

# ANIMALS

## Chapter 34

### ANIMALS

#### ARTICLE I Animals at Large

- § 34-1. Running or roaming at large.
- § 34-2. Grazing on streets or public grounds.
- § 34-3. Penalties for offenses.

#### ARTICLE II Dogs

- § 34-4. Title.
- § 34-5. Purpose.
- § 34-6. Intent.
- § 34-7. Definitions.
- § 34-8. Restrictions.
- § 34-9. Restraints.
- § 34-10. Animal Control Officer.
- § 34-11. Enforcement.
- § 34-12. Complaint of damage or nuisance.
- § 34-13. Dangerous dog complaints.
- § 34-14. Licensing.
- § 34-15. Identification.
- § 34-16. Care and disposition of impounded dogs.
- § 34-17. Procedures relating to dangerous dogs.

## MONTGOMERY CODE

- § 34-18. **Jurisdiction of Village Justice.**
- § 34-19. **Issuance of appearance tickets.**
- § 34-20. **Penalties for offenses.**

### ARTICLE III **Horses or Cattle on Sidewalks**

- § 34-21. **Unlawful use of sidewalks.**
- § 34-22. **Penalties for offenses.**

### ARTICLE IV **Pigs**

- § 34-23. **Permission to maintain required.**
- § 34-24. **Penalties for offenses.**

### ARTICLE V **Pigeons and Other Fowl**

- § 34-25. **Pigeons and other fowl prohibited.**
- § 34-26. **Penalties for offenses.**

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

ARTICLE I  
**Animals at Large**  
**[Adopted 3-5-1956]**

**§ 34-1. Running or roaming at large.**

No person or persons shall permit any horses, cattle, sheep, fowls, goats or pigs, over which they have control, either as owner, lessee, bailee, agent or otherwise, to run or roam at large on any of the streets or public grounds of said Village.

(Cont'd on page 3403)

**§ 34-2. Grazing on streets or public grounds.**

No person or persons shall pasture or permit to be pastured, nor permit to graze, any such animals on any such streets or public grounds.

**§ 34-3. Penalties for offenses. [Amended 11-4-85 by L.L. No. 17-1985]**

A violation of this Article shall be punishable by a fine of ten dollars (\$10.) for the first offense and by a fine of twenty-five dollars (\$25.) for any subsequent offense.

**ARTICLE II****Dogs****[Adopted 10-7-85 as L.L. No. 8-1985]****§ 34-4. Title.**

This Article shall be known and may be cited as "Dogs and Other Animals."

**§ 34-5. Purpose.**

The purpose of this Article shall be to preserve the public peace and good order in the village and to contribute to the public welfare, safety and good order of its people by establishing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of other residents of the village.

**§ 34-6. Intent.**

It is the intent of the Village Board of Trustees to preserve the relationship between a dog and its owner and at the same time to protect the health, safety and property of others from annoyance and damage caused by dogs.

**§ 34-7. Definitions.**

As used in this Article the following terms shall have the meanings indicated:

**ANIMAL CONTROL OFFICER** — The person appointed by the Village Board of Trustees who will enforce the provisions of this Article. The "Animal Control Officer" shall have the power to issue appearance tickets, to serve a summons and to serve and execute any other order or process in the execution of the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.

**AT LARGE** — A dog off the premises of the owner and in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

**DANGEROUS DOG** — Any dog that conducts itself so as to cause bodily harm and injury or to put any person in reasonable apprehension of such bodily harm and injury.

**DOG** — Any member of the species *Canis Familiaris*.

**HARBOR** — To provide food and or shelter to any dog.

**LEASHED or RESTRAINED BY A LEASH** — Equipped with a collar of sufficient strength attached to a leash not more than six (6) feet long, which leash shall be held by a person having the ability to control and restrain the dog by means of the collar and leash.

**OWNER** — Any person who is a licensed owner of a dog and any person who keeps, feeds or harbors a dog for over one (1) week. The "owner" need not be a resident of the Village of Montgomery, but, for a violation to occur, the dog must be within the village limits.

