

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Dutchess

Local Law No. 6 of the year 2019

A local law A LOCAL LAW ESTABLISHING CANINE TETHERING REGULATIONS
(Insert Title)

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Dutchess as follows:

SECTION 1. LEGISLATIVE INTENT.

The Dutchess County Legislature finds it necessary and appropriate to adopt regulations for tethering a canine. Tethering a canine without shelter leaves them susceptible to adverse weather conditions, wild animals, and unwanted human interactions. Should a canine feel threatened, a shelter provides an area in which they may feel safe and protected. Tethering a canine for prolonged periods of time can lead to psychological issues that affect the canine's behavior towards humans and other animals. If a canine is kept outside for a prolonged period the preferred method of restraint is an animal enclosure. Inhumane tethering practices can show a broader disregard for the general welfare of the animal. The Legislature recognizes that education prior to or instead of the issuance of certain violations is a necessary tool for an Animal owner to recognize the deficiencies in how their canine is tethered. It is not the intent to require every violator of this law to register as an Animal Abuse Offender however a court may deem it necessary for certain severe first-time violators or persistent violators to register.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 2. DEFINITIONS.

Unless the context clearly provides otherwise, the terms set forth below shall have the following meanings:

- (a) "Inclement Weather" shall mean weather conditions including but not limited to rain, sleet, ice, snow, wind, or extreme heat and cold.
- (b) "Shelter" shall mean an 'appropriate shelter as defined in subsections 3 and 4 of Section 353-b of New York State Agriculture and Markets Law and in addition shall have an opening that will allow the canine easy entry and exit, clean bedding, a solid floor and be small enough to retain the canine's body heat, and the surrounding area must be kept free of standing water, ice and waste.
- (c) "Tether" shall mean to restrain a canine by attaching the canine to any object or structure, including but not limited to a house, tree, fence, post, garage, or shed, by any means, including but not limited to a chain, rope, cord, leash, or running line. It shall not mean a person using a leash to walk a canine or tethering a supervised canine for less than fifteen minutes in a public place.
- (d) "Weather Alert" shall mean a weather advisory or warning issued by local, state or federal authorities including but not limited to Winter Storm Watch, Blizzard Warning, Winter Storm Warning, Ice Storm Warning, Winter Weather Advisory, Wind Chill Warning or Advisory, Wind Chill Warning, High Wind Warning, Wind Advisory, Severe Thunderstorm Watch, Severe Thunderstorm Warning, Tornado Watch, Tornado Warning, Extreme Wind Warning, Tropical Storm Warning or Watch, Hurricane Warning or Watch, Hurricane Wind Warning, Tropical Storm Wind Warning, Heat Advisory, Excessive Heat Warning, Flash Flood Warning, or Areal Flood Warning.

SECTION 3. TETHERING REGULATIONS.

The following provisions shall regulate the usage of tethers and the conditions surrounding when a canine may be tethered:

- (a) Tethers:
 - (1) A tether shall be properly fitted and attached to the canine with a buckle type collar or a body harness. Such collar or body harness shall be made of a non-metal such as nylon or leather that is at least one inch wide.
 - (2) A tether shall not utilize a choke collar, pinch type collar, or attached weights.
 - (3) A tether's length shall be whichever length is longer, longer than ten feet or five times the length of the canine's body as measured from the tip of the nose to the base of the tail.
 - (4) A tether shall connect at both ends with a swivel, weigh less than 1/10th of the canine's weight and be free of tangles.
 - (5) If the canine is tethered to a pulley, running line, trolley, or cable system, it shall be a minimum of fifteen (15) feet long, less than seven (7) feet above the ground.
 - (6) A tether shall allow the canine to move in an area not less than 125 sq ft.
 - (7) A tether shall restrain the canine to the property.
- (b) While a canine is tethered the following provisions shall be met:
 - (1) The canine shall be at least six (6) months old.
 - (2) The canine shall have access to shade, water, and dry ground.

- (3) The canine shall not be tethered during a Weather Alert.
- (4) The canine shall not be tethered in any weather that poses an adverse risk to the health and safety of such canine based on the breed, age or physical condition.
- (5) The canine shall not have any known medical or behavioral condition that could be exacerbated by tethering.
- (6) A canine shall not be tethered for longer than twelve (12) hours per twenty-four (24) hour period. If a canine is tethered between sunset and sunrise the surrounding area must be well lit.
- (7) If tethered for more than two (2) consecutive hours the canine shall have access to shelter.
- (8) If there are multiple canines, each must be tethered separately or on a separate pulley, running line, trolley, or cable system.
- (9) A canine shall be free of cruel, inhumane or dangerous conditions at all times including but not limited to:
 - i. Exposure to animal waste, garbage, noxious odors or objects that could injure or kill a canine;
 - ii. Exposure to taunting, prodding, provoking, hitting, harassing, threatening or otherwise harming a tethered canine;
 - iii. Potential attack by other animals;
 - iv. Objects that could cause a canine to become entangled.

SECTION 4. ENFORCEMENT.

This local law shall be enforced by the office of the Dutchess County Sheriff and may also be enforced by any police officer, local Canine Control or Animal Control officer in their respective jurisdictions, or human law officer or investigator with jurisdiction within said County.

SECTION 5. PENALITIES.

- (a) Any person found to be in violation of any provisions of this local law shall, for a first offense, be subject to a fine not to exceed two hundred and fifty dollars (\$250).
- (b) For a second offense, any person found to be in violation of any provisions of this local law shall be subject to a fine not to exceed five hundred dollars (\$500).
- (c) For a third or subsequent offense, any person found to be in violation of any provisions of this local law shall be subject to a fine not to exceed one thousand dollars (\$1,000).
- (d) Any person found to be in violation of any provisions of this local law may be required to register as an Animal Abuse Offender with the Dutchess County Sheriff's Department after proper notice and hearing.

SECTION 6. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to

the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 7. REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Dutchess.

SECTION 8. EFFECTIVE DATE.

This Local Law shall be effective ninety days from filing with the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the Legislature _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 _____ of 20¹⁹ of the (County)(City)(Town)(Village) of ~~_____~~ Dutchess _____ was duly passed by the Legislature _____ on August 12, 20¹⁹, and was (approved)(~~not approved~~)
(Name of Legislative Body)
~~(repassed after disapproval)~~ by the County Executive _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on September 10, 20¹⁹, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

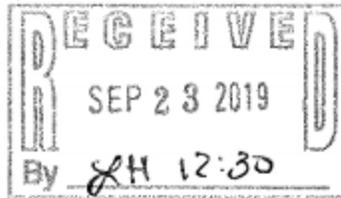
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
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WWW.DOS.NY.GOV



ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

September 18, 2019

Carolyn Morris
Clerk Dutchess County Legislature
22 Market Street
Poughkeepsie NY 12601

**RE: County of Dutchess, Local Law 4, 5, 6 2019, filed on September 16
2019**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State