

Chapter 43

ANIMALS

[HISTORY: Adopted by the Town Board of the Town of Canadice as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Dog License Fees

[Adopted 2-10-1992 by L.L. No. 1-1992]

§ 43-1. Imposition of local fee. [Amended 9-9-1996 by L.L. No. 3-1996; 5-8-2000 by L.L. No. 1-2000]

The dog license fee set forth in Subdivision 1 of § 110 of the Agriculture and Markets Law is hereby increased by imposing an additional local fee pursuant to § 110, Subdivision 4a, of the Agriculture and Markets Law as may be set from time to time by local law of the Town Board:

- A. Rate.
 - (1) Nonspay/neuter: \$10.
 - (2) Spay/neuter: \$10.
- B. Senior rate (residents 65 and over).
 - (1) Nonspay/neuter: \$5.
 - (2) Spay/neuter: \$5.
- C. Purebred license (one or more dogs): \$15.

§ 43-2. Use of fees.

Such additional local fees shall be the property of the Town of Canadice and will be used only for the control of dogs and the enforcement of Article 7 of the Agriculture and Markets Law, and any rule, regulation, or local law adopted pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under § 117 of the Agriculture and Markets Law, and subsidizing public humane education programs in responsible dog ownership.

ARTICLE II

Dog Control

[Adopted 7-13-1992 by L.L. No. 2-1992]

§ 43-3. Title.

This article shall be known and may be cited as the "Dog Control Law of the Town of

Canadice."

§ 43-4. Purpose.

The purpose of this article shall be to preserve the public peace and good in the Town of Canadice and to contribute to the public welfare, safety and good order of its people by enforcing certain restrictions on the activities of dogs, consistent with the rights and privileges of the owners of dogs and of other citizens of the Town of Canadice.

§ 43-5. Definitions.

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

AT LARGE — Any dog shall be deemed to be at large if not accompanied by a person who is in full control of the dog or who is providing restraint of the dog by secure leash or lead or who has confined the dog to an enclosure, such as a cage or motor vehicle, in such a manner that the dog may not roam freely upon public or private lands elsewhere than on the premises of the owner or on the premises of another responsible person who has knowledge of the dog's presence and who access thereto.

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

OWNER — Any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors under 18 years of age shall be deemed to be in the custody and control of parents or other heads of households where the minors reside. Any person harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this article shall be deemed to be the "owner" of the dog for the purposes of this article.

§ 43-6. Restrictions.

- A. No person shall permit a dog to be at large within the limits of the Town of Canadice.
- B. No dog shall be at large within the limits of the Town of Canadice.
- C. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another dog except for planned breeding.
- D. It shall be unlawful for any owner of, or any person harboring, any dog to permit or allow such dog to engage in habitual loud howling, barking, or whining so as to create a public nuisance or create an unreasonable noise disturbance across real property boundaries. [Added 7-9-2007 by L.L. No. 1-2007]

§ 43-7. Enforcement.

- A. Enforcement officers. The provisions of this article may be enforced by any person, municipality or organization for the prevention of cruelty to animals, appointed by law by or pursuant to contract with the Town of Canadice.
- B. Appearance tickets and process. Any person or entity authorized to enforce this article

may issue appearance tickets therefor, pursuant to the Criminal Procedure Law, may issue said tickets for any violation of Article 7 of the Agriculture and Markets Law of the State of New York and is hereby authorized to serve any process relating to any proceeding, whether civil or criminal in nature, in accordance with the provisions of this article. In the event that an appearance ticket is unanswered, the Justice Court shall permit the filing of an information from the appropriate enforcement person and issue a warrant of arrest for the alleged violator.

- C. Seizure. Any dog found to be at large in the Town of Canadice shall be seized and properly fed and cared for until redeemed or disposed of in accordance with the provisions of the Agriculture and Markets Law. Each such dog shall be held for a period of seven to nine days, in accordance with the provisions of § 118 of the Agriculture and Markets Law. Upon presentation of a valid license and upon payment of impoundment fees established by the aforesaid section, an owner may redeem such dog. In the event that a dog is not redeemed within the statutory time period, an owner forfeits title to said dog, which shall then be made available for adoption or euthanized in accordance with law. The seizure of any dog shall not relieve any person of prosecution for violation of this article. [Amended 9-9-1996 by L.L. No. 3-1996]
- D. Commencement of proceedings. Any person found to have permitted any dog to be at large in the Town of Canadice shall be issued an appearance ticket for violation of this article and shall be prosecuted in the manner herein provided.

§ 43-8. Penalties for offenses.

Pursuant to the Penal Law of the State of New York, a violation of this article shall be punishable by a fine of not more than \$25, except that:

- A. Where the person was found to have violated this article or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may be not more than \$50.
- B. Where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than \$100 or imprisonment for not more than 15 days, or both.