

2798

2013-2014 Regular Sessions

I N A S S E M B L Y

January 18, 2013

Introduced by M. of A. ROSENTHAL -- 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 or animals

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-f to read as follows:
3 S 353-F. TETHERING, RESTRAINING, CAGING OR PENNING OF DOGS OR ANIMALS.
4 1. IT SHALL BE UNLAWFUL TO TIE, TETHER, RESTRAIN, CAGE OR PEN A WORKING
5 OR NON-WORKING DOG OR ANIMAL, BETWEEN THE HOURS OF 7 P.M. TO 6 A.M.
6 2. A WORKING OR NON-WORKING DOG OR ANIMAL MAY BE TIED, TETHERED, CAGED
7 OR PENNED BETWEEN THE HOURS OF 6 A.M. AND 7 P.M., TO A STATIONARY OBJECT
8 OR A PEN OR CAGE IN A SIZED PEN OR CAGE FOUR TIMES THE HEIGHT AND LENGTH
9 OF SAID DOG OR ANIMAL; PROVIDED IT IS IN A MANNER THAT IS NOT INHUMANE
10 OR DETRIMENTAL TO THE DOG OR ANIMAL'S WELFARE, DOESN'T CAUSE THE ANIMAL
11 TO CHOKE, PERMITS THE DOG OR ANIMAL TO ESCAPE HARM AND PERMITS THE DOG
12 OR ANIMAL TO REACH FOOD, WATER, SHADE AND DRY GROUND.
13 3. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS SECTION
14 SHALL BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY INCARCERATION IN CITY,
15 TOWN, VILLAGE OR COUNTY JAIL FOR NOT LESS THAN TWO DAYS AND NOT MORE
16 THAN SIX MONTHS, SHALL PERFORM BETWEEN FORTY-EIGHT AND ONE HUNDRED TWENTY
17 HOURS OF COMMUNITY SERVICE, AND SHALL BE SUBJECT TO A FINE OF BETWEEN
18 TWO HUNDRED DOLLARS AND ONE THOUSAND DOLLARS, UPON THEIR FIRST OFFENSE.
19 UPON THEIR SECOND OFFENSE, SUCH PERSON SHALL BE SUBJECT TO INCARCERATION
20 IN CITY, TOWN, VILLAGE OR COUNTY JAIL FOR NOT LESS THAN TEN DAYS AND NOT
21 MORE THAN SIX MONTHS, AND SHALL BE SUBJECT TO A FINE OF BETWEEN ONE
22 THOUSAND DOLLARS AND TWO THOUSAND DOLLARS. UPON THEIR THIRD OFFENSE,
23 SUCH PERSON SHALL BE SUBJECT TO A FELONY.
24 S 2. This act shall take effect on the sixtieth day after it shall
25 have become a law.

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

LBD04552-01-3