Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Adams

Local Law No. 4 **of the year 20** 23

A local law Animal Control
(Insert Title)

Be it enacted by the Board of Trustees **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Adams **as follows:**

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2023 of the (County)(City)(Town)(Village) of Village of Adams was duly passed by the Board of Trustee on May 15 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.

---

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Desiree Ramnauth DCT
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 5-18-23

CHAPTER 62

ANIMALS

ARTICLE I DOG CONTROL

SS. 62-0 Title, Purpose, and definitions
SS. 62-1 Restrictions
SS. 62-2 Control of dog
SS. 62-3 Prohibited activities
SS. 62-4 Dangerous dogs
SS. 62-5 Penalties
SS. 62-6 Seizure
SS. 62-7 Severability

ARTICLE II HORSES, OTHER LIVESTOCK, AND POULTRY

SS. 62-8 FARM ANIMAL RESTRICTIONS
SS. 62-9 PENALTIES

ARTICLE I

Dog Control

62-0.0 TITLE

This chapter shall be known and may be cited as the "Animal Control Law of the Village of Adams, New York".

62-0.1 PURPOSE

It is the purpose of this chapter to protect the health, safety, and general welfare of the inhabitants of the Village of Adams by regulating the running at large of dogs and the use of sentry dogs in the Village of Adams, New York, so as to afford protection consistent with the rights and privileges of owners of dogs and the rights and privileges of other citizens in the village. This chapter is enacted pursuant to the authority conferred upon the Village Board of Trustees pursuant to Village Law and Article 7 of the Agriculture and Markets Law of the State of New York, and other applicable statutes pertaining thereto, and is for the purpose of regulating the activities of dogs, whether licensed or not, and the use of sentry guard dogs.

62-0.2 DEFINITIONS

A. As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

1.ANIMAL CONTROL OFFICER

a. Any individual appointed by the Village Board of Trustees to assist in the enforcement of this chapter or any authorized officer, agent or employee of an incorporated humane

society or similar incorporated animal protective association under contract with the Village of Adams to assist in the enforcement of this chapter.

b. The animal control officer shall have all the powers of a constable or other peace officer in the execution of the provisions of this chapter or Article 7 of the Agriculture and Markets Law of the State of New York. These powers include service of any process, the service of an appearance ticket and the service of any other order or process as provided in article 7 of the Ag and Markets Law or this article.

2. OWNER

a. Any person who is the licensed owner or last registered owner of a dog

b. Any person who harbors a dog for more than one week.

c. If the owner of a dog is less than 18 years of age, the "owner" of the dog shall be deemed the parent or guardian for the purpose of this article

d. Any person who owns, cares for, or harbors any animal cat, horse or like animal, cow or like animal, rabbit, and/or poultry or other birds

3. Parent --as used and referred to in this chapter shall mean any person who is the biological or adoptive mother or father of a minor person.

Guardian—as used and referred to in this chapter shall mean any person or an agency to whom the court gives authority to take responsibility for the care of a minor

4. AT LARGE

a. any dog or other livestock or cat that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog, livestock, or cat unless permission has been obtained.

b. no dog shall be deemed as "at large" if:

1. leading a blind person
2. An "on duty" Police K-9
3. Accompanied by its owner and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the property owner

5. DOG

Any member of the Canis Familiars

6. SENTRY GUARD DOG

A dog which is trained professionally or otherwise to attack a human being or any animal attempting to enter a specific property

7. CAT

Any member of the Felis Cetus or Felidae

8. LIVESTOCK

Domesticated animals raised in an agricultural setting to provide labor and/or produce commodities such as meat, eggs, milk, fur, leather, or wool. Livestock includes but is not limited to cattle, sheep, horses, goats, chickens, turkeys, geese, ducks and other domesticated fowl and are considered as poultry

62-0.2 APPLICABILITY

This article shall apply to all dogs harbored within the Village of Adams, whether or not tagged or licensed

62-1 RESTRICTIONS OF DOGS AT LARGE

It shall be a violation of this article for any person owning, keeping, harboring, or having the custody and control of a dog to permit or allow any dog in the Village of Adams to:

