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 Assembly, do enact as follows:

Section 1. The agriculture and markets law is amended by adding a new section 353-g to read as follows:

§ 353-g. Outdoor restraint of dogs. 1. For purposes of this section, "tether" means to restrain a dog by attaching the dog to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering does not include the use of a leash to walk a dog.

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

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

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

(b) (i) The length of a stationary tether shall not be less than ten feet or five times the length of the dog's body as measured from the tip of the nose to the base of the tail, whichever length is greater; shall 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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dog's weight; shall be free of tangles; and shall restrain the dog to the owner's property.

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

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

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

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

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

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

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

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

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

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

(iv) Allowing a dog to become entangled.

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

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

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

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

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

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

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

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