

ARTICLE II
Dogs Running at Large
[Adopted 5-25-1976 by L.L. No. 2-1976]

§ 55-2. Title.

This article shall be known and may be cited as the "Dog Control Law of the Village of Florida."

§ 55-3. Definitions.

When used in this article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

DOG — Any dog of either sex and of any age unless otherwise indicated herein.

OWNER — Includes any person owning, harboring or keeping a dog and the parent, guardian or other adult person with whom a minor dog owner resides.

§ 55-4. Running at large prohibited; leashing required.

It shall be unlawful for any owner to keep, allow or permit a dog to run at large, whether licensed or not, or to allow or permit such dog to be on any public highway, street or place or off the owner's premises unless restrained by a leash not more than six feet in length.

§ 55-5. Exceptions. [Amended 2-13-2013 by L.L. No. 2-2013]

A dog shall be permitted to run at large in the Village of Florida only while engaged in organized and sanctioned field training and while accompanied by the owner or other responsible person.

§ 55-6. Howling or barking dogs. [Added 12-12-2006 by L.L. No. 4-2006¹]

- A. No person shall keep or harbor a dog which howls or barks in violation of this section.
- B. It shall constitute a violation of this section if the howling or barking occurs continually and is audible beyond the property line of the premises on which the dog is located:
 - (1) For more than five minutes between the hours of 10:00 p.m. and 8:00 a.m.;

1. Editor's Note: This local law also provided for the renumbering of former §§ 55-6 and 55-7 as §§ 55-8 and 55-9.

- (2) For more that 15 minutes between the hours of 8:00 a.m. and 10:00 p.m.; or
 - (3) For a shorter duration than cited above, but on more than five occasions within a given ten-day period, if attested to by complaints from two or more separate properties. It shall be a defense to such violation if the owner of the dog proves by a preponderance of the evidence that the only reason the dog was howling or barking was that the dog was being provoked by a person or was otherwise being incited or was acting as a guide dog, hearing dog, service dog or police work dog.
- C. In order to abate the nuisance created by a dog howling or barking in violation of this section, dog control officers may enter the yard and may seize any such dog from the yard where the violation is occurring if the officer is unable to contact the owner or if the owner is unable or unwilling to take action to stop the howling or barking.

§ 55-7. Permitting dog to commit nuisance. [Added 8-14-2001 by L.L. No. 3-2001]

A. Nuisances. [Amended 12-12-2006 by L.L. No. 4-2006²]

- (1) No person owning or having the care, custody or control of a dog shall knowingly or negligently permit such dog to commit any nuisance, and more particularly including, and without limiting the generality thereof, the excretion of feces upon any public sidewalk or other thoroughfare, or in or upon any public building or any paved approach to such building from the street, or in or upon any public park or public playground, or on any private property without the permission of the owner of said property; nor shall any person omit to do any reasonable and proper act or omit to take any reasonable and proper precaution to prevent any such dog from committing a nuisance in, on or upon any of the places or premises herein specified.
- (2) Any person owning, harboring, keeping or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the

2. Editor's Note: This local law also provided for the renumbering of former §§ 55-6 and 55-7 as §§ 55-8 and 55-9, respectively.

permission of the owner of such property shall immediately remove all feces deposited by such dog by any sanitary method approved by the local health authority.

- (3) Any person who keeps, owns or harbors a dog or cat on the owner's premises shall remove all feces that has been deposited by the animal on the owner's walkways, driveway, open garages and yard area within 24 hours in temperatures below 50° F. and within 12 hours in temperatures above 50° F. in an approved sanitary method.

B. Exemptions.

- (1) Nothing herein shall be construed to apply to the situation where a dog is on its owner's or custodian's property or where the dog owner or custodian has the permission of the property owner.
- (2) Any dog owned by the Village of Florida Police Department and used for law enforcement purposes shall be exempt from the provisions of this section.
- (3) Any dog which serves as a guide dog shall be exempt from the provisions of this section while such dog is accompanying a blind person.

§ 55-8. Seizure and impoundment.

- A. Any dog running at large contrary to the provisions of this article within the limits of the Village shall also be subject to seizure and impounding by any dog warden, police officer or by any person or agency designated by the Village or authorized by law to seize and impound such dog pursuant to the provisions of Article 7 of the Agriculture and Markets Law.
- B. Every dog seized shall be properly fed and cared for at the expense of the Village until disposition thereof shall be made as herein provided.
- C. Notice of impounding. The officer seizing any such dog shall ascertain, whenever possible, the owner of the dog and shall give reasonable 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 will be destroyed unless redeemed within the period established by resolution of the Village Board. **[Amended 2-10-1987 by L.L. No. 1-1987]**

- D. Redemption fees. Any dog seized in accordance with the provisions of this article may be redeemed by the owner or harbinger of the same upon payment to the Humane Society of the redemption fee as provided in the Agriculture and Markets Law. **[Amended 2-10-1987 by L.L. No. 1-1987]**
- E. Disposal of unredeemed dogs. If not so redeemed, the owner or harbinger of the dog shall forfeit all title to the dog, and the dog shall be sold or destroyed by the peace officer or other designated person. In the case of sale, the purchaser must pay the purchase price to the Humane Society. **[Amended 2-10-1987 by L.L. No. 1-1987]**

§ 55-9. Penalties for offenses. [Amended 2-10-1987 by L.L. No. 1-1987; 8-14-2001 by L.L. No. 3-2001]

Any person who violates or who fails to comply with this article, upon conviction, shall be liable to pay a fine not exceeding \$250 or be sentenced to imprisonment for a term of not more than 15 days, or both.