

Chapter 87

ANIMALS

ARTICLE I Horses

- § 87-1. Prohibited acts.
- § 87-2. Hitching restrictions.
- § 87-3. Penalties for offenses.

ARTICLE II Dogs and Cats

- § 87-4. Dogs.
- § 87-5. Cats.
- § 87-6. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of St. Johnsville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Horses

[Adopted 1-21-1918 as Ordinance 1, Secs. 3, 11 and 14, of the 1918 Ordinances]

§ 87-1. Prohibited acts.

It is hereby declared to be, and shall be, unlawful for any person or persons within the corporate limits of the Village of St. Johnsville, New York:

- A. To leave a horse, horses or team untied in any street, alley or lane of the Village; or
- B. To leave any vehicle, horse, horses or team an unreasonable time in any of the streets, alleys, lanes or public places of the Village; or
- C. To drive any animal or animals on any of the sidewalks of the Village.

§ 87-2. Hitching restrictions.

It is hereby declared to be, and shall be, unlawful for any person or persons within the corporate limits of the Village of St. Johnsville, New York, to tie or hitch any horse, horses, team or other animal or animals to any tree, telegraph pole, telephone pole or electric light pole or post within the corporate limits of the Village of St. Johnsville.

§ 87-3. Penalties for offenses. ¹

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

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

ARTICLE II
Dogs and Cats
[Adopted 4-2-1990 by L.L. No. 1-1990]

§ 87-4. Dogs.

- A. No dog shall be allowed to run at large on any street or in any public park or public place in the Village of St. Johnsville nor upon any property in said Village without the consent of the owner of such property. A dog shall be considered to be at large under this article unless it shall be restrained by a leash not exceeding six feet in length or unless it shall be accompanying its owner or other person responsible for its custody "at heel" or under similar mechanical or voice control. "At heel" shall mean that the dog is at or near the immediate side of the owner or other person responsible for its custody.
- (1) This subsection shall not apply to any dog running at large upon the premises of the person who owns, keeps, harbors or otherwise has the care or custody of such dog, or upon the premises of another person with the knowledge and consent of such other person.
- B. No person being the owner of any dog or having the custody and control of any dog shall permit such dog to commit any public nuisance within the Village of St. Johnsville, to wit:
- (1) Howling and barking at such time and in such manner as to reasonably disturb and annoy other persons.
- (2) Jumping upon or knocking over any person.
- (3) Biting, snapping or growling at any person, or acting in such manner toward any person as shall reasonably put such person in fear of attack by such dog or in fear of such person's personal safety.
- (4) Being found upon the respective school yards of any of the public schools of said Village.
- (5) Urinating, defecating or otherwise soiling or damaging property in any park, public place, building or store, or on any street or private property in said Village other than the property of the owner of such dog.
- (6) Attacking or annoying any other dog which shall be leashed or under other control as provided in Subsection A herein.
- (7) Tampering with or foraging at garbage pails or trash containers in any manner whatsoever.
- (8) Permitting any other act which can be reasonably determined to create a public nuisance.
- C. In addition to any other penalty provided by this article, any animal control officer or police officer of the Village of St. Johnsville is empowered to seize, pick up and confine in the dog pound maintained by said Village any dog committing any of the acts herein above prohibited.

- (1) If said dog is not redeemed within five days from the date of being so seized, picked up and confined (or within seven days if notice to the owner is given by mail) and an immediate and continuing reasonable attempt has been made to determine and contact the owner, custodian or other person in charge and control thereof without resulting success or without the contacted party accepting and satisfying all obligations required for retrieval, it shall be considered abandoned and may be disposed of by the said Village of St. Johnsville in accordance with the procedures prescribed in the Agriculture and Markets Law and its related official compilation of codes, rules and regulations. Such dog may be redeemed by the owner, custodian or other person in charge and control thereof, within the meaning of this article, by the payment to the Village Clerk of the pound fee chargeable to such dog, such pound fee to be as established in Agriculture and Markets Law § 118, Subdivision 4.²
- (2) In the event any such dog so impounded shall be a "Seeing Eye dog" customarily used by a blind person to aid such blind person in walking or traveling about, or a dog used similarly by its master as an aid to its master's ordinary and necessary pursuit by reason of some disability on the part of the master, or any other dog exempted pursuant to Agriculture and Markets Law § 110, then such dog may be redeemed immediately from said pound without the payment of such pound fee being required in advance of such redemption. In this event such pound fee shall be recoverable by civil action, if necessary.³

§ 87-5. Cats.

No person being the owner of any cat or having the custody and control of any cat shall permit such cat to commit any public nuisance within the Village of St. Johnsville or cause damage to the property of others. The following acts are declared to be public nuisances, to wit:

- A. Permitting a cat to deposit wastes on a sidewalk, floor, wall, stairway or lawn of another's property.
- B. Permitting a cat to enter upon another's property and scratch, claw or deface said property, or damage lawns, flowers, bushes or shrubbery, or to damage or destroy garbage bags placed out for collection.
- C. Permitting the harboring or keeping of more than four cats which have attained one year in age in any dwelling unit or any other property located within the Village unless said person shall have obtained a license to operate a kennel, animal shelter or hospital in accordance with the New York State Agriculture and Markets Law and/or other applicable law.
- D. Permitting any other act which can be reasonably determined to create a public nuisance.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 87-6. Penalties for offenses. ⁴

Except as otherwise punishable as provided in § 119 of the Agriculture and Markets Law, a violation of any provision of this article shall be deemed a "violation" as such term is defined in the Penal Law of the State of New York and any person convicted of violating any provision of this article may be punished for the first offense by a fine not exceeding \$50; for the second offense within one year by a fine of not more than \$100; and for the third or any subsequent offense within one year by a fine of not more than \$250 and/or not more than 15 days' imprisonment, all in addition to any pound fee required to redeem any dog as hereinabove provided.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).