Local Law 2-2025 (Animal Control Law regarding Dog Fees):

A. License Fees Neutered/Spayed/Unneutered/Unspayed:

The annual fee for a dog license issued by the Town of Sodus shall be \$15.00 for neutered and spayed dogs (\$1.00 for Senior Owner) and \$20.00 for unneutered and unspayed dogs (\$3.00 for Senior Owner).

Note: Age of senior owner is age 65 and older.

B. 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.

C. Refunds/Prorated Fees:

The Town will not refund dog license fees or prorate fees.

D. Annual License Fee:

Each license will be valid for one year. All license fees are due annually prior to their anniversary date.

E. New York State Surcharge:

Included in 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.

F. Late Fee:

All fees owed are subject to a \$10.00 late fee if 60 days or more overdue for each dog.

G. Enumeration Fee:

Each applicant found with an unlicensed dog or late renewal at the time enumeration is conducted shall be assessed and a surcharge of \$5.00 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.

H. Replacement Tags.

Replacement Tags will be \$3.00 each.

I. Dog Impoundment Fee.

The Town of Sodus Code requires dog owners to reimburse the Town for costs for catching, transporting and housing dogs found running at large. The following charges must be paid to the Town Clerk before a dog can be picked up from the Wayne County Humane Society.

First running at large incident in a calendar year (per dog): \$75

Second running at large incident in a calendar year (per dog): \$150

Third or more running at large incident in a calendar year (per dog): \$200

The Dog Impoundment Fee is to cover the Town costs and is in addition to any penalty assessed by the Town Court for violations of Town law.

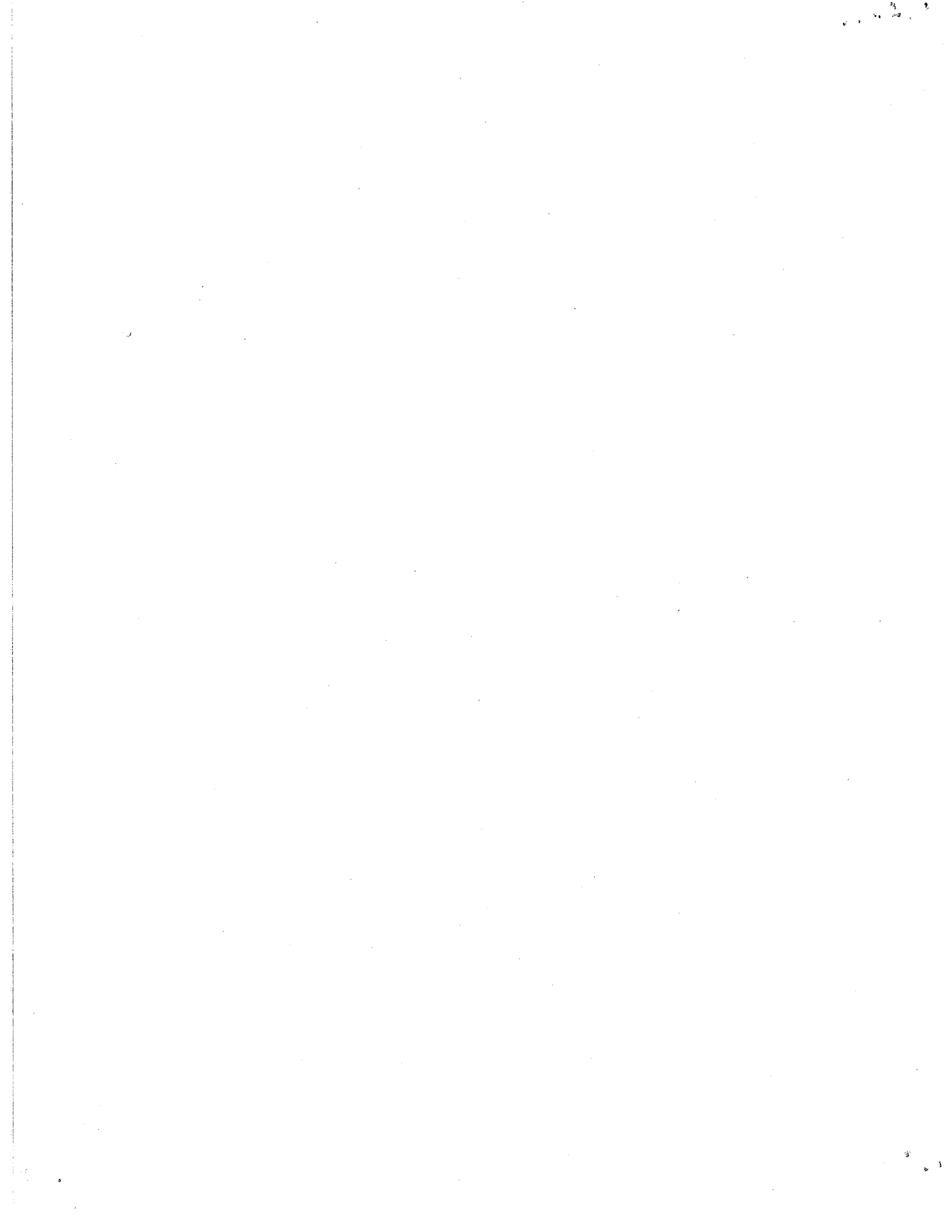
J. Penalties for offenses Pursuant to Sodus Town Code Section 38-8:

