

Chapter 85 Animal Control

ARTICLE I, Control of Dogs

§ 85-1. Definitions.

When used in this article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

DOG -- Any dog of either sex and of any age unless otherwise indicated herein.

OWNER -- Includes any person owning, harboring or keeping a dog within the limits of the Village and the parent, guardian or other adult person with whom a minor dog owner resides.

§ 85-2. Leash and control required.

The owner of any dog shall restrain such dog by a leash, not exceeding six feet in length, while off the owner's premises, whether or not said dog is tagged or licensed. The owner of a dog shall not suffer, permit or allow his dog off the owner's premises unless restrained by a leash as set forth above and unless accompanied by a person of suitable age and discretion who can physically control the acts of such dog.

§ 85-3. Nuisances and disturbing noise prohibited.

- A. No person owning, harboring, keeping or having custody and control of a dog shall suffer, permit or allow such dog to commit any nuisance, urinate or defecate on or otherwise damage property of the public or of another. The upsetting of a garbage can, chasing of vehicles or attacking, snapping at or biting of a person by a dog while off the owner's premises shall be deemed to be a nuisance.
- B. No person shall have to keep or permit to be kept on any premises owned or occupied, in whole or in part, by him within the corporate limits of the Village any dog or another animal which, by habitually barking, howling or whining, disturbs the neighborhood.
- C. No owner shall suffer, permit or keep a female dog unless such dog is confined and restrained during breeding periods so as to be inaccessible by other dogs, except for arranged breeding purposes.

§ 85-4. Procedure concerning dog bites.

- A. Notification of dog bites. Any person who shall be bitten by a dog in the Village, or the parent, guardian or person with whom a minor child who has been bitten resides, shall forthwith notify the Village Clerk, in writing, of such fact, together with all attendant circumstances, such as the time and place of the biting; the name, age and address of the person bitten; the name, breed and license number of the dog, if available, otherwise a thorough description of said dog; the name and address of the owner, if known; and the names and addresses of witnesses, if known.
- B. Quarantine test required. The Village Clerk shall forthwith notify the Dog Enforcement Officer or any police officer or any officer authorized by law to seize and impound such dog pursuant to the provisions of the Agriculture and Markets Law of such dog biting, and such officer shall have the authority to seize and impound such dog and to isolate and quarantine

said dog in the designated humane facility for a period of 10 days. Said officer shall have the authority to subject such quarantined dog to all the proper tests by a licensed veterinarian for the purpose of determining the presence of rabies, if he determines that such tests should be given.

- C. Expense. The expense of such quarantine, report and veterinarian's fees for the examination and rabies tests, if any, shall be borne entirely by such owner, person possessing or person harboring such dog.
- D. Private agreements prohibited. No agreement, express or implied, between such owner, person possessing or person harboring such dog and any person bitten or his or her parents or guardian purporting to waive the necessity for strict compliance with the provisions of this article shall be a defense to prosecution hereunder, as hereinafter provided.

§ 85-5. Impounding and seizure of dogs.

- A. Any dog running at large contrary to the provisions of this article within the limits of the Village shall also be subject to seizure and impounding by any police officer or by any person or agency designated by the Village or authorized by law to seize and impound such dog pursuant to the provisions of Article 7 of the Agriculture and Markets Law.
- B. Every dog seized shall be properly fed and cared for at the expense of the municipality until disposition thereof shall be made as herein provided.
- C. Notice of impounding. The officer seizing any such dog shall ascertain wherever possible the owner of the dog and shall give reasonable notice by personally serving such owner or an adult member of his family with a notice, in writing, stating the dog has been seized and will be destroyed unless redeemed within the period herein provided.
- D. Redemption fees. Any dog seized in accordance with the provisions of this article may be redeemed by the owner or harbinger of the same upon payment to the designated humane facility as provided in Agriculture and Market Law § 118.
- E. Disposal of unredeemed dogs. If not so redeemed, the owner or harbinger of the dog shall forfeit all title to the dog, and the dog shall be sold or destroyed by the peace officer or other designated person.

§ 85-6. Pooper scooper.

- A. The owner of any dog or cat shall be responsible for cleaning up excrement of their animal when elsewhere other than owner's premises.
- B. No person who owns a dog or cat shall permit the premises, structure or enclosure in which such dog or cat is kept to be in an unclean or unsanitary condition. Each day the owner fails to comply with this provision shall be deemed a separate offense.

§ 85-7. Training.

No training of any dogs or cats on a frequent or regularly scheduled basis by a firm or business established for such purpose will be allowed on any properties owned by the Village.

§ 85-8. Enforcement.

