

DOGS AND OTHER ANIMALS

Chapter 13

DOGS AND OTHER ANIMALS

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[HISTORY: Adopted by the Attica Village Board 6-6-2000 by L.L. No. 4-2000. Amendments noted where applicable.]

General References

Noise-See Ch. 34.
Parks-See Ch. 36
Zoning-See Ch. 62

ARTICLE I
Dogs

S 13-1. Definitions.

As used and intended in this chapter and for the purpose hereof, unless the context otherwise indicates, the following terms shall have the meanings indicated:

ANIMAL – A male or female animal, either singular or plural.

AT LARGE – As applied to an animal, each animal at all times when it is of the premises of its owner and is not leashed, accompanied by and under control of its not leashed, accompanied by and under control of its owner or a responsible person able to control the animal.

CONFINED – As applied to animal, that such animal is securely confined or restrained and kept on the owner’s premises, either within a building, kennel or wire or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach, endanger or cause damage to any person, animal or property on any adjacent premises or on any public street or way; if the animal is being transported by the owner, that it is securely confined in a crate or other container or so restrained in a vehicle that it cannot escape therefrom.

HOUSEHOLD – Those who dwell under the same roof and compose a family.

OWNER – The party purchasing the license, unless the dog is or has been lost or stolen and such loss or theft is reported to the Attica Police Department or Wyoming County or the Genesee County Sheriff’s office and a reasonable search has been made. If the animal is not licensed, the term “owner” shall designate and cover any person or persons, firm and/or association who or which, at any time, owns or has custody or control of or harbors or is otherwise responsible for any animal which is kept, brought or comes within the village.

PUBLIC NUISANCE – As applied to an animal, every animal which howls or barks continuously or makes other disturbing noises for an unreasonable, length of time. The provisions of this chapter shall be liberally construed to prevent excessive, unreasonable, disturbing and unnecessary noise, due consideration being given to the circumstance, time of day and/or particular location of each violation and the demands of the public health, safety and welfare. (Also see the Noise Ordinance.)

VILLAGE – The area within the corporate limits of the Village of Attica.

S 13-2. Prohibited acts.

- A. No person owning, keeping, harboring or having the care, custody and/or control of any dog shall permit such a dog to be at large in the Village of Attica unless on a leash not exceeding six feet in length, other than when on the premises of the person owning, keeping or harboring, having the custody and/or control of such dog, or upon the premises of another with the knowledge, consent and approval of the owner of such premises.
- B. No person shall own, keep, harbor or permit to be kept on the premises of such person any dog which, by its continual barking, howling or whining or other frequent or long-continued noises, shall disturb the comfort or repose of any person unless the dog is provoked. (See Noise Ordinance, Chapter 34&5B, for time limits for “noise disturbance from a barking dog.”)
- C. No person owning, keeping, harboring or having the care, custody and/or control of any dog shall suffer, permit or allow such dog to urinate or defecate on any park, churchyard or premises or schoolyard or premises or any other public or private property, and it shall be the responsibility of the owner, keeper, harbinger or person having the care, custody and/or control of any dog to clean up any deposited excrement as soon as it is deposited. The only exception is the private property owned, leased or otherwise occupied by such person.
- D. No person owning, keeping, harboring or having the care, custody and/or control shall permit such a dog to be abandoned or kept under cruel or unsanitary conditions.
- E. Any dog owned by a child under the age of 16 years shall be deemed, for the purpose of this chapter, to be in the custody and/or control of the head of the household in which the child resides.
- F. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Village of Attica or in any area under the jurisdiction of the village any animal excrement.

S 13-3. Right of entty.

For the purpose of discharging their duties imposed by this Article I, each member of the Police Department or any other village agency or employee designated for the purpose of enforcing this Article I is hereby authorized and directed to enter upon any premises in the village upon which any dog is kept or harbored and to demand the exhibition by the person owning, keeping, harboring or having the care, custody and/or control of said dog of the license tag for such dog. Each member of the Police Department or any other village agency or employee designated for the purpose of enforcing this Article I is hereby authorized and directed to enter upon any such premises for the purpose of enforcing the same to ascertain if any provisions of this Article I or the

Agriculture and Markets Law of the State of New York are being violated. No person shall hinder, resist or oppose any duly authorized official in the performance of his or her duties under this Article I.

S 13-4. Seizure; disposition; redemption fees.

