S T A T E O F N E W Y O R K

6046

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. MAGEE, MILLMAN -- Multi-Sponsored by -- M. of A. HEVESI, PHEFFER -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the tethering of dogs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The agriculture and markets law is amended by adding a new section 353-e to read as follows:

S 353-E. TETHERING OF DOGS. 1. FOR PURPOSES OF THIS SECTION:

(A) "TETHERING DEVICE" SHALL MEAN A CHAIN, ROPE OR OTHER RESTRAINING DEVICE WHICH ATTACHES TO A DOG.

(B) "RUNNING CABLE TROLLEY SYSTEM" SHALL MEAN A SUSPENDED CABLE, AT LEAST TEN FEET IN LENGTH, TO WHICH A TETHERING DEVICE, AT LEAST TEN FEET IN LENGTH, IS ATTACHED BY MEANS OF A PULLEY, LOOP OR OTHER MOVEABLE DEVICE.

2. ANY PERSON WHO OWNS OR HAS CUSTODY OR CONTROL OF A DOG SHALL NOT RESTRAIN SUCH DOG BY MEANS OF A TETHERING DEVICE ATTACHED TO A FIXED POINT OR BY MEANS OF A RUNNING CABLE TROLLEY SYSTEM FOR A PERIOD OF MORE THAN SIX HOURS IN ANY TWENTY-FOUR HOUR PERIOD. ANY TETHERING DEVICE ATTACHED TO A FIXED POINT SHALL BE AT LEAST FIFTEEN FEET IN LENGTH. ANY TETHERING DEVICE SHALL BE ATTACHED TO SUCH DOG IN SUCH A MANNER AS TO PREVENT INJURY OR STRANGULATION TO SUCH DOG AND ENTANGLEMENT WITH OTHER OBJECTS. NO TETHERING DEVICE SHALL BE ATTACHED TO SUCH DOG BY MEANS OF A CHOKE-TYPE COLLAR OR A PRONG COLLAR, OR BY ANY MEANS OTHER THAN BY ATTACHMENT TO A PROPERLY FITTED COLLAR, HARNESS OR OTHER DEVICE MADE EXPRESSLY FOR SUCH PURPOSE.

3. (A) ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A VIOLATION, PUNISHABLE BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS FOR A FIRST OFFENSE, AND A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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TWO HUNDRED FIFTY DOLLARS FOR EACH SECOND OR SUBSEQUENT OFFENSES. BEGINNING SEVENTY-TWO HOURS AFTER A CHARGE OF VIOLATING THIS SECTION, EACH DAY THAT A DEFENDANT FAILS TO CORRECT THE DEFICIENCIES IN THE METHOD USED TO RESTRAIN A DOG THAT HE OR SHE OWNS OR THAT IS IN HIS OR HER CUSTODY OR CONTROL, SO AS TO BRING IT INTO COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, SHALL CONSTITUTE A SEPARATE OFFENSE.

(B) THE COURT MAY, IN ITS DISCRETION, REDUCE THE AMOUNT OF ANY FINE IMPOSED FOR A VIOLATION OF THIS SECTION BY THE AMOUNT WHICH THE DEFENDANT PROVES HE OR SHE HAS SPENT PROVIDING A TETHERING DEVICE OR RUNNING CABLE TROLLEY SYSTEM THAT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION. NOTHING IN THIS PARAGRAPH SHALL PREVENT THE SEIZURE OF A DOG FOR A VIOLATION OF THIS SECTION PURSUANT TO THE AUTHORITY GRANTED IN THIS ARTICLE.

4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY PROTECTIONS AFFORDED TO DOGS OR OTHER ANIMALS UNDER ANY OTHER PROVISIONS OF THIS ARTICLE.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.