

1239

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. ADDABBO, OPPENHEIMER, PERALTA -- 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

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

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1 TWO HUNDRED FIFTY DOLLARS FOR EACH SECOND OR SUBSEQUENT OFFENSES. BEGIN-
2 NING SEVENTY-TWO HOURS AFTER A CHARGE OF VIOLATING THIS SECTION, EACH
3 DAY THAT A DEFENDANT FAILS TO CORRECT THE DEFICIENCIES IN THE METHOD
4 USED TO RESTRAIN A DOG THAT HE OR SHE OWNS OR THAT IS IN HIS OR HER
5 CUSTODY OR CONTROL, SO AS TO BRING IT INTO COMPLIANCE WITH THE
6 PROVISIONS OF THIS SECTION, SHALL CONSTITUTE A SEPARATE OFFENSE.
7 (B) THE COURT MAY, IN ITS DISCRETION, REDUCE THE AMOUNT OF ANY FINE
8 IMPOSED FOR A VIOLATION OF THIS SECTION BY THE AMOUNT WHICH THE DEFEND-
9 ANT PROVES HE OR SHE HAS SPENT PROVIDING A TETHERING DEVICE OR RUNNING
10 CABLE TROLLEY SYSTEM THAT COMPLIES WITH THE REQUIREMENTS OF THIS
11 SECTION. NOTHING IN THIS PARAGRAPH SHALL PREVENT THE SEIZURE OF A DOG
12 FOR A VIOLATION OF THIS SECTION PURSUANT TO THE AUTHORITY GRANTED IN
13 THIS ARTICLE.
14 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY
15 PROTECTIONS AFFORDED TO DOGS OR OTHER ANIMALS UNDER ANY OTHER PROVISIONS
16 OF THIS ARTICLE.
17 S 2. This act shall take effect on the sixtieth day after it shall
18 have become a law.