

STATE OF NEW YORK

5680

2019-2020 Regular Sessions

IN ASSEMBLY

February 14, 2019

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

AN ACT to amend the agriculture and markets law, in relation to outdoor
restraint of dogs

The People of the State of New York, represented in Senate and Assem-
bly, 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 § 353-g. Outdoor restraint of dogs. 1. For purposes of this section,
4 "tether" means to restrain a dog by attaching the dog to any object or
5 structure, including without limitation a house, tree, fence, post,
6 garage, or shed, by any means, including without limitation a chain,
7 rope, cord, leash, or running line. Tethering does not include the use
8 of a leash to walk a dog.

9 2. Notwithstanding any provision of this section or any other law to
10 the contrary, no dog shall be tethered outdoors between the hours of
11 eleven p.m. and six a.m., provided however, that this subdivision shall
12 not apply to a dog used by a farming business for the purpose of herding
13 or protecting farm animals.

14 3. In a city with a population of one million or more, it shall be
15 unlawful to tether a dog outdoors, except when all of the following
16 conditions are met:

17 (a) The tether must be attached to the dog with a buckle type collar
18 or a body harness made of nylon or leather that is at least one inch
19 thick. Choke or pinch type collars, attached weights and chains over
20 one-quarter inch thick cannot be utilized for tethering.

21 (b) (i) The length of a stationary tether shall not be less than ten
22 feet or five times the length of the dog's body as measured from the tip
23 of the nose to the base of the tail, whichever length is greater; shall
24 connect at both ends with a swivel; shall weigh less than 1/10th of the

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

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1 dog's weight; shall be free of tangles; and shall restrain the dog to
2 the owner's property.

3 (ii) If the dog is tethered to a pulley, running line, or trolley or
4 cable system, it must be a minimum of fifteen feet long and less than
5 seven feet above the ground.

6 (c) The dog must not be tethered outdoors when a weather advisory or
7 warning is issued by local, state or federal authorities or when outdoor
8 environmental conditions, including, but not limited to, heat, cold,
9 wind, rain, snow or hail, pose an adverse risk to the health or safety
10 of such dog based on such dog's breed, age or physical condition.

11 (d) The tethered dog is at least six months old.

12 (e) The tethered dog is apparently free of any health condition that
13 would be exacerbated by tethering.

14 (f) If there are multiple dogs, each must be tethered separately.

15 (g) Subject to the provisions of this section and of this article, a
16 dog may be tethered outside for a maximum of three hours or a length of
17 time that is otherwise approved in writing prior thereto by animal
18 control, provided, however, that time shall not exceed twelve hours in
19 any twenty-four hour period and further provided that prior to approving
20 an extension of the three hour maximum tethering limit, animal control
21 must obtain from the custodian of such dog written certification signed
22 by a veterinarian licensed in New York state stating that the health of
23 the dog will not be jeopardized by the extension of the three hour maxi-
24 mum tethering limit. The written veterinary certification and animal
25 control approval required by this paragraph shall be maintained on the
26 premises of the dog's custodian and at animal control and shall be
27 available for inspection by officers authorized to enforce this article.
28 Extensions of the three hour tethering limit shall be effective for no
29 more than sixty days and may be subject to renewal only if the health of
30 the animal has not changed according to another written veterinary
31 certification.

32 (h) In addition to the above requirements, tethered dogs must be free
33 of cruel conditions or inhumane tethering at any time. For purposes of
34 this section, "cruel conditions or inhumane tethering" shall include,
35 but not be limited to, the following:

36 (i) Exposure to animal waste, garbage, noxious odors or objects that
37 could injure or kill a dog.

38 (ii) Exposure to taunting, prodding, provoking, hitting, harassing,
39 threatening or otherwise harming a tethered or confined dog.

40 (iii) Exposing a dog to dangerous conditions, including potential
41 attacks by other animals.

42 (iv) Allowing a dog to become entangled.

43 4. (a) A violation of any of the provisions of this section shall, for
44 a first offense, be a class A misdemeanor.

45 (b) For a second and any subsequent offense, a person shall be guilty
46 of a class B misdemeanor.

47 (c) Nothing in this subdivision shall prevent the seizure of a dog for
48 a violation of this section pursuant to the authority granted in this
49 article.

50 5. Tethering a supervised dog for less than fifteen minutes in a
51 public location shall not be a violation of this section.

52 6. Nothing in this section shall be construed to limit or prevent a
53 municipality from enacting or enforcing a local law, rule, regulation or
54 ordinance regarding tethering or chaining of dogs, provided, however,
55 that any such local law, rule, regulation or ordinance shall be no less
56 stringent than the provisions of this section.

1 7. Nothing in this section shall be construed to affect any
2 protections afforded to dogs under any other provisions of this article
3 or other law or regulation.

4 8. The provisions of this section shall not apply to any federal,
5 state, or local law enforcement agency.

6 § 2. This act shall take effect on the ninetieth day after it shall
7 have become a law. Effective immediately, the addition, amendment and/or
8 repeal of any rule or regulation necessary for the implementation of
9 this act on its effective date are authorized and directed to be made
10 and completed on or before such effective date.