

Intro. Res. No. 1050-2017

Laid on Table 2/7/2017

Introduced by Legislators Martinez, Muratore, Hahn, Anker, Fleming, Calarco, Kennedy, Gregory, Cilmi, Trotta and McCaffrey

**RESOLUTION NO. 182 -2017, ADOPTING LOCAL LAW  
NO. 7 -2017, A LOCAL LAW AMENDING COUNTY  
RESTRICTIONS ON OUTDOOR RESTRAINT OF PETS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on February 7, 2017, a proposed local law entitled, "**A LOCAL LAW AMENDING COUNTY RESTRICTIONS ON OUTDOOR RESTRAINT OF PETS**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 7 -2017, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW AMENDING COUNTY RESTRICTIONS ON  
OUTDOOR RESTRAINT OF PETS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Local Law No. 41-2011 established regulation of the outdoor restraint of pets in Suffolk County and was expanded upon by Local Law No. 15-2014.

This Legislature also finds and determines that the County's pet restraint law remains insufficient in certain respects to fully protect pets from the dangers of improper and unsafe tethering practices.

This Legislature further finds and determines that issues also exist with respect to the enforcement of the County's outdoor pet restraint law and which must be addressed and clarified.

This Legislature finds that modifications should be made to improve the provisions and enforceability of the County's pet restraint law to ensure that pets in Suffolk County are protected to the fullest extent possible.

Therefore, the purpose of this law is to strengthen regulations on the outdoor restraint of pets and improve the law's enforcement provisions.

**Section 2. Amendments.**

Chapter 299 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 299. ANIMALS**

\* \* \* \* \*

ARTICLE VII. OUTDOOR RESTRAINT OF PETS

\* \* \* \*

§ 299-51. Prohibitions.

A. It shall be unlawful for any person to tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors or cause such dog to be restrained in a manner that:

\* \* \* \*

(2) Restricts such dog's access to suitable and sufficient food [and], fresh, potable water and dry ground;

\* \* \* \*

B. Notwithstanding the provisions of Subsection A of this section, no person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any object with a device that:

(1) Is a choke collar, [or] pinch collar, or prong collar, or a similar collar that restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog which may cause choking or causes substantial discomfort to the dog;

\* \* \* \*

(4) Weighs more than [25%] 12.5% of the dog's total body weight, not to exceed [25] 15 pounds for any dog;

(5) Is less than [10] 15 feet in length;

\* \* \* \*

(7) Is long enough to allow such dog to move outside of its owner's property; [or]

(8) Would allow the restrained dog to move over an object, including any fencing, barrier, or edge that could result in the strangulation of or injury to such dog[.]; or

(9) Is fixed (i.e. does not swivel) on either end.

C. No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for more than [two] one continuous hour[s] in any continuous twelve-hour period between the hours of 6 a.m. and 11 p.m.

D. No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors between the hours of 11 p.m. and 6 a.m.

E. No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors if the dog is:

- (1) Less than 6 months of age;
- (2) Sick or injured; or
- (3) Is a nursing mother whose offspring is present.

F. Multiple dogs shall not be tethered or restrained in such a manner that they are able to come into contact with one another at any point in time while restrained.

G. No person shall tether, leash, fasten, secure, restrain, chain, tie, pen or otherwise confine outdoors a dog when:

- (1) The temperature is below 32° Fahrenheit;
- (2) The temperature is above 90° Fahrenheit;
- (3) The National Weather Service has issued a heat or wind chill advisory, watch or warning; or
- (4) Conditions are not appropriate due to the breed, physical condition and climate, as established pursuant to New York State Agricultural and Markets Law § 353-b.

\* \* \* \*

**§ 299-53. Penalties for offenses.**

[Violation of this article shall constitute a violation, subject to a fine of up to \$500.]

- A. Violation of this law shall constitute an unclassified misdemeanor, subject to a fine of \$250 and/or imprisonment up to 5 days for a first offense, a fine of \$500 and/or imprisonment up to 15 days for a second offense and a fine of \$1,000 and/or imprisonment up to 30 days for all subsequent offenses.
- B. Individuals found guilty of a third or subsequent offense may be subject to a forfeiture of the animal, at the discretion of the Court which so adjudicates their guilt.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. 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 5. 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 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: March 28, 2017

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: April 17, 2017

After a public hearing duly held on April 10, 2017  
Filed with the Secretary of State on May 5, 2017