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- ☐ County  
☐ City of Candor  
☒ Town  
☐ Village

Local Law No. # 1 of the year 20 11

A local law Dog Licensing and  
(Insert Title)  
Animal Population Control  
Law of the Town of Candor

Be it enacted by the Town Board of the  
(Name of Legislative Body)

- ☐ County  
☐ City of Candor  
☒ Town  
☐ Village
- as follows:

Town of Candor Dog Licensing and Animal Population Control Law

Town of Candor

Local Law No. 1 of the year 2011

Be it Enacted by the Town Board of the Town of Candor as follows:

**Section 1 Title:**

This Local Law shall be known as the "Dog Licensing and Animal Population Control Law of the Town of Candor."

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## **Section 2 Authority:**

This Local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets law and the Municipal Home Rule Law of the State of New York.

## **Section 3 Purpose:**

The purpose of this local law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property and other animals from dog attack and damage.

## **Section 4 Definitions:**

All terms not specifically defined herein shall have the meaning assigned to such terms within 108 of the Agriculture and Markets Law of the State of New York.

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

**AGRICULTURE AND MARKETS LAW:** The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.

**ALTERED:** Describes a dog that has been spayed or neutered.

**AT LARGE:** Any dog that is unleashed and on property open to the public or on private property not owned or leased by the owner of the dog unless permission for such presence has been granted. No dog shall be deemed to be at large if it is:  
(a) accompanied by and under the immediate supervision and control

of the owner or other responsible person; (b) a police work dog in use for police work; or (c) accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

**COMPANION ANIMAL:** Any dog or cat, or any domesticated animal normally maintained in or near the household of the owner of the animal or the person who cares for such domesticated animal. A "companion animal" shall not include any "domestic animal" as defined in this article.

**FARM ANIMAL:** As used in this Local Law, any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in New York State Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

**HARBOR:** Provide food or shelter to any dog.

**IDENTIFIED DOG:** Any dog carrying an identification tag.

**IDENTIFICATION TAG:** A tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

**ORIGINAL LICENSE:** The first license issued to a dog by the State of New York or any municipality.

**OWNER:** Any person who harbors or keeps any dog. In the event any dog found in violation of this Local Law shall owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person, or, if none, the head of the household in which said person under the age of eighteen resides.

**OWNER OF RECORD:** Any person in whose name any dog was last licensed is the owner of record, except that if any license is issued on the application of a person under eighteen years of age, the owner of record shall be deemed to be the parent(s) or guardian(s) of such person. If it cannot be determined in whose name any dog was last licensed, or if the owner of record has filed a statement as described in §70-13 of this Local Law, the owner shall be deemed to be the owner of record of the dog, except that if that person is under eighteen years

of age, the owner of record shall be deemed to be the parent(s) or guardian(s) of such person.

**PERSON:** An individual, partnership, corporation, association or other organized group of persons, business entity, municipality or other legal entity.

**RESIDENT:** A person who maintains a residence within the Town of Candor, County of Tioga, State of New York.

**TOWN:** The area within the corporate limits of the Town of Candor, including the Village of Candor, Tioga County, State of New York

**TOWN BOARD:** The Town Board of the Town of Candor.

**TOWN CLERK:** The person acting as the Town Clerk of the Town of Candor.

**UNALTERED:** Any dog that is not spayed or neutered.

## **Section 5 Licensing of Dogs:**

No person shall own or possess a dog within the Town unless such dog is licensed as provided in Article 7 of the Agriculture and Markets Law and this local law. All dogs to which said laws are applicable shall be licensed in accordance with the following provisions.

