

Chapter 66

ANIMALS

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden: Art. I, 11-28-1977 as L.L. No. 9-1977 (Ch. 15 of the 1966 Code). Amended in its entirety 1-23-2003 by L.L. No. 5-2003. Other amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits -- See Ch. 125.

ARTICLE I
Administration of Standards

§ 66-1. Word usage; definitions. [Amended 10-25-2018 by L.L. No. 3-2018]

- A. Word usage. Except for specific terms herein defined, the terms and words used in this local law shall have the same meaning as such terms and words are defined in §108 of Article 8 of the Agriculture and Markets Law of the State of New York, as amended, unless specifically modified herein.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

AT LARGE -- Any animal that is on property open to the public or is on private property not owned or leased by the owner of the animal, unless permission for such presence has been obtained. No animal shall be deemed to be at large if it is:

- 1) A guide dog actually leading a blind person.
- 2) A police work-dog in use for police work.
- 3) A hearing dog actually used to aid a deaf person.

COMPANION ANIMAL/PET – Any dog or cat, and shall also mean any other domesticated breed of animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. “Pet” or “companion animal” does not include a “farm animal” as defined by this chapter.

FARM ANIMAL – Any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in Section 11-1907 of the Environmental Conservation Law, which are typically raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

NUISANCE -- Any animal which annoys or gives trouble and vexation; that which is offensive or noxious.

PEACE OFFICER -- As defined in § 2.1 of Article 2 of the Criminal Procedure Law of the State of New York.

SERVICE ANIMAL – An animal meeting the requirements for qualification as a “service animal” as defined in the Americans with Disabilities Act.

STRAY -- Any animal at large without proper identification.

§ 66-2. Animals Prohibited. [Amended 10-25-2018 by L.L. No. 3-2018]

- A. It shall be a violation of this chapter to own, possess, keep, maintain, harbor, transport or sell within the Village of Alden any animal that is not a companion animal/pet or a service animal, as defined in this chapter.
- B. **Wildlife Rehabilitation**
 - 1. Licensed wildlife rehabilitators may apply for a permit to operate a wildlife rehabilitation center in the Village of Alden. Such approval shall consider the general health, welfare, and safety of both the facility and any neighboring properties.
 - 2. Such permits shall be valid for a period of one (1) year from the date of approval by the Board of Trustees after the initial review and inspection by the Code Enforcement Officer and Planning Board.
 - 3. Applications for operation of such facility shall be obtained from the Code Enforcement Officer. Applicants shall submit such forms and information as may be required by the Village, including:
 - a. Copy of current State and/or Federal licenses;
 - b. Detailed plans showing location and placement of facilities;
 - c. Completed application with accompanying fees.
 - 4. Approval shall be subject to any conditions set by the Planning Board and/or Village Board.

§ 66-3. Community Events. [Amended 10-25-2018 by L.L. No. 3-2018]

Nothing herein shall prevent approved community events from the temporary harboring and/or use of otherwise prohibited animals pursuant to this Article.

ARTICLE II
Dogs and Cats

§ 66-4. Identification of dogs and cats.

- A. All dogs and cats when present anywhere other than the premises of the owner must have adequate identification. Adequate identification for the purpose of this article shall consist of either:
- 1) A permanently implanted microchip and registration with current owner information.
 - 2) A collar tag stating the name, address and phone number of the owner.
 - 3) For dogs, a current USDA registration tag.
- B. Items which do not constitute adequate identification (not inclusive) are:
- 1) A collar only with no identification tag as stated above.
 - 2) An identification tag, or USDA tag which does not contain current information.
 - 3) An implanted microchip without proper and current owner registration.
- C. Any dog or cat that is at large without proper identification will be deemed a stray.

§ 66-5. Leashing of dogs.

- A. No person owning, harboring or having the care, custody or charge and control of a dog shall permit such dog to be at large in the Village of Alden, elsewhere than on the premises of the owner or person having such custody and control, unless restrained by a chain or leash not exceeding six (6) feet in length.
- B. The fact that a dog is at large in the Village of Alden, elsewhere than on the premises of the owner or person having care, custody or charge and control of such dog, without being leashed as required, shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having care, custody or charge and control of the dog.

