

## Chapter 67

### ANIMALS

#### GENERAL REFERENCES

Noise — See Ch. 127.

Zoning — See Ch. 200.

---

#### § 67-1. Title.

This chapter shall be known as "A Local Law for the Control of Dogs and Other Animals."

#### § 67-2. Purpose.

The purpose of this chapter shall be to promote the health, safety, morals or general welfare of the Village of Palmyra, 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 activities of dogs and other animals that are consistent with rights and privileges of the owners of dogs and other animals and the rights and privileges of the residents of the Village of Palmyra and by imposing restrictions upon the keeping and running at large of dogs and other animals within the Village of Palmyra.

#### § 67-3. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

AT LARGE — Off the premises of the owner and not under the control of the owner or other responsible person by means of a leash, cord, chain or similar device not over six feet in length.

DOG — Includes both male and female.

FARM ANIMALS — Horses, ponies, livestock, cattle, goats, sheep, pigs, mules, donkeys, fowl, and any other animals customarily kept on a farm, but not including common household pets.

HABITUAL — A dog howling, barking, whining, or crying for repeated intervals of at least 10 minutes with less than two minutes of interruption, which can be heard by any person, including a law enforcement officer or Animal Control Officer, from a location outside of the owner's or caretaker's premises.

OWNER — Any person or group of persons living in the same household as one family unit, or any firm, association or corporation, owning, harboring, boarding or otherwise keeping or having in his or its custody a dog or dogs, horses or other domesticated animal or animals, within the corporate limits of the Village of Palmyra.

#### § 67-4. Enclosures for animals other than domesticated pets; penalty.

- A. All stables, barns and other places wherein horses, cattle or all other animals other than domesticated pets are kept shall be kept clean and sanitary. All accumulations of manure shall be stored in such places and removed with such frequency and in such a manner as to prevent offensive or noxious odors. No piles of manure shall be allowed to accumulate in any position or manner whereby they shall become breeding places for flies or whereby any draining therefrom may pass to any stream or watercourse.
- B. Minimum acreage for farm animals. No farm animals shall be permitted on any tract of land within the Village of Palmyra unless such tract of land consists of a minimum of five acres for the first animal. Additional farm animals may be kept, provided that the tract of land consists of one additional acre of land for each additional farm animal.
- C. Exceptions.
- (1) This chapter shall not apply to properties that are in excess of 1.5 acres, which properties lie along the corporation line between the Village of Palmyra and the Town of Palmyra, and which properties were housing farm animals on the effective date of this chapter.
  - (2) This chapter shall not apply to farm animals temporarily harbored or maintained at the Palmyra Fairgrounds during the Wayne County Fair or other scheduled events involving farm animals at the Fairgrounds.
- D. Penalties. Any person violating any provision of this section shall be punishable, upon conviction, by a fine not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, for each violation. Each day any violation shall continue shall constitute a separate violation.

**§ 67-5. Permit required for kennel; fee; nonapplicability.**

- A. No person shall hereafter operate a kennel of three or more dogs over six months old within the limits of the Village without a permit from the Board of Trustees. Such permit may be granted for a period of one year unless it shall appear from the complaints of neighbors, or otherwise, that the keeping of the animals in question is objectionable or offensive by reason of noise, smell or other cause. Such permit shall be revocable at any time by the Board of Trustees. Any use heretofore existing shall not extend beyond one year from the enactment of this chapter unless a permit is granted pursuant to this section. Upon the issuing of any permit in accord with the foregoing, the applicant shall pay to the Clerk of the Village of Palmyra a sum as set from time to time by resolution by the Board of Trustees.
- B. Subsection A shall have no application to such public pound as may be established by the Village of Palmyra nor to any animal hospital for the treatment, care, observation or temporary boarding of dogs or cats if such hospital shall be operated by a person licensed to practice veterinary medicine under the provision of the New York State Education Law.

**§ 67-6. Running at large.**

It shall be unlawful for the owner of any dog to permit or allow such dog to run at large

in the Village of Palmyra.

**§ 67-7. Property damage.**

No person who owns a dog shall permit or suffer such dog to damage or destroy property of any kind.