### **1. Application for Original License.**

The owner of any dog reaching the age of four months shall immediately make application to the Town Clerk for a dog license on a form provided by the Town Clerk's Office. No license shall be required for any dog which is under the age of four months and which is not at large, any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, any dog confined for the purposes of research to the premises of any college or other educational or research institution, or any dog that is residing in a pound or shelter maintained by or under contract or agreement with the State of New York or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Any dog harbored with in the Town of Candor which is

owned by a resident of New York City and licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

The Town of Candor authorizes Stray Haven acting as its manager to provide, accept and grant an application for a dog license made by a resident of the Town of Candor at the time of the adoption of a dog from Stray Haven provided that such application is made in accordance with this law and the license fee, any additional fee and surcharge shall be remitted to the Town Clerk of the Town Candor on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

## **2. Rabies Vaccination Required.**

All applications for a dog license shall be accompanied by a valid rabies certificate signed by a licensed veterinarian or, in lieu thereof, a statement certified by a licensed veterinarian stating that the dog is too young to be vaccinated or because of old age or another reason, the life of the dog would be endangered by the administration of vaccine. A copy of the rabies certificate or certified statement shall be made and attached to the Clerk's copy of the application. In the case of an unlicensed dog being redeemed by the owner or a dog being adopted from a shelter copies shall be forwarded to the Town Clerk. Such records shall be kept on file by the Town Clerk and be made available upon request for rabies and other animal disease control efforts. No license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed.

## **3. Spay/Neuter Certificates.**

In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog.

#### **4. Issuance of License.**

Upon receiving a complete application, the required documents and the fee, any additional fee and any surcharge, the Town Clerk shall issue a license and tag. The Town Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.

#### **5. Expiration of License.**

An original license shall be issued for a period of one year, and shall expire on the last day of the month one year from the date of issue.

#### **6. License Renewal.**

- a. License renewal forms shall be mailed by the Town Clerk.
- b. A new rabies certificate shall be required if the certificate on record has expired or expires within 30 days of the date of renewal. A statement submitted in-lieu-of the required rabies certificate as described in Part 2 of this Section may be substituted for a rabies certificate. New rabies certificates and statements shall be copied and attached to the Town Clerk's copy of the renewal.
- c. A spay/neuter certificate shall not be required if such a certificate is already on file with the Town Clerk. If the dog has been altered during the preceding year, the certificate shall be presented to the Town Clerk with the license renewal application. The Town Clerk shall make a copy of the certificate and attach it to the original license on file.
- d. The renewal license shall expire on last day of the month one year from the date of issue.
- e. Renewing sooner or later than the expiration month of the prior original or renewal license will result in a change of the month the license expires. Owners having more than one dog may request common renewal dates for their licenses, The Town Clerk may grant such requests in the Clerk's discretion provided that all other licensing and renewal requirements are met. No licensing fees will be prorated, refunded, or waived.
- f. Upon renewal the Town Clerk shall provide a validated license to the owner. The Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.

## **Section 6 License Fees:**

The Town of Candor hereby establishes the fee for a dog license issued pursuant to this Dog Licensing and Animal Population Control Law at \$8.00, to which amount shall be added \$8.00 if the dog for which the license application is made is unaltered. In addition to the license fee established by this law, each applicant for a dog license shall pay an animal population control surcharge fee of \$1.00 if the dog to be licensed is altered or \$3.00 if the dog sought to be licensed is unaltered. In addition to the license fee and additional fee imposed hereunder, each applicant for a dog license shall pay an additional fee of \$1.00 upon the licensing of any dog found to be unlicensed during an enumeration, which charge shall be retained by the Town of Candor and used to defray the cost of an enumeration of dogs living within the Town of Candor. In the event the additional fees collected exceed the expenses incurred, such excess fees may be used for enforcing this Local Law and for spaying or neutering dogs.

No license fees or additional fees other than the mandated population control surcharge shall be charged to license any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog. Any license issued for a dog that is exempt from the license fee imposed by this law shall be conspicuously marked "Guide Dog," "Hearing Dog," "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog," or "Therapy Dog", as may be appropriate, by the clerk.

Pursuant to this Local Law, the Town Board of the Town of Candor is authorized to establish by resolution a schedule of fees pertaining to the licensing, identification and enumeration of dogs. The Town Board may amend the fee schedule by resolution from time to time as it deems appropriate. The most current fee schedule will be kept on file in the office of the Candor Town Clerk for public inspection.

