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

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**ARTICLE I**  
**Dogs**

**[Adopted 10-6-1981 by L.L. No. 2-1981 as Ch. 51 of the 1981 Code]**

**§ 59-1. Purpose.**

It appearing that dogs in the Village of Caledonia have, in some instances, been allowed to cause annoyance and damage to the person and property of others, and it appearing further that dogs properly cared for serve a useful purpose, the Board of Trustees of the Village of Caledonia enacts this article to preserve the relationship between a dog and his master and, at

the same time, to protect the health, safety and property of others from annoyance and damage caused by dogs.

### § 59-2. Definitions.

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

**DOG CONTROL OFFICER** — The person authorized by the Board of Trustees from time to time, by resolution, to enforce the provisions of this article. The Dog Control Officer shall be authorized to draw an information and obtain supporting affidavits for submission to the Village Justice Court. [Amended 11-15-1994 by L.L. No. 1-1994]

**OWNER** — Any person who is a licensed owner of a dog and any person who keeps, feeds or harbors a dog for over one week. The owner need not be a resident of the Village of Caledonia but, for a violation to occur, the dog must be in the village limits. In the event that any dog found to be in violation of this article shall be owned by a minor, the head of the household in which said minor resides shall be deemed to have custody and control of the dog and shall be responsible for any acts of the dog in violation of this article.

### § 59-3. Restrictions.

- A. It shall be unlawful for any owner of or any person harboring any dog to permit or allow such dog while in the Village of Caledonia to:
- (1) Run at large unless said dog is restrained by an adequate collar and a leash no longer than eight feet in length or unless accompanied by its owner or a responsible person able to control the animal. For the purposes of this article, a dog or dogs while hunting in company with a hunter or hunters shall be considered as accompanied by its owner if the dog is under the control of the hunter or hunting party.
  - (2) Engage in habitual loud howling or barking or to conduct itself in such a manner as to habitually annoy any person.
  - (3) Cause damage or destruction to property or commit a nuisance upon the premises of any person.
  - (4) Chase or otherwise harass any person in such manner as reasonably to cause intimidation or to put such person in a reasonable apprehension of bodily harm or injury.
  - (5) Habitually chase or bark at motor vehicles or bicycles.
  - (6) Kill or injure any other dog, cat or other domestic or farm animal.
  - (7) Tip over trash cans or other devices used to contain refuse.
- B. No owner shall permit the premises or enclosure in which the dog is kept to be unsanitary or unclean.

**§ 59-4. Female dogs.**

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 securely confined on the premises of such person during such period.

**§ 59-5. Enforcement. [Amended 11-15-1994 by L.L. No. 1-1994]**

This article shall be enforced by the Dog Control Officer, the Village Police Department or any other law enforcement officer.

**§ 59-6. Violation of restrictions. [Amended 4-3-1989 by L.L. No. 2-1989]**

Any dog found in violation of the restrictions set forth in § 59-3 shall be impounded and shall be taken to such place of detention as may be provided by the Board of Trustees from time to time until the disposition of such dog shall have been made in accordance with the provisions of this article.

**§ 59-7. Seizure. [Amended 4-3-1989 by L.L. No. 2-1989]**

- A. Seizure of licensed dogs. In the event that a licensed dog is seized, then promptly upon the seizure of such dog, the owner of record of such dog 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 shall be held for a period of seven days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of seven days from the date of mailing, during which period the dog may be redeemed by the owner.
- B. Seizure of unlicensed dogs. In the event that an unlicensed dog is seized, then promptly upon the seizure of such dog, the owner of such dog, if known, shall be notified personally or by mail of the facts of seizure and the procedure for redemption. The dog shall be held for a period of three days after impoundment, during which period the dog may be redeemed by the owner. Upon the expiration of said period of three days, if the dog has not been redeemed, such dog may be destroyed or placed for adoption.

**§ 59-8. Redemption. [Amended 4-3-1989 by L.L. No. 2-1989; 11-15-1994 by L.L. No. 1-1994]**

Each dog seized under the provisions of this article may be redeemed by its owner, provided that such owner produces proof that the dog is then licensed, and further provided that the owner pays the impoundment fees which shall be as set forth from time to time by resolution of the Board of Trustees and as indicated on a fee schedule on file in the office of the Village Clerk.