§ 66-6. Prevention of disturbance. [Amended 8-11-2016 by L.L. No. 2-2016]

- A. No person, whether an owner of such real property or resident, shall house, keep, suffer or permit to be kept on any premises a dog which, by virtue of its barking, howling or whining or creation of any other form of noise, shall create any unreasonably loud and/or disturbing noise, so as to be considered a nuisance or which is otherwise unreasonably detrimental to the life, health, safety, or welfare of any individual, or which shall create any such noise that shall unreasonably disturb and/or annoy, alarm, or otherwise interfere with the comfort or repose of any other person regardless of the hour of the day. Such noise need not be continual, and may be intermittent, but shall be of such duration and nature as to a reasonable person would be deemed unreasonable and/or annoying, alarming, and/or constitute any interference.
- B. This section shall be enforceable by personal observation of the Animal Control Officer or a written complaint signed by a complainant and directed to the Animal Control Officer by any aggrieved person.

§ 66-7. Noise by animals. [Amended 8-11-2016 by L.L. No. 2-2016]

- A. No person, whether an owner of such real property or a resident, shall house, keep, suffer, or permit to be kept on any premises any animal and/or bird which, by virtue of its creation of any form of noise, shall create any unreasonably loud and/or disturbing noise, so as to be considered as a nuisance or which is otherwise unreasonably detrimental to the life, health, safety, welfare of any individual, which shall create any noise that shall unreasonably disturb and/or annoy, alarm, or otherwise interfere with the comfort or repose of any other person regardless of the hour of day. Such noise need not be continual and may be intermittent, but shall be of such duration and nature as to a reasonable person would be deemed unreasonable and/or annoying, alarming, and/or constitute any interference.
- B. This section shall be enforceable by personal observation of the Animal Control officer or a written complaint signed by a complainant directed to the Animal Control officer by the any aggrieved person.

§ 66-8. Care and control of cats.

Any person owning, harboring or having the care, custody or charge and control of any cat within the Village of Alden or who permits a cat to enter the corporate limits of the

Village of Alden shall exercise sufficient and proper care and control over such cat at all times so as to prevent the cat from becoming a public nuisance or otherwise violating this Article. A cat shall be deemed to be a public nuisance when said cat damages either public or private property or harms the lawful users or occupants thereof. Damage may include, but is not limited to, soiling or defecating upon any property, other than the owner's property, by a cat.

§ 66-9. Nuisances prohibited; disposal of feces. [Amended 8-11-2016 by L.L. No. 2-2016]

- A. No person owning, harboring, keeping, walking or in charge of any animal shall cause or allow such animal to soil, defile, defecate or commit any nuisance on any sidewalk, gutter, street, play area, park, grassy area or other public area or on any private property without the permission of the owner of such property.
- (1) Feces shall be picked up with a scoop, shovel, broom, tong, plastic bag or similar implement and shall be placed directly in an airtight container, plastic or otherwise, and then deposited in a container used for the disposal of refuse.
 - (2) In no event shall any feces be deposited in any storm sewer or drainage ditch.

§ 66-10. Abandonment.

No person shall abandon any dog or cat of any age or permit such dog or cat to become a stray.

§ 66-11. Seizure of dogs or cats at large.

Any dog running at large or any cat deemed to be a public nuisance, contrary to the provisions of these sections, within the village limits of the Village of Alden shall be subject to seizure and impounding by the Animal Control Officer, any peace officer or by any other person or agency designated by the Board of Trustees or authorized by law to seize and impound animals.

§ 66-12. Reserved. [Amended 5-22-2003 by L.L. No. 24-2003]

§ 66-13. Impounding fees and redemption, dogs.

- A. Any dog found to be in violation of any laws of the State of New York or to be at large pursuant to this local law and seized by any animal control officer or peace officer shall be held for the redemption period and may be redeemed by the owner within that time and in the manner prescribed by § 118 of Article 7 of the Agriculture and Markets Law of the State of New York, provided that the owner pays all applicable fees.¹
- B. Any dog seized shall be properly cared for, sheltered, fed and watered by the Village of Alden or its agent during the redemption period. If veterinary care is required to maintain the dog during such period, reasonable veterinary care must be provided. The owner of such dog shall pay for said veterinary fees in addition to the impoundment fees.
- C. The fee for the boarding of dogs shall be as set from time to time by the Village of Alden Board of Trustees.²
- D. The seizure of any dog shall not relieve any person from any violation under this local law.

