

Chapter 33

Animals

[HISTORY: Adopted by the Board of Trustees of the Village of Wolcott as indicated in article histories. Amendments noted where applicable.]

Article I

Keeping of Animals

[Adopted 8-4-1942]

[Amended 7-12-2022]

§ 33-3 Penalties for offenses.

Any persons violating this article shall be punishable for the first offense by a fine not exceeding \$300.00 or by imprisonment in the Wayne County Jail for 25 days, or both, and for a second or subsequent offense by a fine not exceeding \$600.00 or by imprisonment in the Wayne County Jail for 50 days, or both.

§33-4 Animal Codes

§33.4.1 Domesticated animals such as: dogs, cats, fish, hamsters, rabbits, ferrets, hedgehogs, sugar gliders, and caged house birds are allowed.

No more than 3 dogs or cats or other small animals.

§33.4.2 No goats, swine, sheep, donkeys, cattle, horses, geese, roosters, turkeys, llama, emus or alpacas are allowed in the Village limits.

§33.4.3 No free-range chickens or ducks allowed in Village limits. Four (4) chickens or ducks are allowed in tax based lots within the Village. An 8 X 12 coop must be provided. No roosters or drakes are allowed.

§33.4.4 No bee keeping in the residential Village areas. Bee keeping is okay in agricultural areas.

§33.4.5 No venomous reptiles or arachnoids allowed. Snakes and birds of prey should be properly housed so not to be a nuisance.

§33.4.6 No horses allowed in the Village except those that are pre-existing. Horses already in the Village will be grandfathered in.

No breeding nor boarding kennels allowed in the Village.

Article II

Dogs

[Adopted 4-7-1992 by L.L. No. 1-1992]

[Amended 7-12-2022]

§ 33-4 Title.

This article shall be known as "L.L. No. 1-1992, a Local Law Providing for the Regulation of Dogs in the Village of Wolcott, New York."

§ 33-5 Purposes.

The purposes of this article shall be to preserve the public peace and good order in the Village of Wolcott and to contribute to the public welfare, safety 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 all citizens of the Village of Wolcott.

§ 33-6 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.

DOGS

Includes male, female or neutered dogs.

ANIMAL CONTROL OFFICER

A person or persons appointed by the Village of Wolcott for the purpose of enforcing this article, and for the purposes of this article such a dog warden is a constable and thereby a peace officer under § 2.10 of the Criminal Procedure Law. The dog warden is also the dog control officer under Article 7 of the Agriculture and Markets Law.

LEASHED

The dog is equipped with a collar or harness to which is attached a leash, both collar or harness and the leash to be of sufficient strength to restrain the dog, and which leash shall be held by a person having the ability to control and restrain the dog, by means of the collar or harness and the 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 custody and control of parents or other heads of household where the minor resides. Any person harboring a dog for a period of two years or more prior to the filing of any complaint charging a violation of this article shall be held and deemed to be the owner of the dog for the purpose of this article.

UNDER VOICE CONTROL

The dog is not more than 40 feet distance from the person in control, and the dog has been fully trained to obey commands of said person to "heel."

§ 33-7 Rules and regulations.

- A. All dogs in the Village of Wolcott are hereby required to be restrained by a leash while off the owner's premises, whether such dogs are or are not tagged or licensed; provided, however, the dogs are permitted to be unleashed while off the owner's premises when under voice control of the owner or member of the owner's household or when on the premises of another person with such person's consent, and no person who owns, keeps, harbors, or has the care, custody, or control of any dog in the Village of Wolcott shall permit such dog to be at large or unleashed in the Village except as permitted by this article. The owner shall also restrain and control such dog as to prevent it from running at large with a pack of other dogs, and from chasing automobiles, moving vehicles, other animals, and children.
- B. Dangerous dogs. The owner of any dog which is vicious or dangerous to persons shall at all times restrain and control such dog so as to prevent injury to persons lawfully conducting themselves, and so as to prevent such dogs from putting any person lawfully conducting himself in fear of immediate bodily harm.
- C. Female dogs. Any female dog shall be confined to the premises of the owner while such female dog is in season.

- D. Howling dogs. No person shall keep or harbor a dog which howls, whines, or barks habitually or continuously so as to disturb the peace and quiet of other persons.
- E. Property damage. The owner of a dog shall not permit such dog, even though leashed, to do any of the following acts:
 - (1) Enter public buildings, restaurants, stores or cemeteries, except Seeing Eye dogs properly trained to assist blind persons, when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.
 - (2) Damage or deface property not belonging to the owner of the dog.
 - (3) Deposit waste or commit a nuisance on the private property of a person, or a party other than that of the owner of the dog.