**§ 67-8. Maintenance of premises.**

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

**§ 67-9. Nuisances.**

No person being the owner or the agent of the owner of any dog shall permit such dog to commit any nuisance within the Village of Palmyra or cause damage to the person or property of others. The following are declared to be public nuisances and are set forth herein for explanatory purposes only and are not to be considered as excluding other types of nuisances; and the establishment of the fact that the owner of a dog has allowed or permitted such dog to commit any of the acts hereinafter prohibited shall be presumptive evidence against the owner or harbinger of such dog that he or she has failed to properly confine or control said dog:

- A. Engaging in habitual or continuous loud howling and/or habitual barking, crying or whining, or so conducting itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- B. Chasing and/or barking at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harbinger of said dog.
- C. Jumping upon, chasing or otherwise harassing any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- D. Being found upon the school grounds of any school within the Village of Palmyra during the time of year when said schools are open, and between one hour prior to commencement of the school day and one hour after the end of the school day, or upon a playground within said Village of Palmyra at any hour during the time of year when playground activities are conducted.
- E. Running together in a pack or in any way forming a pack of dogs. For the purpose of this chapter, the word "pack" is hereby defined to mean three or more dogs.
- F. Defecating, urinating, digging or otherwise damaging public property or private property other than the property of said owner.

**§ 67-10. Seizure of dogs at large.**

Any police officer, peace officer or the Animal Control Officer of the Village may seize any dog which is not licensed in accordance with Article 7 of the Agriculture and

Markets Law of the State of New York and any dog running at large in violation of § 67-6 of this chapter.

**§ 67-11. Care and redemption of impounded dogs.**

- A. Every dog seized shall be properly fed and cared for at the expense of the Village of Palmyra until disposition thereof, as herein provided, and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York.
- B. If the seized dog carries an identification number as provided in Article 7 of the Agriculture and Markets Law of the State of New York, the owner of record shall be notified by written notice served upon the owner or an adult member of his or her family that the dog has been seized and that ownership will be forfeited unless the dog is redeemed as herein provided. Such dog shall be held for a period of seven days, excluding the day of notice, during which period of time the dog may be redeemed by the owner upon producing proof of licensing and upon payment of the fees prescribed in Subsection E below.
- C. Each seized dog which does not carry an identification number shall be held for a period of five days, excluding the date of seizure, during which period the dog may be redeemed by the owner upon producing proof of licensing and identification and upon payment of the fees prescribed in Subsection E below.
- D. If not redeemed, the owner shall forfeit all title to the dog, and the dog shall be forfeited to the Humane Society of Wayne County by the Animal Control Officer with all related expenses of such forfeiture being the responsibility of the dog's owner.
- E. Impoundment and boarding fees, which shall be paid to the Village Clerk or Animal Control Officer, shall be determined by resolution of the Palmyra Village Board from time to time. Any such resolution so adopted shall become effective upon the publication of said impounding and boarding fee schedule in the official newspaper unless otherwise determined by the Board of Trustees.

**§ 67-12. Enforcement.**

- A. It shall be the duty of the Animal Control Officer, or other person authorized by Article 7 of the Agriculture and Markets Law of the State of New York, to enforce this chapter and the appropriate provisions of Article 7 of the Agriculture and Markets Law and to bring an action against any person who violates, within the Village of Palmyra, any provision of this chapter or of § 119, Subdivision 1, of the Agriculture and Markets Law of the State of New York.
- B. The Animal Control Officer, upon seizure of such dog, bitch, or pup, shall immediately notify the owner or harbinger of such dog, bitch or pup, if the owner or harbinger be known or can within reasonable diligence be ascertained, that such animal has been and is impounded.

**§ 67-13. Offenses.**

It shall be a violation, punishable as provided in § 67-14 of this chapter, for any person to violate any provision of this chapter or of § 119, Subdivision 1, of the Agriculture and

Markets Law of the State of New York. Any person who has been charged with such a violation may proceed as set forth in Subdivision 3 of § 119 of the Agriculture and Markets Law of the State of New York.

**§ 67-14. Penalties for offenses.**

Except as provided in § 67-4D, a violation of this chapter or of § 119, Subdivision 1, of the Agriculture and Markets Law of the State of New York shall be punishable by a fine and imprisonment, except that if the person was found to have committed such a violation within the preceding five years, the fine may not be more than \$50, and if the person was found to have committed two or more such violations with the preceding five years, the fine may be not more than \$100.