**§ 34-8. Restrictions.**

- A. It shall be unlawful for any owner of a dog, or any person harboring any dog to permit or allow such dog while in the Village of Montgomery, New York to run at large un-

less said dog, whether or not tagged or licensed, is restrained by an adequate collar and leash, rope or chain, or within a cage or motor vehicle or unless accompanied by its owner or a responsible person able to control the animal.

- B. No dog whether leashed or unleashed, shall be in any restaurant, grocery or commercial establishment which sells food for human consumption.
- C. No person shall keep or permit to be kept on the premises occupied by such person any dog which, by its continual barking, howling or whining or other frequent or long continued noises, shall unreasonably disturb the comfort or repose of other persons.
- D. No person who owns a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.
- E. No person shall keep or suffer to be kept a dog which has attacked or placed in fear or apprehension any person peaceably conducting himself in any place where such person may be lawfully, or which has attacked, chased or worried domestic animals pursuant to and in accordance with Article 7 of the Agriculture and Markets Law of the State of New York, Chapters 220 and 221, Laws of 1978, relating to licensing, identification and control of dogs, revised January 1981.
- F. No owner or harbinger of a dog shall permit or allow such dog to urinate, defecate or commit any nuisance or damage to public property in any park, public building, street, parking lot, alley, sidewalk or on any private property of another without the consent of such owner.
- G. No dog shall be permitted on the school grounds of any school during the time of year when said schools are open and between one (1) hour prior to commencement of the school day to one (1) hour after the end of school day or upon a playground within the Village of Montgomery at any hour during the time of year when playground activities are conducted.

- H. No dog shall jump upon any person or knock any person over.
- I. No dog shall cause damage to property of others, including, but not by way of limitation, the upsetting or strewing of garbage or refuse.

### **§ 34-9. Restraints.**

It shall be unlawful for the owner or person harboring any female dog to permit such dog to run at large when in heat, and such dog shall be confined to enclosed premises of such person during such period.

### **§ 34-10. Animal Control Officer.**

The Village Board of Trustees shall appoint an Animal Control Officer. It shall be the duty of the Animal Control Officer to enforce the provisions of this Article, as well as the Agriculture and Markets Law of the State of New York with respect to dogs found at large in violation of this Article or which are ordered seized by the Justice of the Village of Montgomery, and, for the purposes of this Article, such Animal Control Officer is deemed to be a peace officer and authorized to issue appearance tickets.

### **§ 34-11. Enforcement.**

This Article shall be enforced by the Animal Control Officer or by the Village Police Department or any other enforcement officer.

### **§ 34-12. Complaint of damage or nuisance.**

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 or running at large or otherwise violating the provisions of this chapter may file a written complaint, through the Animal Control Of-

ficer of the Village of Montgomery, specifying the objectionable conduct of the dog, date thereof, the damage caused, a description of the dog and name and residence, if known, of the owner or other person harboring said dog. Upon receipt of a complaint, the Village Court may summon the alleged owner or other person harboring said dog to appear in person before the Village Court. If the summons is disregarded, the Village Court may permit the filing of an information and issue a warrant for the arrest of such person.

### **§ 34-13. Dangerous dog complaints.**

Any person who is chased or otherwise harassed by any dog in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury, or any person who witnesses such offensive conduct by any dog, may file a signed complaint, through the Animal Control Officer, stating the specific objectionable conduct of the dog, the date thereof and the place of occurrence and a description of the dog, name and residence, if known, of the person harassed and the owner or other person harboring said dog, or in the alternative, the person so harassed by the dog may file with the Village Court an information charging a violation of this Article.

### **§ 34-14. Licensing.**

All dogs six (6) months old or older are required to be licensed. An application shall be presented to the Town Clerk of the Town of Montgomery for acquisition of a license and said license shall be renewed each year. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for such dog.

### **§ 34-15. Identification.**

Each dog licensed in accordance with the provisions of this Article, pursuant to Subdivision 1 of § 109 of Article 7 of the Agriculture and Markets Law of the State of New York, shall be

assigned a permanent official identification number; such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times during which the dog is not on the premises of the owner.

