

## **Chapter 53**

### **ANIMALS**

**[HISTORY: Adopted by the Town Board of the Town of Rochester: Art. I, 8-1-1974 by L.L. No. 2-1974; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I); Art. II, 5-3-1984 by L.L. No. 2-1984. Subsequent amendments noted where applicable.]**

#### **ARTICLE I**

##### **Dog Control**

**[Adopted 8-1-1974 by L.L. No. 2-1974; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

##### **§ 53-1. Prohibited activities.**

It shall be unlawful for any owner of or any person harboring any dog in the Town of Rochester to permit or allow such dog to:

- A. Engage in habitual loud howling or barking or conduct itself in such a manner as to habitually annoy any person other than the owner or person harboring such dog.
- B. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.
- C. Chase or otherwise harass any person in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- D. Habitually chase or bark at motor vehicles.

##### **§ 53-2. Enforcement.**

A Dog Control Officer to be designated by the Town Board as provided by § 114 of the Agriculture and Markets Law may enforce the provisions of this chapter and may also investigate and report to a Town Justice of the Town of Rochester any dangerous dog as described in § 121 of the Agriculture and Markets Law and see that the order or orders of the Town Justice in such case are carried out.

##### **§ 53-3. Filing of complaints.**

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

##### **§ 53-4. Action on complaints.**

Upon receipt by the Town Justice of the Town of Rochester of any complaint against the conduct

of any particular dog, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him; if the summons is disregarded, the Justice may permit the filing of an information and issue a warrant for the arrest of such person.

**§ 53-5. License fees.**

- A. Pursuant to the provisions of Article 7 of the Agriculture and Markets Law the annual fee for each dog license shall be:
  - (1) Three dollars for each spayed or neutered dog.
  - (2) Eight dollars for each unspayed or unneutered dog.
- B. For persons who are 65 years of age or over, the annual fee for each dog license shall be:
  - (1) Two dollars and fifty cents for each spayed or neutered dog.
  - (2) Seven dollars and fifty cents for each unspayed or unneutered dog.

**§ 53-6. Penalties for offenses.**

Any person convicted of a violation of this chapter and/or § 119 of the Agriculture and Markets Law shall be deemed to have committed a violation and shall be subject to a fine not exceeding \$250 or imprisonment for a period not to exceed 15 days.

ARTICLE II  
**Redemption of Seized Dogs**  
[Adopted 5-3-1984 by L.L. No. 2-1984]

**§ 53-7. Purpose.**

This article is adopted pursuant to Article 7, § 118 of the Agriculture and Markets Law of the State of New York for the purpose of establishing fees for impoundment, forfeiture and redemption of unlicensed or unidentified dogs.

**§ 53-8. Definitions.**

The meanings of words and expressions used in this article shall be identical to the meanings as used and defined in § 108, as amended, of the Agriculture and Markets Law of the State of New York.

**§ 53-9. Redemption of dogs.** [Amended 4-2-1998 by L.L. No. 1-1998]

For each time the Dog Control Officer shall seize a dog, the owner, upon claiming said dog, shall pay a redemption fee as set from time to time by resolution of the Town Board.<sup>1</sup>

**§ 53-10. Impoundment.**

The provisions of § 118, Subdivision 6, of the Agriculture and Markets Laws are hereby

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1. Editor's Note: The fee schedule is on file in the town offices.

modified to provide as follows:

- A. Where the Dog Control Officer seizes an unlicensed dog, he shall hold such dog for a minimum of seven days, and he shall not euthanize such dog until after 14 days. In the event that such dog is not claimed by the owner on or before the seventh day, notwithstanding the provisions of any other law of the town or the State of New York, the dog shall be available for adoption up until the 14th day.
- B. If a dog is licensed, the Dog Control Officer must hold such dog for a minimum period of nine days and for an additional period of seven days thereafter, during which time such dog is available for adoption. If after the 16th day the dog is not adopted, the Dog Control Officer may euthanize said dog.