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

10053

I N A S S E M B L Y

May 2, 2012

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to prohibiting the tethering of dogs to stationary objects or mobile devices

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 DOGS TO STATIONARY OBJECTS OR MOBILE DEVICES. 1. NO PERSON SHALL TETHER A DOG TO A STATIONARY OBJECT OR TO A MOBILE DEVICE, INCLUDING, BUT NOT LIMITED TO, A TROLLEY OR PULLEY BY MEANS OF:

(A) A TETHER THAT DOES NOT ALLOW THE DOG TO WALK AT LEAST TEN FEET IN ANY ONE DIRECTION, EXCLUDING THE LENGTH OF THE DOG AS MEASURED FROM THE TIP OF THE DOG'S NOSE TO THE BASE OF THE DOG'S TAIL;

(B) A TETHER THAT DOES NOT HAVE SWIVELS ON BOTH ENDS TO PREVENT TWISTING AND TANGLING;

(C) A COAT HANGER, PRONG-TYPE COLLAR, HEAD HALTER OR ANY OTHER COLLAR, HALTER OR DEVICE THAT IS NOT SPECIFICALLY DESIGNED OR PROPERLY FITTED FOR THE RESTRAINT OF THE DOG;

(D) A TETHER THAT HAS WEIGHTS ATTACHED OR THAT CONTAINS METAL CHAIN LINKS MORE THAN ONE-QUARTER OF AN INCH THICK; OR

(E) A TETHER THAT ALLOWS THE DOG TO REACH AN OBJECT OR OTHER HAZARD THAT COULD POSE A SIGNIFICANT RISK OF INJURY TO SUCH DOG.

2. THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO:

(A) ANY LICENSED VETERINARY PRACTICE THAT TETHERS A DOG IN THE COURSE OF SUCH VETERINARY PRACTICE;

(B) ANY LAWFUL EXHIBITION, SHOW, CONTEST OR OTHER TEMPORARY EVENT IN WHICH THE SKILL, BREEDING OR STAMINA OF THE DOG IS JUDGED OR EXAMINED;

(C) ANY EXHIBITION, CLASS, TRAINING SESSION OR OTHER TEMPORARY EVENT IN WHICH THE DOG IS USED IN A LAWFUL MANNER TO HUNT;

(D) THE TEMPORARY TETHERING OF A DOG AT ANY CAMPING OR RECREATION AREA AS EXPRESSLY AUTHORIZED BY LAW OR REGULATION;

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

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(E) THE TEMPORARY TETHERING OF A DOG IN THE COURSE OF GROOMING THE DOG; OR

(F) THE TETHERING OF A DOG WHILE COMPLETING A TASK FOR A PERIOD OF TIME NOT MORE THAN FIFTEEN MINUTES IN DURATION.

3. (A) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY PROTECTION AFFORDED TO ANY DOG PURSUANT TO ANY OTHER PROVISION OF LAW OR REGULATION.

(B) ANY PERSON WHO KNOWINGLY CONFINES OR TETHERS A DOG IN VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE ISSUED A WRITTEN WARNING AND MAY BE ISSUED A COPY OF THIS SECTION OF LAW FOR THE FIRST OFFENSE, AND MAY BE PENALIZED UP TO TWO HUNDRED DOLLARS FOR THE SECOND OFFENSE, AND UP TO FIVE HUNDRED DOLLARS FOR A THIRD OR SUBSEQUENT OFFENSE.

(C) A COPY OF ANY WRITTEN WARNING ISSUED PURSUANT TO SUBDIVISION (B) OF THIS PARAGRAPH BY A POLICE OFFICER, PEACE OFFICER OR ANY OTHER LAW ENFORCEMENT OFFICIAL AUTHORIZED TO ENFORCE THIS SECTION SHALL BE PROMPTLY SUBMITTED TO THE DOG CONTROL OFFICER OF THE LOCALITY IN WHICH THE WARNING WAS ISSUED. SUCH WRITTEN WARNING SHALL BE MAINTAINED IN ACCORDANCE WITH SECTION ONE HUNDRED THIRTEEN OF THIS CHAPTER.

S 2. Subdivisions 3 and 4 of section 113 of the agriculture and markets law, as amended by section 8 of part T of chapter 59 of the laws of 2010, are amended to read as follows:

3. Every dog control officer shall have the power to issue an appearance ticket pursuant to section 150.20 of the criminal procedure law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of this article AND SHALL HAVE THE POWER TO ISSUE WRITTEN WARNINGS PURSUANT TO SECTION THREE HUNDRED FIFTY-THREE-E OF THIS CHAPTER. In addition, any dog control officer or any peace officer, when acting pursuant to his special duties, or police officer, who is authorized by a municipality to assist in the enforcement of this article may serve any process, including an appearance ticket, a uniform appearance ticket and a uniform appearance ticket and simplified information, related to any proceeding, whether criminal or civil in nature undertaken in accord with the provisions of this article or any local law or ordinance promulgated pursuant thereto.

4. Every dog control officer, peace officer, when acting pursuant to his special duties or police officer shall promptly make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the official identification number of such dog, if any, the location where seized, the reason for seizure, and the owner's name and address, if known. EVERY DOG CONTROL OFFICER, PEACE OFFICER, WHEN ACTING PURSUANT TO HIS SPECIAL DUTIES, OR POLICE OFFICER SHALL MAINTAIN A COPY OF ANY WRITTEN WARNING ISSUED PURSUANT TO SECTION THREE HUNDRED FIFTY-THREE-E OF THIS CHAPTER.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.