Any person convicted of a violation of Chapter 38, Article I (Dog Control) of the Sodus Town Code shall be liable for a fine of not less than One Hundred Dollars (\$100.00) for a first violation; not less than Two Hundred Dollars (\$200.00) for a second violation; and not less than Five Hundred Dollars (\$500.00) for each subsequent violation.

K. Penalties for offenses Pursuant to Sodus Town Code Section 38-12:

The violation of any provision of Section 38-12 (Running at Large) of the Sodus Town Code shall be subject to a fine of \$50.00 for the first offense, \$100.00 for the second offense and \$200 for each subsequent offense.

Adopted Date: 7/24/2025



RESOLUTION
AMEND DOG CONTROL OFFICER DEFINITION
(5 3-2026)
LOCAL LAW # 2-2026

Deputy Supervisor Chris Tertinek offered the following resolution for its adoption, and

WHEREAS, to consider the enactment of Proposed Local Law No. 2 of 2026, The Town of Sodus Dog Licensing Ordinance codified as Chapter 38 of the Town of Sodus, is hereby amended as follows (amended language is underlined; crossed out language is deleted):

Section 38-4 Definitions

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 Article 7 of the New York Agriculture and Markets Law., ~~and for the purposes of and during the enforcement of this chapter only, such a Dog Control Officer is deemed to be a peace officer.~~

WHEREAS, The purpose of this local law is to clarify that dog control officers of the Town are not peace officers and that they have authority to enforce Article 7 of the New York Agriculture and Markets Law in the Town.

NOW BE IT RESOLVED; Councilperson Dale Pickering motioned to adopt this resolution which was seconded by Councilperson Cathy Willmott. Upon roll call the following votes were heard, Scott Johnson, absent; Chris Tertinek, aye; Dale Pickering aye; Cathy Willmott, aye; Josh Conklin; absent. Resolution Adopted.

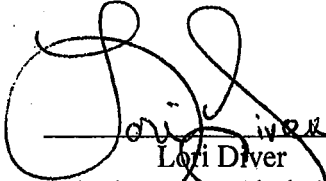
STATE OF NEW YORK)
COUNTY OF WAYNE)

I, Lori Diver, Town Clerk of the Town of Sodus, Wayne County, New York,

DO CERTIFY that I have compared the attached document with the original thereof recorded in my office of the Month End Town Board Meeting held March 26, 2026 in the Town of Sodus, Wayne County, New York; and that the same is a true and correct copy of said original and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Sodus

Date: April 10, 2026



Lori Diver
Sodus Town Clerk, RMC