Any police officer of the Village, the Animal Enforcement Officer of the Village or any other person or agency designated by the Village or authorized by law to seize and impound a dog pursuant to the provisions of Article 7 of the Agriculture and Markets Law shall have the authority to enforce the provisions of this article, including the issuance of a warning (“Warning”) and a notice of fine (“Notice of Fine”) in forms substantially similar to those in Schedule C, and/or serve a summons or an appearance ticket or execute of any other appropriate court process and shall have the power to seize and impound any dog in violation of any provisions of this article. [See also §85-27.1 Enforcement]

§ 85-9. Penalties for offenses.

Penalties for violations of this Chapter are provided in Schedule C.

ARTICLE II, Cats

§ 85-10. Purpose.

The purpose of this article is to control and set forth licensing rules and regulations regarding cats in the Village.

§ 85-11. Definitions.

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

OWNER -- Any person who is the owner of a cat or any person who keeps, feeds or harbors a cat. The owner need not be a resident of the Village, but, for violation to occur, the cat must be in the Village.

§ 85-12. Prohibited acts.

It shall be unlawful for any owner of or any person harboring any cat to permit or allow such cat while in the Village to:

- A. Be vicious or to stray or to defecate in such a way as to cause annoyance to any person other than the owner or person harboring such cat.
- B. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such cat.
- C. The owner of any cat shall be responsible for cleaning up excrement of their animal when elsewhere other than owner's premises.
- D. No person who owns a cat shall permit the premises, structure or enclosure in which such cat is kept to be in an unclean or unsanitary condition. Each day an owner fails to comply with this provision shall be deemed a separate offense.

§ 85-13. Enforcement.

Any police officer of the Village, or any other person or agency designated by the Village or authorized by law to seize or impound a cat and shall have the authority to enforce the provisions of this article, including the issuance of a warning (“Warning”) and a notice of fine (“Notice of Fine”) in forms substantially similar to those in Schedule C, and/or serve a summons or an

appearance ticket or execute of any other appropriate court process. [See also §85-27.1 Enforcement]

§ 85-14. License required.

On or before January 2001, all cat owners are required to secure a Village cat license from the Village Clerk upon completion of the Village application form. The license fee chargeable to the owner will be \$2.50 for neutered or spayed cats and \$7.50 for cats not spayed or neutered. The cat license must be attached to a collar at the neck of the cat being licensed and remain there.

§ 85-15. License fee; term of license.

The license fee will be a one-time charge to the owner for that cat, and the license will remain valid so long as the cat ownership shall remain the same.

§ 85-16. Nontransfer of license.

In the event ownership of the cat is transferred, then the current license will be deemed to have expired, and the new owner shall have to secure a new license for the cat. No license is transferable from one cat to another.

§ 85-17. Disposition of unlicensed.

Effective January 1, 2001, the Village Animal Control Officer will apprehend unlicensed cats within the Village and deliver such cats to the designated humane facility or such other organization as may be designated by the Board of Trustees of said Village.

§ 85-18. Penalties for offenses.

Penalties for violations shall be as follows:

- A. First offense: a mandatory civil penalty of \$100;
- B. Second offense within a five-year period: a mandatory civil penalty of \$150;
- C. Third offense within a five-year period: a mandatory civil penalty of \$250.

§ 85-19. Seizure of cats running at large.

- A. Any cat running at large within the limits of the Village shall be subject to seizure and impounding by any peace officer or by any person or agency designated by the Village.
- B. Every cat seized shall be humanely fed and cared for at the designated humane facility until disposition thereof shall be made as herein provided.
- C. Notice of impounding. The peace officer or authorized person seizing any such cat shall exercise reasonable diligence to ascertain the owner of the cat and shall give or cause to be given reasonable notice to such owner or an adult member of his or her family that the cat has been seized and will be destroyed unless redeemed within the period herein provided. Such notice shall be in writing and shall be personally served whenever possible (reasonable diligence to this end being made in accordance with Article 7, § 118, of Agriculture and Markets Law).

- D. Disposal of unredeemed cats. If not redeemed, within the period set forth in § 118 of the Agriculture and Markets Law, the owner of the cat shall forfeit all title to the cat, and the cat shall be humanely destroyed by the designated humane facility (Article 25B, §§ 331 and 332, of the Agriculture and Markets Law).
- E. Enforcement provisions. Any police officer of the Village, the Animal Control Officer or any other person or agency designated by the Village or authorized by law to seize and impound a cat pursuant to the provisions of this article shall have the power to seize and impound any cat in violation of any section of this article and issue appearance tickets.
- F. Redemption fees. Any cat seized in accordance with the provisions of this article may be redeemed by the owner of the same upon payment to the designated humane facility in accordance with Article 7, § 118 of the Agriculture and Markets Law and proof of current license and vaccination.