§ 33-8 potentially rabid dogs.

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 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. 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 Village of Wolcott the cost of confinement and treatment of the dog.

§ 33-9 Untagged dogs.

Any peace officer, or the Dog Warden of the Village of Wolcott, shall seize any dog found at large not wearing the license tag required by Article 7 of the Agriculture and Markets Law of the State of New York, and will attempt to ascertain the owner and notify same by posting a description of the dog at the Village Clerk's office.

§ 33-10 Seizure of dogs; administration.

- A. Any peace officer or Dog Warden of the Village shall have the option to seize any dog which is found at large and in violation of § 33-7 of this article at the time when so found at large.
- B. After complaint and hearing, a Village Justice of the Village of Wolcott may direct any dog owner who is in violation of § 33-7, 33-8 or 33-9 to dispose of the offending dog or to deliver the same to the Dog Warden for humane destruction.
- C. Every dog so seized shall be properly fed and cared for at the expense of the Village of Wolcott until disposition thereof, as herein provided, and in accordance with applicable provisions of the Agriculture and Markets Law of the State of New York.
- D. If any dog is in violation of § 33-7 and the dog is wearing a license tag, the Dog Warden or peace officer shall ascertain the owner of the dog and shall give immediate notice to the owner, or an adult member of his or her family, with a notice in writing 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. The Dog Warden shall have the option of seizure if the dog is in violation of § 33-7.
- E. If a dog is seized for a violation of § 33-7 hereof only, and the dog is wearing a license tag, the owner may redeem the dog within 12 days by paying the Village Clerk the sum of \$40 for the first 24 hours or any part thereof and \$8 for each additional 24 hours or any part thereof for the cost of seizure, and the reasonable cost of feeding and maintaining the dog.
- F. If any dog is seized pursuant to § 33-9 hereof only, the owner may redeem the dog within five days by producing to the person seizing the dog a license for the dog and the paying to the Village Clerk the sum of \$60 for the first 24 hours or any part thereof and \$8 for each additional 24 hours or any part thereof as the cost of seizure, and the reasonable cost of feeding and maintaining the dog.

- G. If any owner is entitled to redeem a dog pursuant to Subsections E and F above, and if not redeemed, the owner shall forfeit all title to the dog and the dog shall be sold or destroyed by the peace officer or Dog Warden. In the case of sale, the purchaser must pay the purchase price to the Village Clerk and, if the dog is not licensed, obtain a license for the dog. The person who destroys a dog shall immediately dispose of the same and make a written report of such destruction and disposition to the Village Clerk, who shall keep a record thereof.

§ 33-11 Jurisdiction.

Any Justice of the Village of Wolcott shall have jurisdiction to hear all complaints under this article and all actions and proceedings hereunder, and all prosecutions for the violations of this order.

§ 33-12 Complaints.

- A. Any person who observes or has knowledge of a dog violating any section of this article may file a complaint under oath with the Village Justice of the Village of Wolcott specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and name and residence, if known, of the owner or other person harboring said dog.
- B. Upon receipt by the Village Justice of any complaint against the conduct of any particular dog, the Village Justice may summon the alleged owner or other person harboring said dog to appear in person before him; if the summons is disregarded, then the Village Justice may permit the filing of information and issue a warrant for the arrest of such person in conformity with Article 120 of the Criminal Procedures Law and Article 20 of the Uniform Justice Court Act.

§ 33-13 Duty of Dog Warden.

It shall be the duty of the Dog Warden to enforce the provisions of this article with discretion and to seize all dogs found at large in violation of this article, or which are ordered seized by a Village Justice in the Village of Wolcott. The Dog Warden also shall enforce the provisions of Article 7 of the Agriculture and Markets Law and shall have all powers granted to dog control officers under that article.

§ 33-14 Penalties for offenses.

The violation of this article shall be deemed an offense against the within local law, and a violation of this article shall be punishable by a fine not exceeding \$100, or by imprisonment for not exceeding 30 days, or by both such fine and imprisonment. Each separate offense shall constitute a separate additional violation. The provisions hereof are in addition to the regulations, restrictions, requirements, and penalties contained in Article 7 of the Agriculture and Markets Law and may be enforced through the Criminal Procedure Law and Uniform Justice Court Act.

§ 33-15 Authority.

This article is adopted in conformity with the powers granted to the Village by Article IX of the New York State Constitution and the Municipal Home Rule Law of New York State.