

CHAPTER 80

DOGS AND OTHER ANIMALS

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[HISTORY: Adopted by the Board of Trustees of the Village of Windsor: Art. I, 7-25-67 as Article VIII of 1967 Ordinance Book; Art. II, 7-25-67 as Article IX of 1967 Ordinance Book; Art. III, 1-31-80 as L.L. No. 1-1980. Sections 80-1A and C, 80-2B, 80-5, 80-9, 80-10A(1) and 80-15C amended at time of adoption of Code; see Ch. I General Provisions, Art. I Other amendments noted where applicable.]

ARTICLE I Farm Animals

§ 80-1a. Definitions *

FARM ANIMALS: Cattle, sheep, hogs, goats, horses, poultry, ratites (such as ostriches, emus, rheas and kiwis), farmed deer, farmed buffalo, fur bearing animals and any other livestock as defines in NYS Agriculture & Markets Law §301.

§ 80-1b. Keeping of farm animals restricted; exceptions; penalties for offenses.

- A. It shall be unlawful for any person to keep, harbor, stable or pasture any farm animals within 500 feet of any inhabited dwelling, street or highway or in a manner creating an unwholesome or nauseous condition or to pasture or confine such animal or animals without erecting an adequate enclosure.*
- B. The provisions of this section shall not apply to a person or persons presently engaged in farming as an occupation.
- C. Any violation of this section which continues beyond five (5) days after the date of notice of a violating condition shall constitute an offense and shall be punishable by a fine set forth in Appendix C to the Code of the

Village of Windsor containing the list of fines and Penalties for the Village, and each day's violation shall constitute a separate offense.**

§ 80-1c. Maintenance of stables.

- A. It shall be unlawful in the Village of Windsor to maintain any stable, barn or other similar structure for the keeping of animals in a manner creating an unwholesome or nauseous condition or in any building less than five hundred (500) feet from any inhabited dwelling.*
- B. Failure to remove, abate or clean such condition within twenty-four (24) hours after written notice given by the Mayor shall constitute an offense punishable by a fine set forth in Appendix C to the Code of the Village of Windsor containing the list of Fines and Penalties for the Village, and each day's violation shall constitute a separate offense.**

* Amended 6/6/2004 L.L. 1-2006

**Amended 9/4/2001; L.L. 5-2001

§ 80-1d. Termination of non-conforming uses *

The non-conforming uses and/or non-complying features of uses specified in this section is deemed sufficiently objectionable, undesirable, and out of character in areas adjacent to residences as to depreciate the value of other property in the district, and impair the proper use thereof, and to blight the proper and orderly development and general welfare of such district and the Village, to the point that such non-conforming use and/or such non-conforming feature of any use shall be terminated on or before the period is allowed for the specific purpose of permitting the amortization of the remaining cost, if any, of such use. This provision shall not be interpreted in such a manner as to extend the grace period for any uses to be terminated under previous local laws regarding zoning, and any such grace period shall only be allowed to run under this local law as it would have under any previous local law regarding zoning in the manner provided in any previous local regarding zoning.

- A. In any residential district, any use which does not comply with this Article shall be terminated no later than 60 days from the effective date of this local law.

§ 80-2. Intentionally omitted.

ARTICLE II
Dogs Running At Large
[Adopted 7-25-67 as Article IX of 1967 Ordinance Book]

§ 80-3. Vicious dogs to be confined; penalties for offenses.

Any person owning or having custody of one (1) or more dogs which shall bite, attempt to bite, chase or otherwise attack any person, domestic animal or fowl within the village limits, who shall, after receiving written notice thereof from any village official or peace officer, fail to securely confine such dog or dogs shall be subject to a penalty for the first offense and each subsequent offense as is set forth in Appendix C of the Code of the Village of Windsor containing the list of Fines and Penalties for the Village.**

§ 80-4. Confined dogs to be penned or muzzled.

Any such dog or dogs which are to be confined on the premises the person having their custody under the provisions of § 80-3 of this Article, shall be penned, tied or muzzled in such manner as to prevent an attack upon a person or persons entering upon the property in a lawful and peaceable manner. Failure to so restrain such a dog or dogs will constitute a violation of § 80-3 of this Article.

