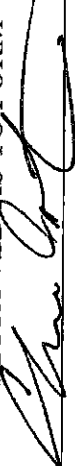


Introduced by: Presiding Officer Nicoletto, Deputy Presiding Officer Kopel, Alternate Deputy Presiding Officer Ford, Minority Leader Abrahams, and Legislators Bynoe, Solages Mule, Gaylor, Muscarella, Birnbaum, DeRiggi-Whitton, Kennedy, McKeVitt, Schaefer, Ferretti, Drucker, Walker, Lafazan, and Rhoads

LOCAL LAW NO. 22 -2019

A LOCAL LAW TO PROHIBIT THE INHUMANE RESTRAINT OF PETS

APPROVED AS TO FORM

Majority Counsel

Passed by the Nassau County Legislature on September 23, 2019

Voting: ayes: 18, nays: 0, abstained: 0

Became a law on October 23, 2019 with the approval of the County Executive

BE IT ENACTED by the County Legislature of the County of Nassau, as follows:

Section 1. A new Title 86 is added to the Miscellaneous Laws of Nassau County as follows:

Title 86
"Tethering Law"

§1. Legislative Intent.

The Legislature hereby finds that inappropriate outdoor tethering of pets is an especially common and widespread form of animal abuse which has gone unaddressed for too long. With distressing frequency, pets are tethered, chained, leashed or otherwise restrained in ways which cause them severe pain and physical injury, subject them to dangerously unhealthy weather conditions, such as extreme heat and cold, and deny them adequate access to food and water for extended periods of time. In addition, pets are often restrained in ways which unreasonably confine and restrict their movements thereby denying them adequate space for exercise necessary to their physical and emotional health and well-being and forcing them to live in unsanitary conditions by compelling them to defecate and urinate in the same space where they eat, move

and rest. Accordingly, it is the judgment of this Legislature that it is in the public interest to adopt legislation prohibiting inhumane tethering practices in Nassau County and imposing significant penalties upon those who engage in such animal cruelty.

§2. Definitions. As used in this Title:

- a. "County" shall mean the County of Nassau.
- b. "Person" shall mean any individual, business, firm, partnership, limited liability partnership, corporation, company, limited liability company, society, association, or any organized group of persons whether incorporated or not.

§3. Prohibitions.

- a. It shall be unlawful for any person to tether, leash, fasten, secure, restrain, chain or tie an animal to any stationary object outdoors or cause such animal to be restrained, in a manner that:
 - 1) Endangers the animal's health, safety or well-being;
 - 2) Restricts such animal's access to suitable and sufficient food and water;
 - 3) Confines the animal outdoors when:
 - i. The temperature is below 35 degrees Fahrenheit;
 - ii. The temperature is above 85 degrees Fahrenheit; or
 - iii. The National Weather Service has issued a heat or wind chill advisory, watch or warning.
 - 4) Does not provide such animal with shelter appropriate to its breed, physical condition, and the climate as defined by Section 353-b of the New York State Agriculture and Markets Law; or
 - 5) Unreasonably restricts the movement of such animal by preventing it from urinating or defecating in a separate area removed from the area where it must eat, drink or lie down.

- b. Notwithstanding the provisions of Subsection (a) of this section, no person shall tether, leash, fasten, secure, restrain, chain or tie an animal to any object with a device that:
- 1) Is a choke collar, pinch collar, prong collar or a similar collar that restrains the animal in such a manner that it impairs the flow of oxygen or blood to the animal which may cause choking or causes substantial discomfort to the animal;
 - 2) Is embedded, partially embedded or may become embedded in such animal's skin;
 - 3) Has weights attached or contains links that are more than 1/4 inch thick;
 - 4) Weighs more than 10% of the animal's total body weight, not to exceed 25 pounds for any animal;
 - 5) Is less than 10 feet in length;
 - 6) Because of its design or placement is likely to become entangled;
 - 7) Is long enough to allow such animal to move outside of its owner's property;
 - 8) Would allow the restrained animal to move over an object or edge that would result in the strangulation of or injury to such animal.
- c. No person shall tether, leash, fasten, secure, restrain, chain or tie an animal to any stationary object outdoors for more than 1 hour in any 12-hour period.

§4. Penalties.

Any Person who violates this Title shall be guilty of a violation and subject to a maximum fine of \$500 for any first offense. A second violation of this Title shall be a violation and subject to a maximum fine of \$750. Any third or subsequent violation of this Title by a person shall be guilty of a Class A misdemeanor, punishable by imprisonment not to exceed one year, or by a fine of not more than \$1,000 or both.

§5. Enforcement.

The Nassau County Police Department, the Nassau County Society for Prevention of Cruelty to Animals, any animal control employee of towns and municipalities, and any other government agency with appropriate jurisdiction shall be empowered to enforce the provisions under this Title.

§6. No Preemption.

This Local Law shall not apply in any Town, City or Village that has adopted substantially similar local legislation.

§7. Applicability

This law shall apply to all persons convicted of Animal Abuse Crimes on or after the effective date of this law.

Section 2. §3(b) of Title 78 of the Miscellaneous Laws of Nassau County is amended as follows:

- a. Animal Abuse Crime: The commission of the following enumerated crimes against an animal: animal infighting, as defined in the New York State Agricultural and Markets Law (hereinafter "A.M.L.") §351; overdriving, torturing, and injuring animals; failure to provide proper sustenance, as defined in A.M.L. §353; aggravated cruelty to animals, as defined in A.M.L. §353-c; abandonment of animals, as defined in A.M.L. §355; failure to provide proper food and drink to an impounded animal, as defined in A.M.L. §356; poisoning or attempting to poison animals, as defined in A.M.L. §360; interference with or injury to certain domestic animals, as defined in New York State (hereinafter "N.Y.S.") Penal Law §130.20(3); harming an animal trained to aid a person with a disability in the first degree, as defined in N.Y.S. Penal Law §195.12; harming a service animal in the first degree, as defined in N.Y.S. Penal Code §242.15;

harming a service animal in the second degree, as defined by N.Y.S. Penal Code §242.10; any violation pursuant to Title 86 of the Miscellaneous Laws of Nassau county; or an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for in this subdivision.

Section 2. Severability. If any clause, sentence, paragraph, subdivision, section or part of this local 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 order or judgment shall be rendered.

Section 3. SEQRA Determination. This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.S(c)(20), (21), and/or (27) of Title 6 of the New York Code of Rules and Regulations (NYCRR) and within the meaning of section 8-0109(2) of the New York Environmental Conservation Law as a promulgation of regulations, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection.

Section 4. Effective Date. This law shall take effect immediately.

APPROVED



County Executive

DATE 10-23-19