

Village of Cohocton

Local Law Numbered 5 of the year 2004 “A Local Law for the Control of Dogs”  
Local Law Numbered 1 of the year 2016 “Amending Local Law #5 of 2004”

Be it enacted by the Board of Trustees of the Village of Cohocton as follows:

## **SECTION 1 – PURPOSE AND INTEREST**

The purpose of this Local Law shall be to promote the health, safety, morals and general welfare for the Village of Cohocton, 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 residents of the Village of Cohocton and by imposing restrictions upon keeping and running at large of dogs within the Village of Cohocton

## **SECTION 2 – DEFINITIONS**

**DOGS** The term “dog” or “dogs” shall mean both male and female dogs except where the context requires otherwise.

**OWNER** The term “owner” shall include any person who owns, keeps or harbors, or has the care, custody, or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor’s parents, or other head of the household where the minor resides.

**AT LARGE** The term “at large” shall mean a dog off the premises of the owner.

## **SECTION 3 – REGULATIONS AND RESTRICTIONS.**

- (a) The owner of any dog shall be required to license said dog upon the dog attaining the age of 4 months in accordance with the Agriculture and Markets Law of the State of New York. Said license shall be an annual license in accordance with the Agricultural and Markets Law of the State of New York and rules and regulations as promulgated by the Village Board of the Village of Cohocton, New York. The owner of any dog shall be required to keep on each licensed dog a suitable collar with license securely attached. A dog at large without a collar and license is presumed to be unlicensed.
- (b) No dog shall be in any restaurant, grocery or commercial establishment which sells food for human consumption except a service dog.
- (c) No person shall keep or suffer to be kept a dog which has attacked any person peaceably conducting himself in any place where such a person may lawfully be, or which has attacked, chased or worried or killed any domestic animal, as defined in the Agricultural and Markets Law of the State of New York, while such animal is in any place where it may lawfully be.
- (d) An owner of any shall not permit or suffer such dog to damage or destroy property of any kind or to deposit waste on the private property of other persons.

- (e) No person shall keep, suffer or permit to be kept on the premises occupied by such person, any dog which by its continual barking, howling, or whining or other frequent or long continued noises shall unreasonably disturb the comfort or repose of other persons.
- (f) No owner of a dog shall permit the premises, structures, or enclosures in which such dog is kept to be unclean or unsanitary.
- (g) No person shall permit a female dog owned by him to be off owner's premises while such female dog is in heat.
- (h) It shall be unlawful for any owner of any dog to permit or allow such dog to be at large, unrestrained by a leash, when off the owner's property, unless under the control of a responsible person able to control the dog by other means.

#### **SECTION 4 – DOG WARDEN**

The Village Board may from time to time appoint a dog warden or wardens or a peace officer or other agents of the Village of Cohocton as needed pursuant to the appropriate statutes of the State of New York or it may contract for the same. It shall be the duty of any dog warden, peace officer, or another agent to enforce the provisions of this Local Law as well as of the Agricultural and Markets Law of the State of New York with respect to dogs in the Village of Cohocton.

#### **SECTION 5 – SEIZURE OF DOGS**

Dogs shall be permitted off an owner's property only when under control of a responsible person able to control such dog by leash or otherwise. Dogs contained in motor vehicles on public or private property shall be considered in compliance with this section.

It shall be the responsibility of any owner of any dog to comply with the Steuben County night quarantine of dogs, as from time to time promulgated, by keeping said dogs confined between the hours of sun set and one hour after sun rise on each and every day.

A dog warden, peace officer, or other agent as appointed or contracted by the Village Board shall seize any dog which is found at large within the Village of Cohocton in violation of this Local Law, as well as any dog or dog otherwise required to be seized under and by virtue of the Agricultural and Markets Law of the State of New York.

#### **SECTION 6 – REDEMPTION OF SEIZED DOGS**

- (a) Every dog seized pursuant to this Local Law or the provisions of the Agricultural and Markets Law of the State of New York shall be immediately turned over to the Steuben County Dog Warden.
- (b) In the event that the dog so seized bears a license tag, the dog warden, peace officer or other agent shall ascertain the owner of the dog and shall thereafter give immediate notice, in writing, to the owner of such dog or to an adult member of said owner's family stating that the dog has been seized that the dog will be destroyed or sold unless redeemed within the period hereinafter provided.
- (c) The owner of a dog seized bearing a license tag shall redeem said dog within twelve (12) days after notice is given. The owner of a dog seized bearing no license tag may redeem said dog within five (5) days of the date of receipt of notice, if possible, or the date of seizure, which ever shall be greater.

- (d) The owner of any dog may redeem said dog within said applicable time periods by paying the Village Clerk of the Village of Cohocton the sum of Five (\$5.00) Dollars per day for each day of retention plus any penalty imposed under this Local Law for violation of this Local Law.
- (e) If any dog seized is not redeemed within the time period hereinbefore set forth, the owner shall forfeit all title to said dog and the dog shall either be sold or destroyed by the Village in accordance with the provisions of the Agricultural and Markets Law of the State of New York.

## **SECTION 7 – VILLAGE JUSTICE TO HAVE JURISDICTION**

- (a) The Village Justice of the Village of Cohocton shall have jurisdiction to hear all signed complaints filed as hereinafter provided, and all action and proceedings hereunder and of all prosecutions for the violation of this Local Law. Upon receipt by the Village Justice of any complaint against the conduct of any particular dog, the Village justice shall summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the village justice may permit the filing of any information and issue a warrant for the arrest of such owner or other person harboring said dog.
- (b) The dog warden, peace officer, or other agent of the Village of Cohocton who observes a dog causing damage or destruction to property of a person other than its owner or violating any section of this Local law may file a signed complaint, under oath, with the Village justice of the Village of Cohocton, specifying the objectionable conduct of the dog, the date thereof, the damage caused, and a description of the dog and the name of residence, if known, of the owner of thither person harboring said dog.

## **SECTION 8 – PENALTIES**

Any person convicted of a violation of this local law shall be deemed to have committed an offense and shall be subject to a fine of Fifty Dollars (\$50) and/or fifteen (15) days in jail for the first violation, Seventy-five Dollars (\$75) and/or fifteen (15) days in jail for the second offense and One Hundred Dollars (\$100) and/or fifteen (15) days in jail for each subsequent violation. Each separate offense shall constitute a separate additional violation. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties as contained in the Agricultural and Markets Law of the State of New York, pertaining to dogs.

## **SECTION 9 – VALIDITY**

The invalidity of any such sentence, clause, paragraph or provision of this Local Law shall not invalidate any other sentence, clause, paragraph or provision or part thereof,

## **SECTION 10 – REPEAL OF PRIOR LAWS**

Any and all existing ordinances, or other Local Laws pertaining to the control of dogs in the Village of Cohocton is hereby repealed in its entirety.

## **SECTION 11 – WHEN EFFECTIVE**

The provisions of this Local Law shall take effect immediately.