

Proposed Local Law Number 3 Of 2021

County of Ulster

A Local Law Amending Local Law No. 7 of 2014, 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

Pursuant to Local Law No. 7 of 2014, adopted November 18, 2014, the Ulster County Legislature established a Local Law to protect the health and safety of companion animals while restrained outdoors by implementing certain restrictions and establishing penalties for the violation thereof. The Ulster County Legislature deems it appropriate to make further revisions to the existing law to expand upon the acceptable conditions and provision of care of companion animals while being kept outdoors in Ulster County. The intent is for a person to tether a dog outside no longer than necessary.

SECTION 2. Section 1 of Local Law No. 7 of 2014 is hereby amended to read as follows:

The Ulster County Legislature has determined that the practice of **tethering** ~~fastening~~ a dog outdoors for a prolonged period ~~to a stationary object, such as a structure, a pole, or a tree can be~~ is inhumane and ~~may~~ 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 **tethered** ~~restrained outdoors~~. **The intent is for a person to tether a dog outside no longer than necessary.**

SECTION 3. Section 2 of Local Law No. 7 of 2014 is hereby amended to read as follows:

a) "Tether" means to restrain a dog by attaching the dog to any **stationary** object or structure, including without limitation a house, tree, fence, post, garage, or shed, **or mobile device, including, without limitation, a trolley or pulley**, 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.

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b) “Weather Alert” shall mean a National Weather Service **watch, warning or advisory issued by local, state or federal authority for potential hazardous weather of concern, including but not limited to ~~for~~ flood**, heat advisory, frigid weather, snow or ice storm, tornados, tropical storm, high winds or thunderstorms.

SECTION 4. Section 3 of Local Law No. 7 of 2014 is hereby amended to read as follows:

a) The tether must be attached to the dog with a **properly fitted** buckle type collar or a body harness made of **material not normally susceptible to being severed by the dog through chewing or otherwise and will not cause trauma or injury to the dog** ~~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.

b) (i) The length of a stationary tether shall not be less than ten **(10)** feet or five **(5)** 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 **and be affixed in such a manner that it will prevent the dog from becoming entangled or injured**; 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 **while also preventing the dog from reaching hazards, including but not limited to a pool, fence, porch or railing that poses a strangulation risk, and/or other animals** .

c) ~~The A~~ dog, **whether tethered or confined in a yard, outdoor kennel, or a wireless dog fence**, must have **unencumbered** access to shade, food, water, shelter and dry ground **without becoming entangled**.

d) ~~The A~~ dog ~~must~~ **shall** not be tethered outdoors during a weather alert ~~event~~, **or when outside weather conditions, including but not limited to, extreme heat, cold, wind, rain, snow or hail pose an adverse risk to the health or safety of a dog, based on breed, age or physical condition, in accordance with the industry**

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standard set forth in the Tufts Animal Care and Condition Weather Safety Scale. Extreme heat and cold limitations are set as an ambient temperature of 80 degrees and 35 degrees, respectively.

e) ~~The tethered dog is at least 6 months old.~~ **A dog shall not be tethered in any of the following circumstances: under 6 months of age; a nursing female; when suffering illness, debilitating disease, injury, in distress, or in the advanced stages of pregnancy.**

f) ~~The A tethered dog is~~ **must be** apparently free of any health condition that would be exacerbated by tethering.

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

h) 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 **or straw/shavings. If straw/shavings is used, it must be replaced at least once a month so that the dog can burrow into it for warmth. The shelter 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.

i) A dog ~~may~~ **shall not** be tethered outside for **longer than five (5) consecutive hours in a 24 hour period or a total time outside in excess of ten (10) hours and outside from 10 PM to 6 AM** ~~a maximum of 12 hours in any 24 hour period.~~

j) 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 the following:

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

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

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

(iv) **Tethered on vacant property.**

(v) **Any tethering that causes injury or death.**

SECTION 5. Section 4 of Local Law No. 7 of 2014 is hereby amended to read as follows:

This Local Law shall be enforced by the office of the Ulster County Sheriff and may also be enforced by any **constable**, police officer, local Dog Control or Animal Control officer, or **any agent or officer of any duly incorporated society for the prevention of cruelty to animals** ~~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, and/or an educational component at the judge's discretion.

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, not to exceed \$2,000. In addition, all third time offenders, subsequent to the enactment of this law, are required to register as an animal abuser **on the Ulster County Animal Abuse Registry** ~~at such time that an animal abuse registry is lawfully established.~~

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

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County of Ulster and/or the maintenance of an animal abuse registry ~~as may be lawfully established.~~

SECTION 6. SEPARABILITY.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

SECTION 7. EFFECTIVE DATE.

This local law shall take effect upon filing with the Secretary of State.