ARTICLE III, General Provisions

§ 85-20. Number of animals restricted.

- A. Not more than five dogs or cats combined, six months of age and older, shall be kept, harbored or maintained on any premises, regardless of the number of owners. The total number of animals shall not exceed five.
- B. Under control:
 - (1) When in a public area or in a public park, anyplace other than on the owner's premises, all dogs shall be on a leash no longer than eight feet.
 - (2) The fact that a dog is at large elsewhere than on the premises of the owner shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog. The owner is then held liable for any biting or mauling that may arise from the dog being at large.

§ 85-21. Animals in vehicles.

- A. An animal may not be placed or confined, or allowed to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances as may be expected to cause suffering, debility or death.
- B. An officer or Animal Control Officer who finds an animal in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal.
- C. No person shall transport or carry on any public highway, roadway, or thoroughfare any dog or cat or other animal in a vehicle unless the animal is safely enclosed within the vehicle or, if traveling in the bed of any open vehicle (including but not limited to convertibles, pickup and flatbed trucks without a topper), is confined by a secured, well-ventilated container of proper size or properly tethered to prevent the animal from falling or jumping from the vehicle.

D. Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

§ 85-22. Restricted animals; exceptions; reporting bites or scratches.

A. The following genus/species of animals are hereby declared to be restricted:

- (1) Ferrets.
- (2) Iguana, lizards of the order of Chamaeleontidae, and lizards of the genus *Aranus* but excluding the species *komodoensis*, *salvadoril*, *salvator*, *nilioticus*, *albigularis*, and *indicus*.
- (3) Vietnamese potbellied pigs.
- (4) Ostriches, emus, rheas and peafowls.
- (5) Artiodactyla and Camelidae, including camels, aipacas, llamas and vicuna.
- (6) Sugar gliders.
- (7) Other small livestock-type animals.

B. Exceptions. Other animals which are neither exotic animals or such animals as specified in this section, such as mice (domestic), rats (domestic), king snakes, guinea pigs, turtles, tropical fish, canaries, or birds of the psittacine family, and other similar animals commonly kept as household pets, may be kept upon any lot in any district where the principal use upon such lot is a residential use, so long as such animals do not constitute a nuisance and are afforded food, care and sanitary facilities.

C. Reporting any bites or scratches.

- (1) Any person having charge, control, custody or possession of any nondomesticated animal, bird, or reptile which bites, scratches or injures any person or domestic animal shall immediately, after becoming aware of such fact, notify the Police Department.
- (2) Notification shall include the date, time and place of the incident, a description of the animal, bird or reptile and any domesticated animal involved, and the name and address of any person who was a victim of the incident.

D. Other domestic pets. Not more than four adult rabbits shall be kept on any premises in the village limits.

§ 85-23. Prohibited animals.

The following genus/species of animals are hereby declared to be prohibited:

A. Canidae within the order Carnivore (e.g., wolves, wolf-dog hybrids which are at least 60% wolf, coyotes, coyote-dog hybrids which are at least 60% coyote, foxes, jackals), but excluding *Canis familiaris*, the domestic dog.

- B. Felidae within the order Carnivore (e.g., lions, tigers, jaguars, leopards, lynx, ocelots, bobcats, jungle cats, serval cat), but excluding *Felis domestica*, the domestic cat.
- C. Procyonidae within the order Carnivore (e.g., coatis, pandas, raccoons, procynonids).
- D. Ursidae of the order Carnivore (e.g., black bears, brown bears, grizzly bears, polar bears).
- E. Chiroptera (e.g., bats).
- F. Cetacea (e.g., whales, dolphins, porpoises).
- G. Pinnipedia (e.g., seals, sea lions, walrus).
- H. Sirenia (e.g., sea cows, manatees).
- I. Primates, including all families [e.g., Cebidae, Cercopithecidae, Callithericidae, Lemuridae, Lorisdade, Tarslidae, Colobinea, Hylobetidae, Pongidae (e.g., monkeys, baboons, marmosets, tamarins, capuchin, chimpanzees, orangutans, gorillas, apes)].
- J. Formicidae within the order Hymenoptera (e.g., fire ants).
- K. Apidae; specifically Africanized strains of the *Apis Mellifera* honeybee.
- L. Proboscidea, Hyracoidea, Tubulldentata (e.g., elephants, hyraxas, aardvarks).
- M. Edentata, Pholidota (e.g., anteaters, sloths, armadillos).
- N. Marsupialis (e.g., kangaroos, wallabies, koala), except sugar gliders.
- O. Crocodylidae of the order Squamata (e.g., crocodiles, alligators, calmans, gavials).
- P. Helodermatidae of the order Squamata (e.g., gila monsters, beeded lizards).
- Q. Lizards of the species kornodoenis, salvadon, salvator, niloticus, albigularis and indicus.
- R. Crotalidae, Viperidae, Elapidae, Opiathoglyphouse Colubridae, and all other orders which include poisonous or venomous reptiles (e.g., rattlesnakes, vipers, corals, copperheads, cottonmouths, moccasins, sea snakes, puff adders, Malagasy hognoses).
- S. Eunectes of the order Squamata (e.g., green anaconda).
- T. Python sebae, Python reticulates, Python molous, Morelia amethystine of the order Squamata.
- U. Venomous spiders of the families Teridiiae and Loxoscelldae respectively, and scorpions of the order Scorpiones, excluding *Pandinus imperator* (emperor scorpion).
- V. All wild animals indigenous to the State of New York.

