Chapter 89

DOGS AND OTHER ANIMALS

ARTICLE I
Animals at Large

ARTICLE II
Dogs at Large

ARTICLE III
Nuisances

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

ARTICLE I
Animals at Large
[Adopted 6-30-1952 as Art. I of the 1952 Ordinances]

§ 89-1. Prohibited acts.

No person shall permit horses, cows, swine, fowl, poultry or domesticated birds to run at large in the Village of Vernon.

§ 89-2. Keeping of swine.

The keeping of swine in the corporate limits within 150 feet of a dwelling is absolutely forbidden. No swine shall be kept in any place without a permit from the Health Officer of the Town of Vernon.[1]

§ 89-3. Penalties for offenses. [Amended 9-9-1992 by L.L. No. 4-1992]

Any person convicted of violating any provision of this article shall be guilty of a violation punishable by a fine of not more than $250 or 15 days' imprisonment, or both.

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[1] Editor's Note: Original Section 1.3, regarding dogs at large, which immediately followed this section, was deleted 9-9-1992 by L.L. No. 4-1992.

ARTICLE II
Dogs at Large
[Adopted 9-9-1992 by L.L. No. 4-1992]

§ 89-4. Purpose.

The purpose of this article shall be to promote the health, safety, morals and general welfare of the Village of Vernon, including the protection and preservation of the property of the Village and its inhabitants and of the peace and good order, by adopting and enforcing certain regulations and restrictions on the privileges of the owners of dogs and the rights and privileges of the Village of Vernon and by imposing restrictions upon the keeping and running at large of dogs within the Village of Vernon.

§ 89-5. Definitions.

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

DOGS — Includes 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/or the parent, guardian or other adult person with whom a minor dog owner resides.

RESTRAINT — A dog is under restraint if it is:

(1) Controlled by a leash not exceeding six feet in length; or

(2) On or within a vehicle being driven or parked on the street; or

(3) Within the property limits of its owner or keeper; or

(4) Upon the premises of another with the consent of such other person.

RUNNING AT LARGE — Any dog, licensed or unlicensed, while roaming or running off the property of its owner or custodian and not under restraint.

VILLAGE OF VERNON — All the area within the corporate limits of the Village of Vernon.

B. The term "shall" is mandatory; the term "may" is permissive.

§ 89-6. Enforcement; duties.

A. The Village of Vernon shall be charged with enforcement of this article.

B. It shall be the duty of the Village of Vernon police to enforce the appropriate provisions of this article with respect to dogs in the Village of Vernon. The police officers or any other peace officers of the Village of Vernon, of the State of New York, shall seize any dog which is found to be in violation of any portion of this article. All complaints concerning alleged violations of this article shall be communicated to the Village police. All such complaints shall be investigated and it shall be the duty of the Village police, in the appropriate case, to proceed with civil or criminal enforcement of this article and any other provision of the law pertaining hereto.

§ 89-7. Regulations and restrictions.

A. No person owning, keeping, harboring or having the care, custody and/or control of any dog shall permit such dog to be at large in the Village of Vernon, Oneida County, New York, 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/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 dog, whether leashed or unleashed, shall be in any grocery or commercial establishment which sells food for human consumption, or in any cemetery, 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.

C. No person shall keep or allow to be kept a dog which has attacked any person peaceably conducting himself or herself in any place where such person may lawfully be, or which has attacked or chased or worried or killed any domestic animal or any cat or other dog while such animal is in any place where it may lawfully be.

D. No person who owns a dog shall permit such dog to destroy or damage property of any kind nor deposit waste or commit a nuisance on the private property of a person or party other than that of the owner of the dog.

E. No person shall keep or permit to be kept on the premises occupied by such person any dog which by its frequent or long-continued noises shall unreasonably disturb the comfort or repose of any person.

F. No person who owns a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.

G. No female dog in season shall be permitted to be outside a building or a fenced enclosure.

§ 89-8. Complaint; procedure.

