

## **Chapter 42**

### **ANIMALS**

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

#### **GENERAL REFERENCES**

**Peace and good order — See Ch. 110.**

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#### **ARTICLE I Health Regulations [Adopted 11-5-1945]**

- § 42-1. Disposal of manure. [Amended 12-15-1994 by L.L. No. 2-1994]**

No person shall allow manure to accumulate in a pile in the village so as to become a menace or nuisance, and all manure shall be removed from the premises by the owner or occupant at least once in each week.

- § 42-2. Swine.**

No person shall keep any swine within the corporate limits of the village without first obtaining a permit therefor from the Village Board, and such person on obtaining such permit shall comply with all of the requirements of the Village Board in relation thereto.

**§ 42-3. Poultry running at large. [Amended 12-15-1994 by L.L. No. 2-1994]**

No person shall allow any geese, turkeys, ducks, chickens or other poultry or fowl owned or controlled by him to run at large in the village or upon any property other than that owned or controlled by him.<sup>1</sup>

**§ 42-4. Penalties for offenses. [Added 12-15-1994 by L.L. No. 2-1994]**

A violation of this article shall be punishable, upon conviction, by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II.

**ARTICLE II****Dogs**

**[Adopted 2-19-1981 by L.L. No. 1-1981]**

**§ 42-5. Definitions.<sup>2</sup>**

As used in this article, unless the context otherwise indicates, the following terms shall have the meanings indicated:

**DOG** — Both male and female of the species *Canis familiaris*. **[Amended 12-15-1994 by L.L. No. 2-1994]**

**DOG CONTROL OFFICER** — Any person appointed by the Mayor to assist in the enforcement of this article and Article 7 of the Agriculture and Markets Law of the State of New York as therein specified. Such person or persons shall have all of the powers of a peace officer of the State of New York.

**OWNER** — Includes any person having the right of property in a dog, any person who keeps or harbors a dog or has in his care or who acts as its custodian and any person who permits a dog to remain on or about any premises occupied by him. **[Amended 12-15-1994 by L.L. No. 2-1994]**

**RUNNING AT LARGE** — Any dog, licensed or unlicensed, while roaming, running or self-hunting off the property of its owner or custodian and not under the control of the owner or custodian by a leash not exceeding 10 feet in length.

**§ 42-6. Duties and responsibilities of Dog Control Officer and owner.**

- A. It shall be the duty of the Dog Control Officer to seize and impound dogs running at large in the Village of Wilson, New York.

<sup>1</sup> Editor's Note: Former § 15-4, Slaughterhouses prohibited, which immediately followed this section, was repealed 12-15-1994 by L.L. No. 2-1994.

<sup>2</sup> Editor's Note: Former § 8-1, Kennels prohibited, which immediately preceded this section, was repealed 12-15-1994 by L.L. No. 2-1994.

- B. Any person owning or harboring a dog shall not suffer or allow it to run at large in any of the streets or public places of the village or upon the premises of anyone other than the owner or custodian, unless the owner or occupant of such premises grants permission.

**§ 42-7. Public pound; records.**

- A. The village shall maintain a public pound or dog shelter in which shall be contained all dogs seized by the Dog Control Officer and impounded under this Article. The Mayor shall designate the location of the pound.
- B. At the pound or dog shelter, a book must be kept in which the Dog Control Officer must enter the name and residence of any person bringing any dog to the pound, the date the same was brought, a description of said dog for identification and the name and residence of the owner thereof, if known, which book must at all times be open for public inspection.

**§ 42-8. Interference with Dog Control Officer.**

No person shall molest or interfere in any way with the Dog Control Officer or any of his duly authorized assistants or with the duly authorized agents of any person or corporation engaged in enforcing this article or the provisions of the Agriculture and Markets Law and the Public Health Law relating to dogs, while he or they are engaged in the performance of their duties.

**§ 42-9. Seizure; notice to owner; redemption; fees.**

- A. Any dogs running at large contrary to the provisions of this Article shall be subject to seizure and impounding by the Dog Control Officer or any peace officer or other person or agency designated by the village or authorized by law to seize and impound such dogs.
- B. If a seized dog bears a license tag, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed in Subsection C of this section and by producing proof that the dog has been licensed.
- C. If a seized dog does not bear a license tag, whether or not licensed, the dog 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 proof that the dog has been licensed and has been identified pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, and further provided that the owner pays the impoundment fees as set forth from time to time by resolution of the Board of Trustees.
- [Amended 12-15-1994 by L.L. No. 2-1994]



- D. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized subject to the provisions of Article 7 of the Agriculture and Markets Law.

**§ 42-10. Additional offenses; action. [Amended 9-20-1984 by L.L. No. 1-1984]**

- A. It shall be a violation punishable as provided in Subsection C of this section for:
- (1) Any owner to fail to license any dog.
  - (2) Any owner to fail to have any dog identified as required by this article or Article 7 of the Agriculture and Markets Law.
  - (3) Any person to knowingly affix to any dog any false or improper identification tag or purebred license tag.
  - (4) Any owner of any dangerous dog to fail to confine or destroy such dog upon order of any Judge or Justice as provided in Article 7 of the Agriculture and Markets Law.
  - (5) Any owner to fail to securely confine any dog as required by an order issued pursuant to Article 7 of the Agriculture and Markets Law.
  - (6) Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to Article 7 of the Agriculture and Markets Law.
  - (7) Any person to furnish any false or misleading information on any form required to be filed with the village or the Department of Agriculture and Markets pursuant to the provisions of this article or the Agriculture and Markets Law or the rules and regulations promulgated by the Commissioner of Agriculture and Markets.
- B. Any owner, person, firm, association or corporation utilizing the services of a dog or dogs for security, or as a pet, shall be responsible for the quieting of said dog or dogs from barking and disturbing the peace of the surrounding neighbors between the hours of 10:00 p.m. and 8:00 a.m.
- C. It shall be the duty of the Dog Control Officer of the village to bring an action against any person who has committed, within such village, any violation set forth in this article.

**§ 42-11. Penalties for offenses. [Amended 9-20-1984 by L.L. No. 1-1984; 12-15-1994 by L.L. No. 2-1994]**

A violation of this article shall be punishable, upon conviction, by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II.

## ARTICLE III

**Removal of Dog Feces****[Adopted 8-17-2000 by L.L. No. 2-2000]****§ 42-12. Removal of feces required.**

Any person owning or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, play area, park or any place where people congregate or walk or upon any private property, without the permission of the owner of said property, shall immediately remove all feces deposited by any such dog, in a sanitary manner.

**§ 42-13. Disposal of feces.**

The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any such dog in a sealed, nonabsorbent, leakproof container. Disposal of feces in street storm sewer collection systems is prohibited.

**§ 42-14. Exception for guide dogs.**

The provisions of this article shall not apply to a blind person who may use dogs as guides.

**§ 42-15. Penalties for offenses.**

Any person who violates or neglects to comply with any provision of this article shall, upon conviction thereof, be liable to a penalty of not less than \$25 nor more than \$250 for each violation and shall be liable to imprisonment as provided by law.