**§ 59-9. Trial procedure. [Amended 11-15-1994 by L.L. No. 1-1994]**

In the event that the owner of the dog desires a trial, he shall post bail of \$25 to pay for the care of the dog while impounded and demand, in writing, a trial. The Dog Control Officer or other law enforcement officer shall immediately proceed to file an information with the Village Justice so that the matter will appear on the docket of the court as soon as possible. The rules of procedure and as to proof applicable in criminal actions shall apply.

**§ 59-10. Forfeiture of title to dog.**

If an impounded dog is not redeemed or a trial demanded within the time hereinbefore set forth, the owner shall forfeit title to the dog, and it may thereafter be sold by the village or destroyed by the appropriate official as hereinafter provided.

**§ 59-11. Sale of impounded dog. [Amended 11-15-1994 by L.L. No. 1-1994]**

The Dog Control Officer is hereby authorized to sell any dog not redeemed at such price as he shall determine to be fair and shall deposit such sum in the general fund of the village. The Village Clerk shall keep a record of all sales, and such records shall be open to the public. Such records shall be kept for one year.

**§ 59-12. Dogs destroyed. [Amended 11-15-1994 by L.L. No. 1-1994]**

In the event that it becomes necessary to destroy a dog, the Dog Control Officer or other law enforcement officer shall arrange through a veterinarian for the destruction of the dog, cause the carcass to be disposed of and make a report in writing of such destruction to the Village Clerk. The Clerk shall keep a record of the destruction for one year.

**§ 59-13. Dangerous dogs. [Amended 11-15-1994 by L.L. No. 1-1994]**

If at any time, in the determination of the court, the Dog Control Officer or any law enforcement officer, a dog cannot be safely restrained or is an immediate threat to the safety of the Dog Control Officer, law enforcement officer or others, the dog may be immediately destroyed in the most humane manner available.

**§ 59-14. Penalties for offenses. [Amended 8-5-86 by L.L. No. 4-1986; 11-15-1994 by L.L. No. 1-1994]**

Unless otherwise provided by Article 7 of the Agriculture and Markets Law, an offense against the provisions of this article shall be deemed a violation, and the person convicted of such violation shall be subject to a fine of not more than \$250 or fifteen days' imprisonment, or both such fine and imprisonment. The persons authorized to enforce the provisions of this article under § 59-5 thereof are hereby authorized to enforce the provisions hereof by the issuance of a uniform appearance ticket and simplified information as provided in §§ 124 and 114 of the Agriculture and Markets Law. In addition, a dog found to be dangerous may be ordered securely confined or destroyed, in the discretion of the court.

**§ 59-15. Compensation for dogs destroyed.**

The owner, possessor or harbinger of any dog destroyed under the provisions of this article shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of the dog.

**§ 59-16. Commission of nuisances. [Added 12-5-2000 by L.L. No. 2-2000]**

- A. Removal of feces required. Any person owning or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, play area, park or any place where people congregate or walk or upon any private property, without the permission of the owner of said property, shall immediately remove all feces deposited by any such dog, in a sanitary manner.
- B. Disposal. The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any such dog in a sealed, nonabsorbent, leakproof container. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary.
- C. Exception for guide dogs. The provisions of this section shall not apply to blind persons who may use dogs as guides.
- D. Presumption of ownership. In case a dog is unattended, information secured by an enforcement officer from a license or tag secured to said dog shall present a rebuttable presumption that the owner identified by such license or tag is the owner or person in charge of said dog.
- E. Penalties for offenses. Any person who violates or neglects to comply with any provision of this section shall, upon conviction thereof, be liable for penalties of § 59-14.

**ARTICLE II****Keeping of Certain Animals Other Than Dogs**

**[Adopted 9-16-2003 by L.L. No. 3-2003]**

**§ 59-17. Intent.**

The Board of Trustees of the Village of Caledonia has determined that certain animals, insects or birds by reason of their aggressive nature, noise, odor or other health concerns pose a potential threat to the residents of the Village and would interfere with the peace and comfort of the residents of the village and that, therefore, the keeping of the same within the Village must be prohibited.