No license fees shall be refundable or partially refundable in the event that a dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.

## **Section 7 Identification of Dogs:**

No person shall own or possess a dog within the Town unless such dog is identified as provided in Article 7 of the Agriculture and Markets Law and this Local Law. All dogs to which said laws are applicable shall be identified in accordance with the following provisions.

1. When a dog is originally licensed, a Town of Candor identification number will assigned and an identification tag shall be issued, which shall be worn by the dog at all times.
2. Existing New York State Agriculture and Markets dog licenses being renewed or transferred in from another municipality shall be assigned a Town of Candor identification number and an identification tag shall be issued. The New York State Agriculture and Markets tag or other municipality's tag shall be discarded and the Town of Candor tag shall be worn by the dog at all times.
3. A dog participating in a dog show is exempted from wearing an identification tag for the duration of the show in which the dog is participating.
4. No identification tag shall be affixed to the collar of any dog other than the dog to which it was assigned.
5. Lost tags shall be replaced at the expense of the owner at a fee set by the Candor Town Board.

#### **Section 8 Change of Address:**

When there is a change of address for the owner of record, the owner shall notify the Town Clerk's Office of such change. If the change is to another address within the Town of Candor, the Town Clerk will make the appropriate updates to the dog license record. If the change is to an address outside the Town of Candor, the Town Clerk shall make a note in the record and cancel the license. The Clerk shall forward a copy of the license to the Clerk of the municipality to which the owner has moved, informing said Clerk that the dog now resides in their municipality.

#### **Section 9 Change of Ownership:**

In the event of a change in the ownership of any dog licensed in the Town of Candor, the new owner shall immediately make application for a license for such dog. Additionally, the original owner of record shall notify the Town Clerk's Office of the change of ownership. Such original owner of record shall be liable for any violation under this Local Law until such filing is made or until the dog is licensed in the name of the new owner.



## **Section 10 Lost, Stolen or Deceased Dog:**

If any dog which has been licensed in the Town of Candor is lost, stolen or deceased, the owner of record shall notify the Town Clerk's Office within ten days of the discovery of such loss, theft or death.

## **Section 11 Management of Lists of Licensed Dog Owners:**

No dog licensing records, information, or lists shall be made available to any person or company for commercial purposes.

## **Section 12 Prohibited Acts:**

It shall be unlawful for any owner of a dog to permit or allow such dog to:

1. Be at large;
2. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually annoy any person;
3. Cause damage or destruction to property or commit a nuisance by defecating or urinating upon the premises of a person other than on the property of the owner of such dog;
4. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury;
5. Habitually chase, run alongside of or bark at motor vehicles or bicycles;
6. Fail to license any dog or allow any dog to be unlicensed due to failure to renew a dog license as required by this Local Law;
7. Fail to have any dog identified by a valid and current Town of Candor dog license identification tag as required by this Local Law;
8. Knowingly affix to any dog any false or improper identification tag or any identification tag belonging to another dog;
9. Furnish any false or misleading information on any license or form, required by the Town, the Town Clerk, the Town Dog Control Officer, or any shelter or pound servicing the Town of Candor; or
10. Fail to notify the Town Clerk of any change of ownership, change of address, death or loss of any dog licensed in the Town of Candor.

### **Section 13 Conditions for Keeping Dogs.**

All premises occupied by dogs shall be kept in a clean, sanitary condition. Adequate food, water, shelter and space must be provided for each dog owned. For the purpose of this Section, "adequate" shall mean sufficient for age, size and number of dogs on the premises.

### **Section 14 Liability for Damages Caused by Dogs.**

1. If a domestic, farm or companion animal is injured or killed as a result of being attacked, chased or worried by any dog, the owner of said dog shall be liable for damage. The owner of such injured or killed animal may make a complaint to the Dog Control Officer or a police officer who shall proceed pursuant to the Dangerous Dog provisions of Article 7 of New York State Agriculture and Markets Law.
2. In no event shall the Town of Candor, the Village of Candor, or the County of Tioga be held liable for any damage done by any dog.