§ 66-14. Impounding fees and redemption, cats.

- A. Any cat found to be at large and creating a nuisance pursuant to these local laws or in violation of any other local law shall be seized by any animal control officer or peace officer and held for the redemption period set forth below. The owner may redeem such cat during this time provided that the owner pays all applicable fees.³
- B. Cats seized will be held for a period of five (5) days, during which time they may be redeemed by their owner.
- C. All reasonable attempts will be made to notify owner of cats seized that have identification as defined in this chapter. The method of identification will determine the course of notification.
- D. Any cat seized shall be properly cared for, sheltered, fed and watered by the Village of Alden or its agent during the redemption period. If veterinary care is required to maintain the cat during such period, reasonable veterinary care must be provided.

¹ Editor's Note: See Ch. A220, Fees.

² Editor's Note: See Ch. A220, Fees.

³ Editor's Note: See Ch. A220, Fees.

The owner of such cat shall pay for said veterinary fees in addition to the impounding fees.

- E. The fee for the boarding of cats shall be as set from time to time by the Village of Alden Board of Trustees.⁴
- F. The seizure of any cat shall not relieve any person from any violation under this local law.

§ 66-15. Destruction or disposition of unredeemed dogs and cats.

If any dog or cat so impounded is not redeemed, as provided in these sections and the New York State Agriculture and Markets Law, the person designated by village officials to seize such dog or cat may order the destruction thereof or may deliver such dog or cat to any duly approved humane organization.

§ 66-16. Investigation of complaints.

The Animal Control Officer, any peace officer or a person being designated and authorized by the Board of Trustees to enforce the provisions of this Article shall, upon receipt of a complaint that a violation has taken place, investigate the complaint and, if a violation is found to exist, issue a summons to the owner or person having such custody and control or, if the dog or cat is a stray or abandoned, take such dog or cat into custody as set forth above.

§ 66-17. Limit on number of dogs and cats.

No more than three (3) cats or three (3) dogs or any combination of cats or dogs exceeding three (3), over the age of six (6) months, shall be kept, maintained or harbored in any residential housing unit or on its grounds. Persons owning or having custody and control of dogs or cats in excess of that number, as of the effective date of this Article, shall not be held in violation of this Article, but shall not replace such dogs or cats upon their death or loss until in compliance with the maximum limits therein.

⁴ Editor's Note: See Ch. A220, Fees.

§ 66-18. Filing of complaints.

Any person who observes a dog or cat causing damage or destruction to property of a person other than its owner or committing a public nuisance upon the premises of a person other than its owner may file a signed complaint, under oath, with the Village Clerk of the Village of Alden or a police officer, specifying the objectionable conduct of the animal, the date thereof, the damage caused, a description of the animal and the name and residence, if known, of the owner or other person harboring said dog or cat.

§ 66-19. Appearance tickets.

Upon the observation of the Animal Control Officer, any police officer or any other person or agency designated by the Board of Trustees to enforce this Article or upon a written complaint filed by any person with the Animal Control Officer, any police officer or with the Village Clerk, the Animal Control Officer or any police officer may issue or the Village Clerk may direct the Animal Control Officer or any police officer to issue an appearance ticket to any person alleged to be in violation of this Article. Such person shall be required to appear before the Local Magistrate to answer the complaint. Each appearance shall be supported by an information and written complaint of the Animal Control Officer or any police officer or person having knowledge of said violation.

§ 66-20. Penalties for offenses.

Except as otherwise provided by Article 7 of the Agriculture and Markets Law, any person who violates this Article or knowingly permits the violation of this Article or any of the provisions thereof shall be deemed to have committed an offense against this Article, and any person convicted of any such violation, after investigation and hearing, shall be liable to a penalty of not more than two hundred and fifty dollars (\$250.00) for each violation and/or imprisonment for not more than fifteen (15) days.

§ 66-21. Severability.

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

§ 66-22. Liability of Village Officials and employees.

No officer, agent or employee of the Village of Alden shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this local law. Any suit brought against any officer, agent or employee of the Village of Alden as the result of any act required or permitted in the discharge of his duties under this local law shall be defended by the Village of Alden until the final determination of the proceedings thereon.