

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 fastening a dog outdoors for a prolonged period to a stationary object, such as a structure, a pole, or a tree can be inhumane and may present 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:

- a) “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.
- b) “Weather Alert” shall mean a National Weather Service warning for heat advisory, frigid weather, snow or ice storm, tornados, tropical storm, high winds or thunderstorms.

SECTION 3. TETHERING REQUIREMENTS.

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 collar, attached weights and chains over one-quarter inch thick cannot be utilized for tethering.

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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 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 (15) feet long and less than seven (7) feet above the ground.

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

d) The dog must not be tethered outdoors during a weather alert.

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

~~fe)~~ The tethered dog is at least 6 months old.

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

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

~~ih)~~ 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) A dog may be tethered outside for a maximum of 12 hours in any 24 hour period.

k) 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 excessive animal waste, garbage, dirty water, noxious odors or dangerous objects that could injure or kill a dog upon contact.
- (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.

SECTION 4. ENFORCEMENT.

This Local Law shall be enforced by the office of the Ulster County Sheriff 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.

A violation of any of the provisions of this section shall, for a first offense, be punishable by a fine of up to \$100.

For a second offense, the fine shall be up to five hundred dollars and/or 50 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. EXCEPTIONS.

A dog tethered in compliance with the requirements of a campground area holding an Ulster County Health Department Permit shall be exempt from these regulations.

SECTION 6. 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.~~

Comment [jmah1]: LE&PS; Language belongs in the enacting Resolution

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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.