

TOWN OF NICHOLS

LOCAL LAW NO. 3 OF THE YEAR 2022

A LOCAL LAW AMENDING CHAPTER 74 ENTITLED “ANIMAL CONTROL LAW”

Be it enacted by the Town Board of the Town of Nichols as follows:

Section 1. Section 74-5 entitled “Restrictions” shall be amended as follows:

(8) Chase, harass, injury, or kill deer on or off owner’s property.

Section 2. Section 74-7 entitled “Seizure and redemption of dogs” shall be amended as follows:

B. Redemption of dogs shall be in accordance with current Agriculture and Market laws.

Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner.

Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally, or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption

If notification is personally given, such dog shall be held for a period of seven days after day of notice.

If such notification is made by mail, such dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner.

In either case, the owner may redeem such dog upon payment of the impoundment fees in accordance with current Agriculture and Markets, and by producing proof that the dog has been licensed.”

C. A dog owner may redeem their dog from the Dog Control Officer within the 24 hour hold period at a fee commensurate with the care of the dog. The Dog Control Officer hold fee is payable by a cash payment of \$25.00 for the first offense, \$50.00 for the 2nd offense in the same year, and \$75.00 for a 3rd offense in the same year. After the 24 hour hold period the dog owner may redeem their dog from the Town of Nichols contracted shelter at their fee.

Section 3. Section 74-9 entitled “Penalties for offenses” shall be amended as follows:

Upon conviction, an individual violating this article shall receive a civil summons, and may be charged with a misdemeanor in cases involving dangerous dogs deemed punishable by a fine not exceeding \$250 or by confinement in the Tioga County Jail for a period not to exceed 60 days, or

both. Additional penalties for violation of restrictions noted in 74-5 shall be in accordance with current Agriculture and Market laws.

Section 4. Section 74-15 entitled “Grace period for dogs licensed outside New York State” shall be amended as follows:

Any dog harbored within the Town which is owned by a nonresident of New York State and/or licensed by a jurisdiction outside the State of New York, shall, for a period of 30 days, be exempt from the licensing and identification provisions of this article.

Section 5. Section 74-18 entitled “Fees” shall be amended as follows:

A 1 Year or 3 Year License will be required upon the date of the adoption of this law. Both licenses will run concurrent with the Rabies proof of vaccination.

A. Individual dog license fee.

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| (1) 1 year spayed or neutered dog: \$10.00 | 3 year license: \$30.00 |
| (2) 1 year unspayed or unneutered dog: \$15.00 | 3 year license: \$45.00 |

B. State mandated animal population control surcharge.

- (1) Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$1.00 annual license, \$3.00 3 year license, payable at the time the dog license application is filed.
- (2) Each individual dog license for an unspayed or unneutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$3.00 annual license, \$9.00 3 year license, payable at the time the dog license application is filed.

C. Dog enumeration surcharge. Each dog found to be unlicensed during a Town dog enumeration shall be subject to a dog enumeration surcharge of \$10.00 per year unlicensed, payable at the time the application is filed to license the dog.

D. Replacement tag fee. A replacement tag fee of \$5.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

E. Late fee. The Town shall charge a late fee of \$10.00 for any license renewed 10 days or more after the date of expiration.

Section 6. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any

person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 7. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 8. Effective Date

This local law shall take effective immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.