

LOCAL LAW INTRO. NO. -2019

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 681, restricting the outdoor tethering of dogs.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The Laws of Westchester County are hereby amended by the addition of a new Chapter 681, to read as follows:

Chapter 681– Restrictions on the outdoor tethering of dogs

Sec. 681.01 Definitions

Sec. 681.02 Restrictions on tethering

Sec. 681.03 Restrictions on types of tethering devices

Sec. 681.04 Enforcement and penalties

Sec. 681.05 Severability

Sec. 681.06 Effect of other laws and regulations

Sec. 681.07 Reverse preemption

Sec. 681.01 Definitions

1. “Responsible Party” shall mean any person owning, harboring, or having custody or control of a dog.
2. “Tethering” shall mean 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” shall not include the use of a leash to walk a dog.
3. “Weather alert” shall include but not limited to a National Weather Service warning for heat advisory, frigid weather, snow or ice storm, tornadoes, tropical storm, high winds, thunderstorms or floods.

Sec. 681.02 Restrictions on tethering

1. It shall be unlawful for any responsible party to tether a dog to any stationary object

outdoors or cause such dog to be restrained in a manner that:

- (a) Restricts such dog's access to suitable and sufficient food, potable water and dry ground;
 - (b) Does not provide such dog with shelter appropriate to its breed, physical condition, and the climate as defined by § 353-b of the New York State Agriculture and Markets Law;
 - (c) Unreasonably limits the movement of such dog to urinate or defecate in a separate area from the area where it must eat, drink or lie down;
 - (d) Exposes such dog to animal waste, garbage, noxious odors, taunting, prodding, provoking, hitting, or harassing that could injure or kill the dog; or
 - (e) Enables such dog to move outside of the property to which it is otherwise properly tethered.
2. No responsible party shall tether a dog to any stationary object outdoors unless they remain on the premises where the dog is tethered.
 3. No responsible party shall tether a dog to any stationary object outdoors if such dog is:
 - (a) Less than six months of age;
 - (b) Sick or injured; or
 - (c) A nursing mother whose offspring are present.
 4. Notwithstanding any provision to the contrary in this chapter, no responsible party shall tether a dog to any stationary object outdoors:
 - (a) During a weather alert; or
 - (b) Between the hours of 11:00 p.m. and 6:00 a.m.

Sec. 681.03 Restrictions on types of tethering devices

1. No responsible party shall tether a dog to any stationary object or to a mobile device including, but not limited to, a trolley or pulley by means of a tether that:
 - (a) Does not allow such dog to walk at least ten feet;
 - (b) Does not have swivels on both ends to prevent twisting, tangling, choking,

the impairment of the flow of oxygen or blood to the dog or substantial discomfort to the dog;

- (c) Is a coat hanger, choke collar, prong-type collar, head halter or any other collar, halter or device that is not specifically designed or properly fitted for the restraint of such dog;
- (d) Has weights attached, contains metal chain links more than one-quarter of an inch thick, weighs more than 15 pounds or more than 12.5% of the dog's total body weight;
- (e) Is embedded, partially embedded or may become embedded in such dog's skin; or
- (f) Allows such dog to reach an object, including, but not limited to, a window sill, edge of a pool, fence, porch or terrace railing that poses a substantial risk of injury or strangulation to such dog if such dog jumps over such object, unless a person is in the presence of such dog.

Sec. 681.04 Enforcement and penalties

1. Upon the receipt of a complaint of a violation of this Chapter, the Westchester County Department of Public Safety, Empowered Peace Officer or any other appropriate County or local municipal officer, employee or agent, shall enforce the provisions hereof.
2. For the first violation of this Chapter, a person shall be guilty of a violation and required to pay a fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000), or imprisonment for not more than fifteen (15) days, or both.
3. For any subsequent violation of this chapter, a person shall be guilty of a class "A" misdemeanor.

Sec. 681.05 Severability

If any section, subsection, sentence, clause, phrase or other portion of this Chapter is for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Chapter, which remaining portions shall continue in full force and effect.

Sec. 681.06 Effect of other laws and regulations

This Chapter shall not impair or supersede any ordinance, resolution or local law enacted by a village, town, or city within the County of Westchester which regulates tethering of dogs within its jurisdiction.

Sec 681.07 Reverse preemption

This Chapter shall be null and void on the day that statewide or federal legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Chapter, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Westchester. The County Legislature may determine via a mere resolution whether or not identical or substantially similar statement legislation has been enacted for the purposes of triggering this provision of this section.

Section 2. This Local Law shall take effect immediately.