

INTRODUCTORY NO. 55

JE/gp

Ordinance No.

**Amending The Municipal Code With
Respect To Animals, As Amended**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 30 of the Municipal Code, Animals, as amended, is hereby further amended by designating the current Sections thereof as Article I: Permitted Animals, and there is hereby added to Article I of Chapter 30 the following new Section 30-23:

Section 30-23. Limitation of Article.

This Article shall be construed to authorize the possession only of animals not defined as wild animals in Article II of this Chapter.

Section 2. Chapter 30 of the Municipal Code, Animals, as amended, is hereby further amended by adding thereto a new Article II to read in its entirety as follows:

Article II. Wild Animals.

Section 30-25. Definitions.

When used in this Chapter, the following words shall have the following definitions:

WILD ANIMAL--Shall mean all types of the following animals:

All venomous animals except fish, including rear-fang snakes.

Antelope, bighorn sheep, gazelles, impalas, gnus, bison, buffalo, African buffalo, mountain goats, tapirs, topis, waterbucks, warthogs, wildebeests, zebra.

Bats.

Bears (ursidae).

Camelidae, i.e.: camels, llamas, alpacas, vicunas, guanacos.

Canids (other than domestic dogs, canis lupus familiaris), i.e.: wolves, foxes, coyotes, jackals, dingos, raccoon dogs, or any mix of these animals.

Cervidae, i.e.: deer, moose, elk, caribou, reindeer.

[Constrictor snakes.]

Crocadilians, i.e.: alligators, crocodiles, caimans, gavials.

Elephants (elephantidae).

Falconiformes, i.e.: eagles, hawks, owls, ospreys, vultures, griffons.

Felids (other than domestic cats, felis catus), i.e.: lions, tigers, bobcats, leopards, cheetahs, jaguars, pumas, lynx, ocelots, or any mix of these animals.

Giraffidae, i.e.: giraffes, okapis.

Herpestidae, i.e.: mongooses, meerkats, suricats, fossas.

Hippopotamus (hippopotamidae).

Hyaenidae, i.e.: hyenas, aardwolf.

Komodo dragons (varanus komodoensis).

Marsupials, i.e.: opossums, [tasmanian wolf,] kangaroos, wallabies, koalas, wombats.

Ostriches, emus, rheas.

Primates (non-human), i.e.: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, lemurs, orangutans, siamangs, marmosets, tamarins, mandrills, macaques.

Procyonids, i.e.: raccoons, coatis, kinkajous, olingos, ring-tailed cats.

Rhinoceros (rhinocerotidae).

Sciuridae, i.e.: squirrels, groundhogs, marmots, prairie dogs, woodchucks.

[Snapping turtles.]

Viverridae, i.e.: civets, linsangs, genets, palm civets, toddy cats, binturongs, fossas.

Weasels, stoats, zorillas, martens, fishers, skunks, tayras, wolverines, grisons, badgers, ratels, otters, muskrats, beavers, gophers, porcupines.

Xenarthrans, i.e.: anteaters, tamanduas, sloths, armadillos.

Section 30-26. Wild animals.

No person shall own, bring into, possess, harbor or keep any wild animal in the City, nor allow or permit any wild animal to run at large upon any street or public place.

Section 30-27. Constrictor snakes prohibited in public places.

No person shall carry, bring or possess a constrictor snake in a public place in the City, nor allow a constrictor snake to go loose or free, restrained or unrestrained, in a public place. This prohibition shall not apply to the transport of a constrictor snake on City streets provided the snake is securely maintained in a bag or other enclosure throughout the transport. "Public place" shall mean any area or building owned, operated or controlled by or on behalf of the City, or portion of such place, which is generally accessible to the public, including but not limited to streets, sidewalks, skywalks, parking garages and lots, parks, playgrounds, recreation areas, athletic fields, cemeteries, or places of employment or operations.

Section 30-28. Exceptions.

The provisions of this Article shall not apply to:

1. The Seneca Park Zoo and all of its activities;

2. The Animal Control Center;

3. Colleges, medical centers, schools and universities which maintain such wild animals;

4. Veterinary hospitals;

5. Licensed pet stores operating at the time of adoption of this Article which register with the Animal Control Center within thirty (30) days after adoption of this Article, provided that such stores shall maintain for a period of three (3) years for review by Animal Control Officers or police officers during normal business hours a record signed by the purchaser of any wild animal containing the full name, street address and telephone number of the purchaser and the street address of the location outside of the City where the purchaser intends to harbor the wild animal;

6. Persons transporting a wild animal to a location excepted herein or in conjunction with an activity excepted herein, or transporting a wild animal directly through the City, provided that the wild animal is properly restrained and maintained in a vehicle throughout the transport;

7. Bona fide circuses; and

8. Housing and [P]public exhibitions of wild animals for educational or entertainment purposes, provided the same are approved by the Animal Control Center after a review for public health and safety concerns, as a result of which insurance or other appropriate protections may be required.

Section 3. Chapter 30 of the Municipal Code, Animals, as amended, is hereby further amended by renumbering Section 30-4, Pounds established; Section 30-11, Interference with officer or other person; Section 30-18, Nuisances; and Section 30-22, Adoption of cats, as Sections 30-32 through 30-35, respectively, and by adding said Sections to a new Article III, General Provisions and Penalties, and by otherwise amending said sections to read in their entirety as follows:

Section 30-32. Animal shelter.

The City shall provide an animal shelter in which seized animals shall be maintained for periods of time as provided by law.

Section 30-33. Interference with Animal Control Officer or other person.