* Amended 6/6/2004 L.L. 1-2006

** Amended 9/4/2001; L.L. 5-2001

§ 80-5. Noisy dogs; penalties for offenses.

No person shall have or keep, on any premises owned or occupied in whole or in part within the corporate limits of the Village of Windsor, any dog or dogs which, by their unrestrained howling, barking or whining, create a disturbance thereby. A penalty of ten dollars (\$10.) is hereby imposed for the first failure to correct a violation of this section of this Article within twenty-four (24) hours after written notice of the violation has been received thereof from any village official or peace officer, and a penalty of twenty-five dollars (\$25.) is hereby imposed for each such subsequent failure.

ARTICLE III
Control of Dogs
[Adopted 1-31-80 as L.L. No. 1-1980]

§ 80-6. Purpose.

The Village Board of the Village of Windsor finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have created nuisances within the village. The purpose of the Article is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the village.

ARTICLE III
Control of Dogs
[Adopted 1-31-80 as L.L. No. 1-1980]

§ 80-7. Statutory authority.

The Article is enacted pursuant to § 124 of the Agriculture and markets Law of the State of New York.

§ 80-8. Title.

The title of this Article shall be “Dog Control Law of the Village of Windsor.”

§ 80-9. Definitions.

As used in this Article, the following words shall have the following respective meanings:

AGRICULTURE AND MARKETS LAW - The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Article, and amended by this Article, and as amended thereafter.

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CONFINED - That such animal is securely confined or restrained or kept on the owner's premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire, leash or other effective tether of such length and so arranged that the animal is controlled and restrained or, if the animal is being transported by the owner, that it is securely confined in a crate or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

DOG - Male and female, licensed and unlicensed, members of the species *Canis familiaris*.

DOG CONTROL OFFICER - Any individual appointed by the village to assist in the enforcement of this Article, including but not limited to the Town of Windsor Dog Warden, any policeman, any other peace officer and any other designated representative of the Village of Windsor or of the New York State Department of Agriculture and Markets.

HARBOR - To provide food or shelter to any dog.

OWNER - The party purchasing the license, unless the dog is or has been lost and such loss has been reported to the Dog Warden and reasonable search has been made. If an animal is not licensed, the term "owner" shall designate and cover any person or persons, firms, association or corporation which at any time owns or has custody and control of, harbors or is otherwise responsible for any animal which is kept, brought or comes within the village. In the event that the owner of any dog found to be in violation of this Article is a minor, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of this Article.

RECREATIONAL AREAS - Any real property owned by the Village of Windsor which is used for recreational purposes by the public, including but not limited to parks, playgrounds and the Village Green. **[Amended 6-6-1989 by L.L. No.4-1989]**

RUN AT LARGE - To be in any public place or a recreational area or on private lands without the knowledge, consent and approval of the owner of such lands **[Amended 9-22-1987 by L.L. No.2-1987; 6-6-1989 by L.L. No.4-1989]**

VILLAGE - Designates the area within the corporate limits of the Village of Windsor.

§ 80-10. Behavior of dogs restricted; responsibilities of owner.

- A. It shall be unlawful for any owner of any dog in the Village of Windsor to permit or allow such dog to:
- (1) Run at large, unless the dog is restrained by an adequate leash.
[Amended 9-22-1987 by L.L. No.2-1987; 6-9-1989 by L.L. No.4-1989]
 - (2) Engage in habitual loud howling, barking, crying or whining or conduct itself in a manner so as to unreasonable and habitually disturb the comfort or repose of any person other than the owner of such dog.

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- (3) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property not belonging to the owner of such dog.
- (4) Chase, jump upon or at or otherwise harass 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.
- (5) Habitually chase or run alongside of motor vehicles or bicycles while on a public street or highway or upon public or private property other than property of the owner of or harbinger of said dog.
- (6) Create a nuisance by overturning garbage containers and/or spreading garbage on the ground, defecating, urinating or digging in the public right-of-way in the area between the curb or ditch (or shoulder in the absence of a curb or ditch) and the private property line or on the private property other than the property of said owner.
- (7) If a female dog, be off the owner's premises when in heat.

