

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of HOWARD

Local Law No. 2 of the year 20<sup>10</sup>

A local law for Dog Control and License Law of the Town of Howard.  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of HOWARD as follows:

SEE ATTACHED.

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

**TOWN OF HOWARD**  
**RESOLUTION TO AMEND THE DOG KENNEL FEES**  
**IN THE**  
**DOG CONTROL AND LICENSE LAW**  
**(RESOLUTION #52-2023)**

At a regular meeting of the Town Board of the Town of Howard, Steuben County, New York, held on the 8<sup>th</sup> day of March, 2023,

A Resolution was made upon a motion by Councilman Dyer and seconded by Councilman Rice to update the Dog Kennel fees in the Dog Control and License Local Law to match the fees on the fee schedule.

Adopted: Councilman OBrochta, Aye; Councilman Dyer, Aye; Councilman Rice, Aye and Supervisor Evia, Aye.

Updated fees are as follows:

1-10 Dogs	\$50.00
11-25 Dogs	\$75.00
26+ Dogs	\$125.00

Frances Sharp  
Town Clerk  
Town of Howard

DATED: March 8, 2023

DOG CONTROL AND LICENSE LAW OF  
THE TOWN OF HOWARD  
Local Law No. 2 of the Year 2010

A Local Law Relating to the Control, Confining, Leashing and Licensing of Dogs.

BE IT ENACTED by the Howard Town Board of the Town of Howard as follows:

Section 1.     **PURPOSE.**     The Town Board of the Town of Howard finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and has created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town.

Section 2.     **AUTHORITY.**   This Local Law is enacted pursuant to the provisions of Article 7, Chapter 59; part T of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3.     **TITLE.**         The title of this Law shall be “Dog Control and License Law of the Town of Howard.

Section 4.     **DEFINITION OF TERMS.**   As used in this Local Law, the following words shall have the following respective meanings:

- (a)     “Dog” means male and female, licensed and unlicensed, members of the *specis canis familiaris*.
- (b)     “Owner” means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog, unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household of which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (c)     “Run at Large” means to be in a public place or on private land without the knowledge, consent and approval of the owner of such lands.
- (d)     “Town” means the Town of Howard.
- (e)     “DCO” means Dog Control Officer which means any person appointed by the Town of Howard for the purpose of enforcing Article 7 and this Local Law upon adoption.
- (f)     “Current Rabies Certificate” means a rabies certificate that is in effect for six (6) months or longer.

Section 5. RESTRICTIONS.

- (A) It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:
1. Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
  2. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
  3. Cause property damage i.e. uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, cause harm to domestic animals or people, or damage other property without the consent or approval of the owner.
  4. Chase, jump upon or at or otherwise harass any person in such manner as to reasonably cause intimidation or fear, or to put such person in reasonable apprehension of bodily harm.
  5. Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.
  6. Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.
- (B) It shall be unlawful for any owner of any dog in the Town of Howard to:
1. If a female dog, when in heat, allow the dog to be off the owner's premises, unrestrained by a leash.
  2. Fail to have a current license tag on the dog.
  3. Fail to have a current rabies vaccination for the dog pursuant to Title 5 of the State Health Law "Rabies" Section 2141.
  4. Fail to notify the Town Clerk of the following changes within sixty (60) days of such change: (a) If the dog and dog owner moves; (b) If the dog is deceased; or (c) If the dog is transferred to a new owner.

Section 6. LICENSING OF DOGS.

- (a) Basic Requirements. All dogs in the Town of Howard must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- (b) Anniversary Renewal. All dog licenses will be for a period of one (1) year, two (2) years or three (3) years and will expire at the end of the month one, two or three years from the date of issue.
- (c) License Fees. Fees for licensing of dogs will be as follows: (1) The fee for a spayed or neutered dog will be \$10.00 (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and, (2) the fee for an unspayed or unneutered dog will be \$15.00 (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal

population control) (3) 2. The annual fee for each purebred license issued pursuant to subdivision two of section one hundred nine of the NYS Agriculture and Markets Law shall be:

- (a) twenty-five dollars, if no more than ten registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the owner's premises at the time of the application;
  - (b) fifty dollars, if no more than twenty-five registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premises at the time of application; or
  - (c) one hundred dollars, if more than twenty-five registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premises at the time of application.
- (d) All Dog License fees shall be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (e) Identification Tag. (1) The first identification tag will be issued for the dog upon licensing and will say "Town of Howard", the identification number of the dog, and the Town Clerk's telephone number. (2) A replacement identification tag will be issued at a fee of \$5.00.
- (f) Enumeration Fee. When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.
- (g) Purebred License. The Town of Howard will be issuing Purebred or Kennel Licenses.
- (h) Service Dogs. The Town of Howard will require a license for any guide dog, service dog, hearing dog or detection dog, but there is no charge for these dogs.
- (i) Licensing by a Shelter. The Town of Howard will not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town of Howard for the purchase of the license for adoption purposes.
- (j) Licensing in Person or By Mail. All dog licenses may be purchased in person at the Town Clerk's Office or by regular mail to the Town Clerk's Office, 3725 Mill Road, Howard, New York 14809. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
- (k) Fees for Administration of Dog Control & Licensing. All fees will be used in funding the administration of the Dog Control and Licensing Law of the Town of Howard.
- (l) Fee for return of Dog. Upon return of a dog to its owner by the DCO before taking it to the Town Shelter, the owner may be able to redeem the dog by paying to the Town of Howard the sum of Twenty-Five Dollars (\$25.00).

## Section 7. PROCEDURE FOR SEIZURE OF DOGS.

- (a) The DCO or any peace officer shall seize: (1) Any unlicensed dog whether on or off the owner's premises; (2) Any dog not wearing a tag, and after December 31, 2010, not identified, and which is not on the owner's premises; and (3) Any dog found in violation of any of the paragraphs of Section 5 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law, and see that the

order of the Town Justice of the Town of Howard in such case is carried out (“Order to Seize” and/or “Dangerous Dog”).

- (b) The DCO or peace officer observing a violation of this Law in his or her presence shall issue and serve an appearance ticket for such violation. Said violation should be considered a Petty Offense and not a Misdemeanor.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Howard specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

Section 8. PENALTIES. Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Fifty Dollars (\$50.00) for a first violation; of Seventy-Five Dollars (\$75.00) for a second violation; and One Hundred Dollars (\$100.00) for each subsequent violation.

Section 9. SEPARABILITY. Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed to be declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10. REPEALER. This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Howard, and they shall be upon the effectiveness of this Local Law, null and void.

Section 11. EFFECTIVE DATE. This Local Law shall be effective January 1, 2011, after filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2010 of the ~~(County)(City)(Town)(Village)~~ of HOWARD TOWN BOARD was duly passed by the TOWN BOARD on December 8, 2010, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on 2010, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_<sup>1</sup> above.

*Loren A. Karr*

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 10, 2010

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF STEUBEN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Karl V. Anderson, Jr.*

\_\_\_\_\_  
Signature  
Karl V. Anderson, Jr., Town Attorney

\_\_\_\_\_  
Title

~~County~~  
~~City~~ of HOWARD  
Town \_\_\_\_\_  
~~Village~~

Date: December 10, 2010