A. Be at large in the Village of Adams off the owner's premises except to be on the premises of another person with the knowledge, consent, and approval of such other person
B. Permit any dog in heat to be at large off the owners' premises, whether or not such dog is at large or restrained by a leash
C. Dogs are prohibited in any restraint, grocery store, or other store where perishable goods are sold
D. Dogs are prohibited at special events and playgrounds
    1. It shall be unlawful for the owner of any dog to permit or allow such dog to be present at any special event in the Village of Adams and with 20 feet of any public playground or playground equipment within the Village of Adams, within 20 feet of any public park or baseball diamond within the Village of Adams
        a. A special event shall include parades, festivals to include but not limited to strawberry and cheese festivals which are held on Village of Adams property or public property within the Village of Adams or events which may involve significant public assembly
    2. The posting of signage by the host of a special event, to the effect that dogs are not permitted at the special event, shall be presumptive evidence that said event will or may involve significant public assembly and will be conducted at least in part on Village property
    3. The prohibition shall not apply to:
        a. Dogs confined in automobiles, crates, cages, or similar structure that prevent a dog from causing personal injury or damage to personal or public property
        b. A dog which is defined in Section 108 of the New York Agriculture and Markets law as a guide dog, hearing dog, service dog, working search dog, therapy dog, detection

dog, war dog, or any other dog which may be utilized by law enforcement agencies within the jurisdiction of the Village, or which are professionally trained service animals utilized by persons with disabilities

** The prohibition of this chapter may be waived by special approval of the Village of Adams Board of trustees

62-2 CONTROL OF DOG

A. The owner, harborer, keeper, or person having custody and control of a dog in the Village of Adams shall control and restrain and be of such physical ability to be able to effectively control and restrain a dog by an adequate collar and leash, not exceeding 6 feet in length, except when such dog is leashed or fenced on the premises of said person
B. The owner, harborer, keeper, or person having custody and control of a dog in the Village of Adams shall, when on said owner's premises, be restrained by a leash which is attached to a fixed, immovable object and when fully outstretched the dog can not be within 5 feet of a sidewalk or, if no sidewalk present, roadway whereon pedestrians, bicyclists, or vehicles may be.
    1. If the dog is contained on the owner's premises by a fence the fence must be of sufficient height as to prevent the dog from jumping over said fence and must not allow the dog to be within 5 feet of a sidewalk or roadway
C. Notwithstanding the foregoing restrictions, a dog which is lawfully on the land of the owner or upon lands of another with permission of the owner of the land, and is accompanied by the owner or other person responsible to the command of such person, may run unleashed while engaged in hunting or training, but NOT within 500 feet of a dwelling, farm building or structure actually occupied or used, public playground, occupied church, or baseball diamond

62-3 PROHIBITED ACTIVITIES

A. No person owning, harboring, keeping, or having custody and control of a dog permit or allow such dog to:
    1. Urinate, defecate, or to commit any other nuisance in any park, playground, public building, in any store, parking lot, or upon any public sidewalk, or on any private property.
        a. Any person owning, harboring, keeping, or having custody and control of a dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passage, bypath, play area, park, or any place where people congregate or walk, or upon public or private property shall immediately remove all feces deposited by any such dog by any sanitary method approved by the local health authority.
        b. DISPOSAL of feces by the owner of such dog will be in an approved feces disposal box, or taken home and discarded in the proper garbage container
        c. FECES will not be discarded in any storm drain or creek within the limits of the Village of Adams
    2. No person shall keep, harbor, or maintain any dog which habitually barks, howls, whines, cries, or other frequent or long continued or loud raucous noises between the hours of

10:00 p.m. and 6:00 a.m. which shall disturb and interfere with the peaceful living of any person

62-4 DANGEROUS DOGS

A. Any person, animal control officer, peace officer, or Police Officer may make a verified complaint to the Town of Adams Justice of an attack by any dog on:
   1. Any person who is peaceably conducting himself in any place where he may lawfully be; or
   2. Any domestic animal, as defined in SS. 108 of the Agriculture and Markets Law, while such animal is in any place where it may lawfully be.
B. Thereupon, the Town of Adams Justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to the Animal Control Officer directing such person to immediately seize such dog and hold the same pending judicial determination as herein provided. Whether or not the Town of Adams Justice finds there is probable cause for such seizure, he/she shall, within seven days and upon written notice of not less than three days to the owner of the dog, hold a hearing on the complaint. If satisfied that the dog is a dangerous dog, the Justice shall then order the owner or the animal control officer or any peace officer to destroy the dog immediately or shall order the owner to confine securely such dog permanently or at such time as otherwise specified in the order. If the owner fails to destroy or to confine the dog as required by such order, the animal control officer or any peace officer shall destroy such dog on or off the premises of the owner.

