

# Proposed Local Law No. 10 Of 2014

## County Of Ulster

### A Local Law Respecting the Outdoor Restraint of Companion Animals

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

#### **SECTION 1. LEGISLATIVE INTENT AND FINDINGS.**

The Ulster County Legislature has determined that the practice of tethering a dog outdoors for a prolonged period is inhumane and presents a threat to the safety of the dog, other animals and human beings. The Legislature has further determined that it is in the best interest of the residents of Ulster County, as well as their pets, to ensure the safety of all by regulating the amount of time, as well as the manner in which, a dog may be restrained outdoors.

#### **SECTION 2. DEFINITIONS.**

As used in 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.

#### **SECTION 3. TETHERING REQUIREMENTS.**

It shall be unlawful to tether a dog outdoors under circumstances including, but not limited to, the following:

- a) It shall be illegal to tether a dog using a choke or pinch collar or any device that restricts a dog’s ability to breath, eat or drink or to protect itself from reasonably anticipated danger. Tether attachments to dogs, other than a buckle type collar or a body harness made of nylon or leather and are at least one inch in width, are not permitted. Tethers must be free of attached weights and if links are utilized they must not be over one-quarter inch thick.
  
- 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 not weigh more than 1/10<sup>th</sup> of the dog’s weight; shall be free of tangles; and shall not allow the dog to move outside the owner’s property.

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(ii) If the dog is tethered to a pulley, running line, or trolley or cable system, it must be a minimum of fifteen (15) feet long and less than seven (7) feet above the ground. A choke collar or a pinch collar shall not be used with tethering to a trolley or cable system.

c) The dog must be tethered in a manner that prevents entanglement around trees, poles or other obstacles. The dog must have access to shade, food, water and shelter.

d) The dog must not be tethered outdoors during a National Weather Service issued weather alerts or storm warning. No dog shall be tethered during snow or ice storms or thunderstorms. Dogs should not be tethered unless temperature is between 32F and 80F.

e) The dog has access to clean water, shelter, shade, and dry ground.

f) A tethered dog must be at least 6 months old.

g) No tethered dog shall have a health condition that would be exacerbated by tethering.

h) If there are multiple dogs, each must be tethered separately in a manner that prevents entanglement with each other.

i) A tethered dog shall have access to appropriate shelter that will allow the dog to remain dry and to be protected from the elements. In addition to complying with the requirements of Section 353-b of New York State Agriculture and Markets Law, the shelter shall: be fully enclosed on all sides except one, which side shall have an opening that will allow the dog easy entry to and exit from the shelter; have a slanted, waterproof roof; have a solid floor. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat, and large enough to allow the dog to stand, lie down with limbs outstretched, and turn around comfortably. The area around the shelter shall be kept free of standing water, ice and waste.

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j) No dog shall be tethered outside for more than 12 hours in any 24 hour period.

k) No person shall subject a dog to 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) A tethered dog shall not be exposed to excessive animal waste, garbage, dirty water, noxious odors or dangerous objects that could injure or kill a dog upon contact.

(ii) 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.

**SECTION 4. ENFORCEMENT.**

This Local Law shall be enforced by the office of the Ulster County Sheriff, New York State Police and may also be enforced by any police officer, local Dog Control or Animal Control officer, or humane law officer or investigator with jurisdiction within Ulster County.

Any person who violates the provisions of this section shall, for a first offense, be guilty of a violation punishable by a fine of \$100 and/or 20 hours of community service.

For a second offense, the fine shall be five hundred dollars and/or 75 hours of community service plus reimbursement of investigation costs.

For a third or subsequent violation, the fine shall be one thousand dollars and/or 150 hours of community service plus surrender of dog, if ordered by court, plus costs of investigation and prosecution. In addition, all third time offenders, subsequent to the enactment of this law, are required to register as an animal abuser at such time that an animal abuse registry is lawfully established.

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Fines collected pursuant to this Section shall be deposited with the Ulster County Commissioner of Finance, identified with a separate General Ledger account number in the Sheriff's budget, and shall be used for animal protection education in the County of Ulster or the maintenance of an animal abuse registry as may be lawfully established.

**SECTION 5. EFFECT OF OTHER LAWS, REGULATIONS.**

This Local Law will have no effect in a city, town or village located within the County of Ulster that has enacted an ordinance, resolution, or law regulating the tethering of dogs within its Jurisdiction.

**SECTION 6. SEQRA DETERMINATION.**

On April 20, 2010, under the authority contained in Part 617.5(b) of the State Environmental Quality Review Act (SEQRA), the Ulster County Legislature adopted a Type II Action list. As lead agency, the Legislature hereby finds and determines that this law constitutes a Type II action pursuant to Sections 2.20, 2.27, and 4.2.1 of the Ulster County Type II list, that no significant environmental impacts will occur as a result of this action, and that no additional SEQRA findings or determinations are necessary.

**SECTION 7. SEVERABILITY.**

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on the remaining portions of this local law, the application thereof, or on any provisions of the Ulster County Charter, all of which shall remain in full force and effect.

**SECTION 8. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.