**§ 59-18. Definitions.**

For the purposes of this article, the following words are defined as follows:

**FARM** — Any parcel of land containing five acres or more which is used for the raising, production or breeding of animals, livestock or poultry or for the raising of cattle for the purpose of milk production; provided, however, that the structures in connection with such

uses shall be located not less than 100 feet from any property line and that the storage of manure shall be not less than 200 feet from any residence on a neighboring lot.

**HOUSEHOLD PET** — Those creatures which are normally kept within the confines of a dwelling by humans, such as cats, fish and, in some circumstances, rabbits, birds, reptiles, turtles, mice, guinea pigs, hamsters, ferrets, salamanders and lizards.

**OWNER** — Any person having a right of property in the subject animal, insect or bird and any person who has the same in his or her keeping or who harbors the same. Such creatures owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.

**PERSON** — An individual, firm, partnership, limited liability company, corporation, or other association of persons or entities.

#### **§ 59-19. Applicability.**

This article shall apply to creatures including, by way of example but not limited to, the following:

- A. Livestock such as goats, sheep and llamas.
- B. Insects, such as bees.
- C. Fowl or poultry such as chickens, roosters, turkeys, ostriches, ducks, geese, peacocks and pheasants.

#### **§ 59-20. Exclusions.**

This article shall not apply to the following:

- A. Dogs, horses, and hogs, which are covered by other regulations of the Village of Caledonia. If, however, such other regulations are found to be inapplicable to any of the foregoing animals, then this article shall apply to such animals.
- B. Any duly licensed pet store, municipal pound or animal hospital operated by a New York State licensed veterinarian.
- C. Any person who operates a farm pursuant to the definition of "farm" set forth in this article.

#### **§ 59-21. Keeping of certain animals prohibited.**

No person shall hereafter keep or harbor within the Village of Caledonia any creature such as those set forth in § 59-19 or 59-20A (if applicable) hereof, other than household pets, defined in § 59-18 hereof, and the creatures excluded by § 59-20 hereof (which may be kept only as provided in the separate regulations which pertain thereto).

**§ 59-22. Disturbing peace and quiet prohibited.**

No person owning, harboring or keeping any creature, including but not limited to household pets as defined herein, shall suffer, permit or allow the same to disturb the peace and quiet of the neighborhood or other persons by making loud or unusual noises for an unreasonable period of time, at an unreasonable time or in an unreasonable manner; nor shall such person allow or permit such creature to conduct itself in such a manner as to habitually annoy or endanger any other person. Such conduct shall constitute a nuisance.

**§ 59-23. Existing nonconforming uses.**

Any person who at the adoption of this article has, keeps or harbors within the Village of Caledonia any creature set forth in § 59-19 hereof or not otherwise regulated as set forth in § 59-20A hereof, other than household pets defined in § 59-18 hereof, excluding the creatures and circumstances set forth in § 59-20 hereof, shall have a period of three months to secure other quarters for said creature(s) outside of the Village of Caledonia; after which date § 59-21 of this article shall be enforced.

**§ 59-24. Penalties for offenses.**

A violation of this article is hereby declared to be an offense punishable by a fine not exceeding \$250 or by imprisonment of up to 15 days. Each week's violation shall constitute a separate additional violation.

**§ 59-25. Enforcement.**

This article will be enforced by the Village Police Department of the Village of Caledonia, the Livingston County Sheriff's Department, the New York State Police or any other law enforcement agency with appropriate jurisdiction.

**ARTICLE III****Deer Management**

[Adopted 6-7-2011 by L.L. No. 1-2011]

**§ 59-26. Title.**

This article shall be named the "Village of Caledonia Deer Management Program Law."

**§ 59-27. Findings and purpose.**

Certain areas in the Village of Caledonia have been identified as having a high concentration of deer, which poses a hazard to the health, safety and welfare to the residents and properties of the Village.

**§ 59-28. Establishment of deer management program.**

It is hereby authorized that there be established a deer management program by certified bow hunters to control high concentrations of deer within the Village.

**§ 59-29. Regulations.**

The Village Board of Trustees shall by resolution, establish regulations which shall provide for the certification of bow hunters' participation in the deer management program.

**§ 59-30. Limitations.**

This article and the regulations promulgated hereunder are intended to supplement any laws of New York State or regulations of the New York State Department of Environmental Conservation which regulate the subject of this article. To the extent that State Laws or Regulations conflict herewith, this article and its regulations are superseded thereby.