A. Any person who observes or has knowledge of a dog causing damage to property of a person other than its owner or violating any section of this article or permitting a nuisance upon the premises of a person other than its owner may file a signed complaint under oath with the police of the Village of Vernon, specifying the objectionable conduct of the dog and the date thereof, the damage caused, the description of the dog and the

name or residence, if known, of the owner or other person harboring said dog.

B. Upon receipt by the police of any complaint against the conduct of any particular dog, for a violation of any provision of this article, or in the event any dog is found by the police of the Village of Vernon to be in violation of any provisions of this article, the police may summon the alleged owner or other person harboring said dog to appear before the Village Justice of the Village of Vernon.

§ 89-9. Redemption of seized dogs.

Any dog found off the premises of the owner in violation of any provision of this article may be apprehended and impounded by the police or employee of the Stevens-Swan Humane Society. Notice shall be given to the owner of such seizure. The owner may reclaim such dog by payment to the Village Clerk of the impoundment fee as set forth in § 118 of the Agriculture and Markets Law. The dog will be turned over to the Stevens-Swan Humane Society of Utica, New York, where the owner may reclaim such dog and pay any fee required by the society.

§ 89-9.1. Dangerous animals; violation. [Amended 9-15-2004]

A. No person shall own or harbor any dangerous animal or any animal which shall attack or attempt to bite any person peaceable passing along the street, lane, park or walk of the village or any place the person may legally be.

B. Definition.

ANIMAL — Any live vertebrate creature, domestic or wild.

C. Violation. The owner of any declared dangerous animal will be required to provide a certificate of liability insurance naming the Village as a certificate holder. The breed of the dog declared dangerous must be specifically listed in the remarks section of the certificate. These requirements must be accomplished within 30 days of notice. Failure to comply will result in a fine of not less than $50 nor more than $500 or jail or both.

§ 89-10. Penalties for offenses.

Except as otherwise provided in Article 7 of the Agriculture and Markets Law, any person convicted of violating any provision of this article shall be guilty of a violation punishable by a fine of not more than $250 or 15 days' imprisonment, or both.

ARTICLE III
Nuisances
[Adopted 9-9-1992 by L.L. No. 4-1992]

§ 89-10.1. Public nuisance; violation. [Added 9-15-2004]

A. An owner of an animal shall not permit such animal, either licensed or unlicensed, to become a public nuisance. An animal shall be presumed to be a public nuisance if it shall:

(1) Persistently or consistently bark or howl or whine or snarl or growl.

(2) Cause personal injury.

(3) Cause damage to personal property.

(4) Transport trash or create impairment of lawns, hedges, flower beds and gardens on property other than of the owner or of anyone having the animal in custody.

(5) Roam with one or more animals in a pack.

(6) Be in the habit of chasing or barking at automobiles.

(7) Kill other animals, except mice and rats.

(8) Be in any grocery store or any store where perishable goods are sold or any part of any restaurant where food is prepared except for Seeing Eye dogs.

B. No person shall keep or harbor such number of dogs as to constitute a nuisance.

C. Violation. Any person convicted of a violation of this provision shall be punishable by:

(1) A fine up to $25 for a first violation.

(2) A fine up to $50 for a second violation within the preceding one year.

(3) A fine up to $100 or imprisonment for not more than 10 days, or both, for a third conviction within the preceding five years. For a third violation in one year as aforesaid, such animal may only be disposed of in accordance with Article 7 of the Agriculture and Markets Law.

§ 89-11. 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, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of said property shall immediately remove all feces deposited by any such dog by any sanitary method approved by the local health authority.

§ 89-12. Disposal of feces.

The feces removed from the aforementioned designated area shall be disposed of by the person owning or in charge of any such dog in accordance with the provisions of this article.

§ 89-13. Exceptions.

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

§ 89-14. Methods of disposal.

Sanitary methods for removing all feces approved by the local health authority are mechanical devices such as pooch scoops, small shovels, etc. All feces removed by the person owning, harboring, keeping or in charge of any such dog shall be disposed of in a sealed, nonabsorbent, leakproof container.

§ 89-15. Penalties for offenses.

Any person convicted of violating any provision of this article shall be guilty of a violation punishable by a fine of not more than $250 or 15 days' imprisonment or both.