

6406--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 24, 2015

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to outdoor restraint of companion 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-g to read as follows:

3 S 353-G. OUTDOOR RESTRAINT OF COMPANION ANIMALS. 1. FOR PURPOSES OF  
4 THIS SECTION, "TETHER" MEANS TO RESTRAIN A DOG BY ATTACHING THE DOG TO  
5 ANY OBJECT OR STRUCTURE, INCLUDING WITHOUT LIMITATION A HOUSE, TREE,  
6 FENCE, POST, GARAGE, OR SHED, BY ANY MEANS, INCLUDING WITHOUT LIMITATION  
7 A CHAIN, ROPE, CORD, LEASH, OR RUNNING LINE. TETHERING DOES NOT INCLUDE  
8 THE USE OF A LEASH TO WALK A DOG.

9 2. IT SHALL BE UNLAWFUL TO TETHER A DOG OUTDOORS, EXCEPT WHEN ALL OF  
10 THE FOLLOWING CONDITIONS ARE MET:

11 (A) THE TETHER MUST BE ATTACHED TO THE DOG WITH A BUCKLE TYPE COLLAR  
12 OR A BODY HARNESS MADE OF NYLON OR LEATHER THAT IS AT LEAST ONE INCH  
13 THICK. CHOKE OR PINCH TYPE COLLARS, ATTACHED WEIGHTS AND CHAINS OVER  
14 ONE-QUARTER INCH THICK CANNOT BE UTILIZED FOR TETHERING.

15 (B) (I) THE LENGTH OF A STATIONARY TETHER SHALL NOT BE LESS THAN TEN  
16 FEET OR FIVE TIMES THE LENGTH OF THE DOG'S BODY AS MEASURED FROM THE TIP  
17 OF THE NOSE TO THE BASE OF THE TAIL, WHICHEVER LENGTH IS GREATER; SHALL  
18 CONNECT AT BOTH ENDS WITH A SWIVEL; SHALL WEIGH LESS THAN 1/10TH OF THE  
19 DOG'S WEIGHT; SHALL BE FREE OF TANGLES; AND SHALL RESTRAIN THE DOG TO  
20 THE OWNER'S PROPERTY.

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

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1 (II) IF THE DOG IS TETHERED TO A PULLEY, RUNNING LINE, OR TROLLEY OR  
2 CABLE SYSTEM, IT MUST BE A MINIMUM OF FIFTEEN FEET LONG AND LESS THAN  
3 SEVEN FEET ABOVE THE GROUND.

4 (C) THE DOG MUST NOT BE TETHERED OUTDOORS WHEN A WEATHER ADVISORY OR  
5 WARNING IS ISSUED BY LOCAL, STATE OR FEDERAL AUTHORITIES OR WHEN OUTDOOR  
6 ENVIRONMENTAL CONDITIONS, INCLUDING, BUT NOT LIMITED TO, HEAT, COLD,  
7 WIND, RAIN, SNOW OR HAIL, POSE AN ADVERSE RISK TO THE HEALTH OR SAFETY  
8 OF SUCH DOG BASED ON SUCH DOG'S BREED, AGE OR PHYSICAL CONDITION.

9 (D) THE TETHERED DOG IS A LEAST SIX MONTHS OLD.

10 (E) THE TETHERED DOG IS APPARENTLY FREE OF ANY HEALTH CONDITION THAT  
11 WOULD BE EXACERBATED BY TETHERING.

12 (F) IF THERE ARE MULTIPLE DOGS, EACH MUST BE TETHERED SEPARATELY.