### **Section 15 Dangerous Dogs.**

1. The determination of whether a dog is deemed to be "dangerous" and the prosecution of the owner of such a dog shall be pursuant to Article 7 of New York State Agriculture and Markets Law.
2. In the event that a dog is determined by the Candor Town Court to be a dangerous dog, the Court shall give notice to the Town Clerk of such determination and note will be made in the dog's record. Additionally, the Town Clerk shall notify the Village Clerk, law enforcement and emergency services.

### **Section 16 Enforcement/Appearance Ticket.**

Any Dog Control Officer or other person or persons, who are or may be lawfully authorized by the Town, shall, and any Village of Candor Police Officer or any other peace officer may, administer and enforce the provisions of this Local Law, and for such purpose shall have the authority to issue appearance tickets.

### **Section 17 Seizure, Impoundment, Redemption and Adoption.**

1. Any dog belonging to a person found in violation of any of the provisions of this Local Law may be seized pursuant to the provisions of New York State Agriculture and Markets Law.

2. Any dog believed to be dangerous and which poses an immediate threat to the public safety may be seized.
3. Any dog which has been determined to be a Dangerous Dog pursuant to New York State Agriculture and Markets Law and whose owner has failed to obey a court order pertaining to said Dangerous Dog may be seized.
4. Every dog that is seized shall be impounded and shall be properly cared for, sheltered, fed and watered.
5. The owner of any dog impounded by the Town of Candor shall be entitled to redeem that dog five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of \$10 and fee of \$3.00 for each additional twenty four (24) hour period for the first impoundment; a fee of \$ 20 and a fee of \$3.00 for each additional twenty four (24) hour period for the second impoundment; a fee of \$30 and a fee of \$3.00 for each additional twenty four (24) hour period for a third and each subsequent impoundment.
6. Any dog unredeemed at the expiration of the redemption period shall be made available for adoption or euthanized pursuant to the provision of New York State Agriculture and Markets Law.
7. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees required by Part 5 of this Section.
8. The seizure of any dog shall not relieve any person from any violation of this Local Law or New York State Agriculture and Markets Law.

## **Section 18 Complaint.**

1. Any Town-designated Dog Control Officer or Agency having reasonable cause to believe that a violation of this Local Law has been committed in his or her presence shall issue and serve upon such person an appearance ticket for such violation.
2. Any person who observes a dog in violation of this Local Law may file a complaint, under oath, with a Town-designated Dog Control Officer or Agency specifying the nature of the violation, the date thereof, a description of the dog, the location of the violation and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.
3. Upon receipt by the Town-designated Dog Control Officer or Agency of any such complaint, that Officer or Agency shall issue an appearance ticket to the alleged owner of the dog to appear before the Candor Town Court at a date and time specified.

## **Section 19 Penalties**

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

Notwithstanding any other provision of law, all moneys collected as fines or penalties by the Town of Candor as a result of any prosecution for violations of the provisions of this Local Law or Article 7 of New York State Agriculture and Markets Law and all bail forfeitures by persons charged with such violations shall be the property of the Town of Candor and shall be paid to the Town Supervisor. Such moneys shall be used only for controlling dogs and enforcing this Local Law. Said revenue may also be used to subsidize the spaying or neutering of dogs, any facility as authorized under Article 7 of New York State Agriculture and Markets Law, and subsidizing public humane education programs in responsible dog ownership.

## **Section 20 Repeal of Inconsistent Local Laws or Ordinances:**

This Local Law shall supersede all prior inconsistent Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the Town. All prior inconsistent Local Laws, Ordinances, Rules and Regulations shall be, upon the effectiveness of this Local Law, null and void.

## **Section 21 Severability Clause**

The provision of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance..

## **Section 22 Effective Date**

This local law shall be effective January 1, 2011 after filing with the Secretary of State.