§ 85-24. Conflict with other laws.

In any case where a provision of this article is found to be in conflict with or inconsistent with a provision of any other ordinance or local law which establishes a lower standard of the promotion and protection of the safety, health and welfare of its inhabitants, the provision of this

article shall prevail, and such other law or parts thereof are hereby declared to be repealed to the extent that they may be so found to be in conflict with this article.

ARTICLE IV, Wild Animals and Venomous Reptiles

§ 85-25. Definitions.

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

WILD ANIMALS OR VENOMOUS REPTILES -- Wild game or exotic animals customarily existing in a wild state, but shall not include a dog or cat.

§ 85-26. Restrictions.

No person shall possess, keep, harbor or maintain any wild animal or venomous reptile within the corporate limits of the Village of Ilion.

§ 85-27. Exceptions.

- A. Upon application to the Village Board, the Village Board may permit, in its sole discretion, and under such terms and conditions as it may prescribe, the possession, maintenance and harboring of wild animals or venomous reptiles, for zoological, educational and scientific purposes or for the propagation of such wildlife in captivity for preservation purposes, provided the same are suitably confined to prevent escape. Such permits shall be further subject to any appropriate provisions of the Agriculture and Markets Law, Conservation Law, and federal laws or regulations.
- B. There is further specifically excepted from provisions or prohibitions of § 85-25 above, the common household pets such as goldfish, tropical fish, turtles, parrots, canaries, lovebirds and other similar birds, rabbits, hamsters, mice or gerbils and nonvenomous lizards and reptiles.
- C. For the safety and humane treatment of the animal, and for the maintenance of order in the Village, no reptile may be out of doors at any time or for any reason, unless such animal is safely secured in an adequately sized, constructed and ventilated cage or animal carrier with the intent to transport the animal to or from a pet store or veterinarian. All other public displays of such animals are otherwise prohibited except by permission granted under Subsection A above.
- D. Proof of intent to transport shall be a signed, dated and timed affidavit or a verifiable appointment logged with a veterinarian or pet store or a dated, timed and employee-signed sales receipt.
- E. All endangered, threatened and special-concern fish and wildlife species as listed in the Code of Federal Regulations, 50 CFR 17.11 and 17.12, or in the list maintained by the State of New York Division of Fish and Wildlife (or any revision of said federal or state lists) shall be prohibited except by permission granted under Subsection A, above.

§ 85-27.1. Enforcement

- A. The Codes Enforcement Officers and Village Police Officers hereby have full authority to investigate all violations of this chapter with and/or without receiving any complaints regarding any violations of the same. All investigations will be conducted under the general

rules and conduct and in accordance with the Criminal Procedure Law and Penal Law of the State of New York.

- B. If the person upon whom the Warning is served fails, neglects or refuses to comply with said Warning within twenty four (24) hours, the Village may serve a Notice of Fine upon the owner. The terms of payment for the fine are set forth in Schedule C. Every twenty four (24) hours that a violation of this chapter continues shall be and does hereby constitute a separate and distinct offense, subject to the terms set forth in Schedule C.
- C. At any time after the service of a Notice of Fine the Village may, but is under no obligation to, issue an appearance ticket to the owner to appear in the proper court of jurisdiction that may subject the owner to additional penalties and demands set forth by the court.

§ 85-28. Penalties for offenses.

- A. Penalties for violating provisions of this chapter are provided in Schedule C.
- B. In addition, the wild animal shall be seized and impounded and shall be either offered to a recognized institution for scientific or educational purposes or surrendered to the Department of Environmental Conservation or destroyed.