13 (G) SUBJECT TO THE PROVISIONS OF THIS SECTION AND OF THIS ARTICLE, A  
14 DOG MAY BE TETHERED OUTSIDE FOR A MAXIMUM OF THREE HOURS OR A LENGTH OF  
15 TIME THAT IS OTHERWISE APPROVED IN WRITING PRIOR THERETO BY ANIMAL  
16 CONTROL, PROVIDED, HOWEVER, THAT TIME SHALL NOT EXCEED TWELVE HOURS IN  
17 ANY TWENTY-FOUR HOUR PERIOD AND FURTHER PROVIDED THAT PRIOR TO APPROVING  
18 AN EXTENSION OF THE THREE HOUR MAXIMUM TETHERING LIMIT, ANIMAL CONTROL  
19 MUST OBTAIN FROM THE CUSTODIAN OF SUCH DOG WRITTEN CERTIFICATION SIGNED  
20 BY A VETERINARIAN LICENSED IN NEW YORK STATE STATING THAT THE HEALTH OF  
21 THE DOG WILL NOT BE JEOPARDIZED BY THE EXTENSION OF THE THREE HOUR MAXI-  
22 MUM TETHERING LIMIT. THE WRITTEN VETERINARY CERTIFICATION AND ANIMAL  
23 CONTROL APPROVAL REQUIRED BY THIS PARAGRAPH SHALL BE MAINTAINED ON THE  
24 PREMISES OF THE DOG'S CUSTODIAN AND AT ANIMAL CONTROL AND SHALL BE  
25 AVAILABLE FOR INSPECTION BY OFFICERS AUTHORIZED TO ENFORCE THIS ARTICLE.  
26 EXTENSIONS OF THE THREE HOUR TETHERING LIMIT SHALL BE EFFECTIVE FOR NO  
27 MORE THAN SIXTY DAYS AND MAY BE SUBJECT TO RENEWAL ONLY IF THE HEALTH OF  
28 THE ANIMAL HAS NOT CHANGED ACCORDING TO ANOTHER WRITTEN VETERINARY  
29 CERTIFICATION.

30 (H) IN ADDITION TO THE ABOVE REQUIREMENTS, TETHERED DOGS MUST BE FREE  
31 OF CRUEL CONDITIONS OR INHUMANE TETHERING AT ANY TIME. FOR PURPOSES OF  
32 THIS SECTION, "CRUEL CONDITIONS OR INHUMANE TETHERING" SHALL INCLUDE,  
33 BUT NOT BE LIMITED TO, THE FOLLOWING:

34 (I) EXPOSURE TO ANIMAL WASTE, GARBAGE, NOXIOUS ODORS OR OBJECTS THAT  
35 COULD INJURE OR KILL A DOG.

36 (II) EXPOSURE TO TAUNTING, PRODDING, PROVOKING, HITTING, HARASSING,  
37 THREATENING OR OTHERWISE HARMING A TETHERED OR CONFINED DOG.

38 (III) EXPOSING A DOG TO DANGEROUS CONDITIONS, INCLUDING POTENTIAL  
39 ATTACKS BY OTHER ANIMALS.

40 (IV) ALLOWING A DOG TO BECOME ENTANGLED.

41 3. NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR ANY OTHER LAW TO  
42 THE CONTRARY, NO DOG SHALL BE TETHERED OUTDOORS BETWEEN THE HOURS OF  
43 ELEVEN P.M. AND SIX A.M.

44 4. (A) A VIOLATION OF ANY OF THE PROVISIONS OF THIS SECTION SHALL, FOR  
45 A FIRST OFFENSE, BE A CLASS A MISDEMEANOR.

46 (B) FOR A SECOND AND ANY SUBSEQUENT OFFENSE, A PERSON SHALL BE GUILTY  
47 OF A CLASS B MISDEMEANOR.

48 (C) NOTHING IN THIS SUBDIVISION SHALL PREVENT THE SEIZURE OF A DOG FOR  
49 A VIOLATION OF THIS SECTION PURSUANT TO THE AUTHORITY GRANTED IN THIS  
50 ARTICLE.

51 5. TETHERING A SUPERVISED DOG FOR LESS THAN FIFTEEN MINUTES IN A  
52 PUBLIC LOCATION SHALL NOT BE A VIOLATION OF THIS SECTION.

53 6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR PREVENT A  
54 MUNICIPALITY FROM ENACTING OR ENFORCING A LOCAL LAW, RULE, REGULATION OR  
55 ORDINANCE REGARDING TETHERING OR CHAINING OF DOGS, PROVIDED, HOWEVER,

1 THAT ANY SUCH LOCAL LAW, RULE, REGULATION OR ORDINANCE SHALL BE NO LESS  
2 STRINGENT THAN THE PROVISIONS OF THIS SECTION.

3 7. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY  
4 PROTECTIONS AFFORDED TO DOGS UNDER ANY OTHER PROVISIONS OF THIS ARTICLE  
5 OR OTHER LAW OR REGULATION.

6 8. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY FEDERAL,  
7 STATE, OR LOCAL LAW ENFORCEMENT AGENCY.

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