

LOCAL LAW NUMBER ¹ OF 2015

A LOCAL LAW RESPECTING THE OUTDOOR RESTRAINT OF COMPANION ANIMALS.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTER, as follows:

Section 1. LEGISLATIVE INTENT AND FINDINGS.

The Town Board of the Town of Hunter 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 Town Board has further determined that it is in the best interest of the residents of the Town of Hunter, 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.

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 have access to shade, food, water, shelter and dry ground.
- d) The dog must not be tethered outdoors during a weather alert event.
- e) The tethered dog is at least 6 months old.
- f) The tethered dog is 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 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 be tethered outside for 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.
 - (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 Town of Hunter Police Department and may also be enforced by any police officer, local Dog Control or Animal Control officer, or humane law officer or investigator with jurisdiction with the Town of Hunter.

A violation of any of the provisions of this section shall, for a first offense, be punishable by a fine of up to \$100.00, and/or an educational component at the judge's discretion.

For a second offense, the fine shall be up to \$500.00 and/or 50 hours of community service plus reimbursement of investigation costs.

For a third or subsequent violation, the fine shall be \$1,000.00 and/or 150 hours of community service plus surrender of dog, if ordered by court, plus costs of investigation and prosecution, not to exceed \$2,000.00. 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.

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

Section 5. EXCEPTIONS.

Tethering a dog for less than 15 minutes in a public location shall be exempt from this law.

Section 6. 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 Town of Hunter, all of which shall remain in full force and effect.

Section 7. 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.