- A. Any police officer or peace officer shall seize any dog which is found at large in the Village of Attica and shall cause the dog to be deposited at the place or facility designated by the Board of Trustees for the care and feeding of such dogs while restrained.
- B. The officer seizing any dog at large shall forthwith report such seizure to the Police Department, which shall keep a record of the name of the officer, the time and date of such seizure, the place of seizure and a description of the dog and license tag number, if any, and of the destruction or disposition of the dog thereafter.
- C. If the dog seized bears a license tag, the officer seizing such dog shall ascertain the name of the owner and shall give immediate notice to such owner, personally serving upon him or her or upon an adult member of his or her family notice, in writing, stating that the dog has been seized and will be destroyed unless redeemed within the period her family notice, in writing, stating that the dog has been seized and will be destroyed unless redeemed within the period herein provided.
- D. The owner of the dog so seized may redeem the dog within five days by Paying to the Village Clerk the sum of \$25 as the cost of seizure and, in addition thereto, the cost of feeding and caring for such dog for a first violation; or by paying the sum of \$50 as the cost of seizure and , in addition thereto, the cost of feeding and caring for such dog for a second violation hereof by such owner within a period of six months; or by paying the sum of \$100 as the cost of feeding and caring for such dog for a third or subsequent violation hereof by such owner within a period of six months seizure and, in addition thereto, the cost of feeding ad caring for such dog for a second violation hereof by such owner within a period of six months; or by paying the sum of \$100 as the cost of seizure and, in addition thereto, the cost of feeding and caring for such dog for a third or subsequent violation hereof by such owner within a period of six months.
- E. If any dog seized is not redeemed within the time as before set forth, the owner shall forfeit all title to the dog and the dog shall be sold or destroyed.

S 13-5. Limitation of number of dogs.

It shall be unlawful to keep or harbor more than three dogs, six months or older, in any household regardless of the number of owners, except by a special permit issued by the Village Board of Trustees with the favorable recommendation of the Planning Board. No such permit shall be issued if the issuance thereof would be inconsistent with the applicable provisions of the Code of the keeping or harboring of more than three dogs by a kennel being run as a business so long as the property is properly zoned.

S 13-6. Animals in heat.

Every owner of or person harboring, keeping or having the care, custody and/or control of any female animal in heat shall confine the animal during such a period in or on the premises of the owner or other person harboring, keeping or having the care, custody and/or control of such animal.

S 13-7. Penalties for offenses.

Any person owning, keeping, harboring or having the care, custody and/or control of any such animal who violates or permits the violation of any provision of this Article I shall be punishable by a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both such fine and imprisonment.

S 13-8. Savings clause.

If any part of this law is deemed or found to be unenforceable, illegal, unconstitutional or otherwise void, such judgment shall not affect or impair the validity of the remainder of the law or the application thereof to other persons or circumstances.

ARTICLE II
Other Animals

S 13-9. Animals prohibited.

No person, firm or corporation shall keep or maintain or suffer to be kept or maintained bees within the limits of the Village of Attica without permission of the Board of Trustees of said village. Every applicant for such permission shall give at least one week's notice in writing of such application personally or by mail to the owners or occupants of all houses and buildings within a distance of 300 feet from where the bees are to be kept or maintained. No such application shall be presented to the Village Board without verified proof of the service of the notice hereinbefore mentioned.

S 13-11. Seizure; disposition; redemption fees.

A. In addition to any other penalty for a violation of this Article II, the Police

Department of the village is hereby empowered to seize or have seized and confined in any proper place any aforementioned livestock found within the corporate limits of the Village of Attica.

- B. Any animal so seized and confined which is not claimed and redeemed within five days from the date of seizure shall be deemed abandoned, and the owner shall forfeit all title to the animal and it shall be sold or destroyed.
- C. Any animal so seized and confined may be redeemed by the owner upon his or her payment of all fines and all expenses of seizure, removal and confinement.

S 13-12. Right of entry.

For the purpose of discharging the duties imposed by this Article II, each member of the Police Department or any other village agency or employee designated for the purpose of enforcing this Article II is hereby authorized and directed to enter upon any premises in the village where aforementioned livestock may be being kept or maintained. Each member of the Police Department or any other village agency or employee designated for the purpose of enforcing this Article II is hereby authorized and directed to enter upon any such premises for the purpose of enforcing the same or to ascertain if any provision of this Article II is being violated. No person shall hinder, resist or oppose any duly authorized official in the performance of his or her duties under this Article II.

S 13-13. Penalties for offenses.

Any person, firm or corporation convicted of violating this Article II shall be punishable by a fine not to exceed \$250 or by imprisonment for a period not to exceed 15 days, or both. The continuation of an offense against this Article II shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

S 13-14. Severability.

If any part of this law is deemed or found to be unenforceable, illegal, unconstitutional or otherwise void, such judgment shall not affect or impair the validity of the remainder of the law or the application thereof to other persons or circumstances.