No person shall molest or interfere in any way with any Animal Control Officer or any of the staff of the Animal Control Center engaged in the performance of their duties.

Section 30-34. Nuisances.

No person shall permit an accumulation of animal feces on a property which results in a foul or nauseating odor or unsightly condition that makes travel or residence in the vicinity uncomfortable, or which attracts flies or other insects or animals thereby creating an unsanitary condition which may facilitate the spread of disease and endanger health, or which renders soil, water or food impure or unwholesome, or which endangers public comfort and repose.

Section 30-35. Adoption of cats.

The fee for adopting a cat from the Animal Control Center shall be ten dollars (\$10.), plus the fee for other services for the cat provided by the Animal Control Center. In addition, the Animal Control Center shall require a deposit of twenty dollars (\$20.) for the adoption of a cat which is not a spayed female cat or a neutered male cat. This deposit shall be refunded when the cat owner presents a certificate of spaying or neutering to the Animal Control Center. No refunds shall be made more than six (6) months after the date of adoption.

Section 4. Chapter 30 of the Municipal Code, Animals, as amended, is hereby further amended by adding the following new Sections to the new Article III:

Section 30-36. Enforcement.

This Chapter may be enforced by any Animal Control Officer or police officer of the City. Animal Control Officers shall enforce any law or ordinance controlling animals in the City.

Section 30-37. Issuance of notices of violation.

Any Animal Control Officer or police officer observing a violation of this chapter or of any local law or ordinance relating to the control of animals shall issue a notice of violation therefor. A notice of violation shall be served personally upon the owner of the animal or other person charged with such violation or mailed to the person at the person's last known address by means of first class mail.

Section 30-38. Filing of depositions by citizens.

Any person who observes or has knowledge of a violation of this chapter or of any local law or ordinance relating to the control of animals may file a signed deposition, under oath, with an Animal Control Officer, specifying the objectionable conduct of the animal, the date thereof, a description of the animal and the name and address, if known, of the owner or other person harboring said animal. The Animal Control Officer shall investigate each complaint and, if the complaint is supported by substantial evidence, issue a notice of violation therefor.

Section 30-39. Seizure and redemption of animals.

A. Any animal may be seized and impounded when found:

- 1. in violation of this chapter;**
- 2. constituting a nuisance or danger;**
- 3. sick or injured; or**
- 4. unattended or abandoned, as in situations where the owner is deceased or has been arrested or evicted.**

B. Any animal seized pursuant to this Chapter shall be held for not less than five (5) days, unless injured or diseased. Any wild animal seized for a violation of this Chapter shall become the property of the City after five (5) days and shall be euthanized or otherwise disposed of in a lawful manner. The owner of a wild animal shall have the opportunity to submit to the Director of the Animal Control Center within five (5) days of the seizure a writing stating the reasons why the wild animal was not in violation of this Chapter and should not become the property of the City. The Director may also meet with the owner. The Director shall make a final determination based on the writing or other information provided and records of the wild animal and its seizure. If the Director of the Animal Control Center determines that the wild animal was not in violation of this Chapter, the owner shall have five (5) days to reclaim the wild animal without paying the cost of seizure and impoundment, but upon payment of health costs, or it shall become the property of the City and shall be euthanized or otherwise disposed of in a lawful manner. Any other animal which is not reclaimed by its owner within five (5) days of its seizure shall become the property of the City and shall be euthanized or otherwise disposed of in a lawful manner.

C. The owner shall be responsible for the costs of any seizure, health care, impoundment or other services. Except as otherwise provided in the Municipal Code, fees for impoundment, adoption and other services relating to animals at the Animal Control Center shall be established by the Director of the Animal Control Center with the approval of the Mayor. No animal shall be redeemed unless the person seeking the redemption first pays all outstanding animal and dog control fines and penalties owed by that person and the animal owner, and all outstanding animal control fines and penalties relating to the animal to be redeemed.

Section 30-40. Penalties for offenses.

The Municipal Code Violations Bureau shall hear and determine charges involving violations of this Chapter. Any person who violates this Chapter shall be subject to the same penalties as those set forth in Section 31-17A of the Municipal Code

relating to dogs.

Section 5. Section 30-5 of the Municipal Code, Pound records; Section 30-6, Impounding of animals; Section 30-7, Impounding fees; Section 30-8, Sale of impounded animals; Section 30-10, Quarantine; and Section 30-21, Penalties, are hereby repealed.

Section 6. Section 13A-2 of the Municipal Code, relating to the jurisdiction of the Municipal Code Violations Bureau, as amended, is hereby further amended by adding the following new Chapter to its jurisdiction where it should appear in the chart in subsection A thereof:

Code Reference Chapter 30	Type of Regulation Animals
--------------------------------------	---------------------------------------

Section 7. Section 13A-11 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by adding the words and numbers "and Section 30-40" after the reference to "Section 27-6" where it is contained in subsection A thereof.

Section 8. Chapter 30 of the Municipal Code, Animals, as amended, is hereby further amended by adding thereto the following new Section 30-3 to read in its entirety as follows:

Section 30-3. Animals at Special Events.

No person shall bring, permit or allow any animal, whether leashed or otherwise restrained or not, to or at a special event sponsored by the City and held on municipal property. Municipal property shall mean all property owned by the City or dedicated to public use, including but not limited to parks, playgrounds, streets and City buildings. This section shall not apply to dogs or cats or to other animals that are permitted by the Commissioner of Parks, Recreation and Human Services as taking part in the special event.

Section 9. This ordinance shall take effect thirty (30) days after the date of its adoption.

Bracketed material deleted; underlined material added.