#### **§ 34-16. Care and disposition of impounded dogs.**

- A. Every dog seized shall be properly fed and cared for at the expense of the Town of Montgomery until disposition thereof is made as herein provided. The redemption of a seized dog shall be in conformance with and pursuant to the provisions of the Agriculture and Markets Law of the State of New York, both as to licensed and unlicensed dogs.
- B. In the event that the dog seized bears a license tag, the Animal Control Officer shall ascertain the owner of the dog and shall give immediate notice by personally serving such owner or an adult member of his family with a notice in writing stating that the dog has been seized and the dog will be destroyed unless redeemed within the period hereinafter provided.
- C. The owner of a dog seized may redeem the dog within five (5) days of service of such notice, except that the owner of a dog bearing a license tag may redeem the dog within twelve (12) days by paying the Village Clerk fifteen dollars (\$15.) as the cost of seizure, and the owner shall pay boarding fees for days the dog is kept at a rate established by the Walden Animal Society.

#### **§ 34-17. Procedures relating to dangerous dogs.**

Procedures relating to dangerous dogs shall be in accordance with the pertinent provisions of the Agriculture and Markets Law of the State of New York.

#### **§ 34-18. Jurisdiction of Village Justice.**

The Village Justice shall have jurisdiction to hear all complaints filed as herein provided and all actions and proceedings here-

under and all prosecutions for any violations of this Article. Upon receipt by the Village Justice of any complaint against the conduct of any particular dog, the Village Justice shall summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Village Justice may permit the filing of an information and issue a warrant for the arrest of such person.

### **§ 34-19. Issuance of appearance tickets.**

Upon receipt by the Animal Control Officer of any complaint against the conduct of any particular dog for a violation of any provision of this Article or, in the event that any dog is found by the Animal Control Officer of the Village of Montgomery to be in violation of any provision of this Article, the Animal Control Officer may issue an appearance ticket to the alleged owner or other person harboring said dog to appear before the Village Justice of the Village of Montgomery, said appearance ticket to be issued by the Animal Control Officer or other peace officer of the village and to state the name and residence, if known, of the owner or other person harboring said dog, the complaint, and, the date and time of the alleged violation, the nature of the violation and the time and place at which the owner of said dog is required to appear in court. If the appearance ticket is disregarded, the Animal Control Officer may file an information with the Justice of the Village of Montgomery and the court shall then issue a warrant for the arrest of such person.

### **§ 34-20. Penalties for offenses.**

Any offense against the provisions of this Article shall be deemed a violation, and any person convicted of a violation shall be liable to a fine for a first violation of not more than twenty-five dollars (\$25.), except that, where the person was found to have violated this section, or Article 7 of the Agriculture and Markets Law within the preceding five (5) years, the fine may not be more than fifty dollars (\$50.), and where the person was found to have committed two (2) or more such violations within the preceding five (5) years, it shall be punishable by a fine of not more than

one hundred dollars (\$100.), or imprisonment for not more than fifteen (15) days, or both.

ARTICLE III  
**Horses or Cattle on Sidewalks**  
**[Adopted 3-5-56]**

**§ 34-21. Unlawful use of sidewalks.**

No person or persons shall at any time, lead or drive or cause to be led or driven, any horses or cattle on any of the sidewalks of said village.

**§ 34-22. Penalties for offenses.<sup>3</sup>**

A violation of this Article shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for a term not exceeding fifteen (15) days, or both such fine and imprisonment.

ARTICLE IV  
**Pigs**  
**[Adopted 3-5-56]**

**§ 34-23. Permission to maintain required.**

No pigs will be permitted to be kept within the corporate limits of the Village of Montgomery, New York except by permission of the Board of Health of said village.

**§ 34-24. Penalties for offenses.<sup>4</sup>**

A violation of this Article shall, upon conviction, be punishable by a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for a term not exceeding fifteen (15) days, or both such fine and imprisonment.

---

<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>4</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

## ARTICLE V

**Pigeons and Other Fowl****[Adopted 6-15-2004 by L.L. No. 1-2004]****§ 34-25. Pigeons and other fowl prohibited.**

No person shall keep, raise, house or harbor any pigeons, chickens, turkeys, ducks, geese or other wild fowl in any building, structure or enclosure within the territorial limits of the Village of Montgomery. Any person so keeping, raising, housing or harboring any fowl as of the effective date of this article shall have 30 days to remove or otherwise dispose of such fowl.

**§ 34-26. Penalties for offenses.**

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