62-5 PENALTIES FOR OFFENSES

A violation of this article shall be punishable by a fine of not more than $250, imprisonment for not more than 15 days, or both such fine and imprisonment.

Each day of a continued violation is a separate and distinct offense.

SS. 62-6 SEIZURE; IMPOUNDMENT FEES

A. Any animal control officer or peace officer, acting pursuant to his/her special duties, or Police Officer in the employ of or under contract to the Village of Adams municipality may seize and dog in violation of this article.
B. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed, and watered for the redemption period as herein after provided.
C. Each dog which is not identified pursuant to Article 7 of the Agriculture and Markets Law, whether or not licensed, shall be held for a period of 5 days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and further provided that the owner pays the following impoundment fees;
   1. $20 for the first impoundment of any dog owned by that person;
   2. $30 for the first 24 hours or part thereof and $5 for each 24 hours thereafter for the second impoundment, within one year of the first impoundment of any dog owned by that person; or

3. $50 for the first 24 hours or part thereof and $5 for each additional 24-hour period or part thereof for the third and subsequent impoundments, within one year of the first impoundment of any dog owned by that person.

D. Promptly upon seizure of any IDENTIFIED dog, livestock, or poultry, the owner shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog, livestock, or poultry shall be held for a period of seven days after date of notice, during which period the dog, livestock, or poultry may be redeemed by the owner. If such notification is made by mail, such dog, livestock, or poultry will be held for 9 days from the date of mailing, during which period the dog, livestock, or poultry may be redeemed by the owner. In either case, the owner may redeem such dog, livestock, or poultry upon payment of the impoundment fees prescribed herein and, for dogs, by producing proof the dog has been licensed.

SS. 62-7 SEVERABILITY

If any section, paragraph, subdivision, clause, or provision of this article shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this article shall be deemed valid and effective.

ARTICLE II

HORSES, OTHER LIVESTOCK, AND POULTRY

SS. 62-8 FARM ACTIVITY LIMITATIONS

The following limitations shall apply to farming activities:

A. A lot or parcel of at least 20,000 square feet shall be required for the keeping of horses, ponies, cows, hogs, goats, sheep, or other similar livestock.
   1. The minimum area per single animal shall be no less than 20,000 square feet
   2. There must be provided a pen or corral for the keeping of said animals
      a. Within said pen or coral there must be provided a stable or similar roofed enclosure
      b. All stables, pens, corals, and other structures for the housing of livestock must be located on the rear half of the property but not closer than 70 feet to the front of the property line nor closer than 100 feet to any residence or neighboring residence nor any closer than 50 feet from an adjacent property line
   3. The number of chickens, fowl, and/or rabbits shall not exceed 12 and no roosters over the age of six months shall be kept
   4. The number of colonies of bees allowed on a lot shall be limited to one colony for each 1000 square feet of property.
   5. Animal and/or poultry feed shall be secured in metal tamper proof containers or other rodentproof receptacles.
   6. Stables and similar enclosures must be built and maintained so as to not create offensive odors, fly breeding, or other nuisances.

7. There will be no stockpiling of manure from any livestock, poultry, or rabbits on any property

B. Livestock will not be at large on any public or private property, other than the owners property, with the express permission of the property owner

C. Any person or persons who cares, feeds, waters or otherwise takes in a cat or cats will not allow said cats to be at large

SS. 62-9 PENALTIES

For any and every violation of this article, ARTICLE II, the owner of said premise where such violation has been committed or shall exist or the tenant of such premise where such violation has been committed or shall exist or any other person who commits, takes part in or assists in such violation or who maintains any building or premise in which any such violation shall exist shall, for each and every day that such violation continues, be subject to a fine of not less than $50 nor more than $250 or imprisonment for not more than 15 days, or both.

SS. 62-9.1 DUTIES OF ANIMAL CONTROL OFFICER PURSUANT TO ARTICLE II

A. The Animal Control Officer, being notified of a complaint regarding livestock, will respond to the area, verify the complaint in writing, and make contact with the owner of said livestock. The first complaint shall be handled with a warning and an advisory of the penalties in SS. 62-9

B. Each subsequent complaint shall also be in the form of a written complaint and followed up with an appearance ticket for the specific violation and forwarded to the Town of Adams Court and to the Village of Adams Attorney for further action.

C. If the complaint is such that public safety (vehicle or foot traffic) and/or substantial property damage is occurring, contact will be made with a proper humane agency and the livestock shall be seized and the protocols set forth in SS. 66-2 sub-D shall be followed