

**Local Law #3 of 2001**  
**Dog Control Law of the Town of Durham**  
**A Local Law to enact a new Dog Control Law**  
**To repeal the existing Dog Control Law of the Town of Durham.**

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

Section 1. Title

This Local Law shall be known and may be cited as “Local Law #3 of 2001, Dog Control Law of the Town of Durham.”

§2. Authority

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

§3. Purpose

The Town Board of the Town of Durham 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 created nuisances within the Town. The purpose of this local law is to protect the health, safety and well being of persons and property from dog attack and damage by imposing restrictions on the keeping and running at large of dogs and the seizure thereof within the Town.

§4. Definition of Terms

As used in this Local Law, the following words shall have the following respective meanings:

- a. Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Local Law, as amended by this Local Law, as amended thereafter. All terms defined in Section 108 of the Agriculture and Markets Law shall have the same meaning as used herein unless specifically modified.
- b. Confined. That such animal is securely confined or restrained when it is kept on the owner’s premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person or any adjacent premises or on any public street, way or place, or, if the animal is being transported by the owner, it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape there from.
- c. Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

Pursuant to the authority granted in Agriculture and Markets Law Section 110, the Town Clerk shall charge an additional fee of \$2.50 per license issued pursuant to Agriculture and Markets Law Section 110. The license fees of dogs owned by persons aged 65 or over shall not be subject to this additional fee.

#### §7. 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.
2. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually annoy or disturb the comfort and repose of any person other than the owner of such dog.
3. Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds, garbage containers or other property not belonging to the owner of such dog.
4. Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
5. Habitually chase, run alongside of or bark at motor vehicles, motorcycles, bicycles and/or pedestrians while on a public street or highway or upon public or private property other than property of the owner or harbinger of said dog.
6. Create a nuisance by defecating, urinating or digging on public property or private property of other than said owner.
7. If a female dog is off the owner's premises when in heat except when transporting such dog to a veterinarian's office or when involved in a formalized, controlled breeding program.
8. Be at large on any school premises or recreational areas, or the sidewalks adjacent thereto, unless said dog is on a leash.
9. Destroy, kill, or damage any dog, cat, poultry, livestock or domestic pets not belonging to the owner.

b. Establishment of the fact or facts that a dog has committed any of the acts prohibited by subdivision (a) of this Section shall be presumptive evidence against the owner or harbinger of such dog that he/she has failed to properly confine, leash or control his/her dog.

#### §8. Enforcement

This Local Law shall be enforced by any dog control officer, peace officer when acting pursuant to his/her special duties, or police officer in the employ of or under contract to the Town.

#### §9. Appearance Ticket

g. No action shall be maintained against the Town, any dog control officer, peace officer when acting pursuant to his/her special duties, police officer, or any other agent or officer of the Town or person under contract to said Town to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or the Agriculture and Markets Law.

#### §11. Dangerous Dogs

Dogs believed to be dangerous to human beings, domesticated or protected animals will be proceeded against pursuant to Section 121 of the Agriculture and Markets Law.

#### §12. Complaint

a. Any person who observes a dog in violation of this Local Law may file a complaint under oath with the dog control officer, a peace officer when acting pursuant to his/her special duties, a police officer employed by or under contract to the Town, or a Town Justice specifying the nature of this violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.

b. Upon receipt by the dog control officer, peace office when acting pursuant to his/her special duties, police officer employed by or under contract to the Town, or a Town Justice of any such complaint, he/she may summon the alleged owner to appear in person before a Town Justice, or in the case of a Town Justice before him/her, for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice decides that further action is warranted he/she may, in addition to imposing a penalty pursuant to Section 13, order:

1. The owner to restrain such dog by collar and leash at all times whether on or off the owner's property.
2. The owner to confine such dog to the premises of the owner.
3. The owner to confine or destroy such dog as provided in Section 121 of the Agriculture and Markets Law when such dog is determined to be dangerous in a dangerous dog proceeding pursuant to Section 121 of the Agriculture and Markets Law.
4. Such other remedy as may be warranted by the circumstances in such case.

c. A violation of any order issued by a Town Justice under the provisions of subdivision (b) of this Section shall be an offense punishable, upon conviction thereof, as provided in Section 13 of this Local Law.

#### §13. Penalties

a. It shall be a violation, punishable as provided in subdivision (b) of this Section for:

1. Any owner to permit or allow any dog to commit one (1) or more of the provisions of this Local Law;