

7147

I N   S E N A T E

March 16, 2010

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Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

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

21    3. (A) ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS  
22    SECTION SHALL BE GUILTY OF A VIOLATION, PUNISHABLE BY A FINE OF NOT LESS  
23    THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS FOR A FIRST  
24    OFFENSE, AND A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN  
25    TWO HUNDRED FIFTY DOLLARS FOR EACH SECOND OR SUBSEQUENT OFFENSES. BEGIN-  
26    NING SEVENTY-TWO HOURS AFTER A CHARGE OF VIOLATING THIS SECTION, EACH  
27    DAY THAT A DEFENDANT FAILS TO CORRECT THE DEFICIENCIES IN THE METHOD  
28    USED TO RESTRAIN A DOG THAT HE OR SHE OWNS OR THAT IS IN HIS OR HER

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

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1 CUSTODY OR CONTROL, SO AS TO BRING IT INTO COMPLIANCE WITH THE  
2 PROVISIONS OF THIS SECTION, SHALL CONSTITUTE A SEPARATE OFFENSE.

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

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

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