- B. It shall be a violation, punishable as provided in § 80-14 of this Article for:
- (1) Any owner to fail to license any dog.
 - (2) Any owner to fail to have any dog identified as required by Article 7 of the Agriculture and Markets Law.
 - (3) Any person to knowingly affix to any dog any false or improper identification tag or purebred license tag.
 - (4) Any owner of any dangerous dog to fail to confine or destroy such dog upon order of any judge or justice as provided in § 121 of the Agriculture and Markets Law.
 - (5) Any owner to fail to securely confine any dog as required by an order issued pursuant to § 122 or 123 of the Agriculture and Markets Law.
 - (6) Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to Article 7 of the Agriculture and Markets Law.
 - (7) Any person to furnish any false or misleading information on any form required to be filed with any municipality or the Commissioner pursuant to the provisions of Article 7 of the Agriculture and Markets Law or rules and regulations promulgated pursuant thereto.
- C. Establishment of the fact or facts that the owner of a dog allowed or permitted such dog to commit any of the acts prohibited by § 80-10 of this Article shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine, leash or control his dog.

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§ 80-11. Enforcement.

This Article shall be enforced by a Dog Control Officer, as defined herein.

§ 80-12. Seizure; redemption.

- A. Any dog found running at large in violation of this Article or of § 118 of the Agriculture and Markets Law may be seized by any Dog Control Officer, as defined herein, exercising such degree of force as shall be necessary to effect such seizure without intentionally injuring or harming such dog; and such dog shall be impounded or disposed of in accordance with the provisions of Article 7 or other applicable provisions of the Agriculture and Markets Law.
- B. After such seizure, the record owner of such dog or an adult member of his family, if the owner is ascertainable from the dog's license tag, shall be notified pursuant to the provisions of § 118 of the Agriculture and Markets Law.
- C. A dog owner may redeem his dog from the pound upon payment for the impounding of such dog, plus the cost of keeping, feeding and caring for the dog while in the custody of the Dog Control Officer.
- D. No action shall be maintained against the Village of Windsor, any duly designated Dog Control Officer or any other agent or officer of the village to recover the possession or value of any dog or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Article.

§ 80-13. Issuance of appearance tickets; complaints.

- A. Issuance of appearance ticket by officer.
 - (1) The Dog Control Officer, having reasonable cause to believe that a violation of this Article has been committed in his presence, shall issue and serve an appearance ticket for such violation. The appearance ticket shall be in a form prescribed by the Village Board by resolution in accordance with the provisions of § 124 of the Agriculture and Markets Law and this Article.
 - (2) An answer to such appearance ticket shall be made within five (5) days of the violation, in person or by registered or certified mail, return receipt requested, in lieu of a personal appearance on a return date at the time and court specified in the appearance ticket, in accordance with the provisions of § 124 of the Agriculture and Markets Law and this Article.
- B. Complaints.
 - (1) Any person who observes a dog in violation of this Article may file a complaint under oath with a Village or Town Justice specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog.

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(2) Upon receipt by the Justice of any such complaint, he shall either issue an appearance ticket as set forth in Subsection A(1) above or summon or order the alleged owner to appear in person before him for a hearing, at which the complainant, the owner, the Dog Control Officer and any other interested person shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Justice decides that such actions are warranted in addition to the penalties prescribed in § 80-14 he may order:

- (a) The owner to restrain such dog by collar and leash at all times whether on or off the owner's property.
- (b) The owner to confine such dog to the premises of the owner or to a building on such premises.
- (c) Any other remedy authorized by state statutes.

§ 80-14. Penalties for offenses.

Deleted. [Amended 9-4-2001; L.L. No.5-2001]

§ 80-15. Night quarantine.

- A. The Village Board may, at any time, by order, require that all dogs in the village shall be securely confined between sunset and one (1) hour after sunrise during the period of time designated in the order or, if no time is so designated, until the order is revoked.
- B. Notice of such order shall be given by publication in a newspaper or newspapers of general circulation in the village, which shall be designated by the Village Board, and by filing a copy of the order in the office of the Village Clerk.
- C. Any Dog Control Officer or peace officer shall destroy or seize any dog not confined as required by such order, and no liability in damages or otherwise shall be incurred on account of such destruction or seizure. Any dog so seized shall be subject to the provisions of § 118 of the Agriculture and Markets law.

A dog shall not be deemed to be in violation of such order if accompanied by and under the full control of the owner.