

STRICKEN END OF YEAR 2021

Intro. Res. No. 1542-2021
Introduced by Legislator Kennedy

Laid on Table 6/22/2021

**RESOLUTION NO. -2021, ADOPTING LOCAL LAW
NO. -2021, A LOCAL LAW TO REQUIRE PROPER
RESTRAINT OF PETS WHEN IN OPEN AREAS OF MOTOR
VEHICLES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 22, 2021, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE PROPER RESTRAINT OF PETS WHEN IN OPEN AREAS OF MOTOR VEHICLES**"; now, therefore be it

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

LOCAL LAW NO. -2021, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REQUIRE PROPER RESTRAINT OF PETS
WHEN IN OPEN AREAS OF MOTOR VEHICLES**

**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 the County of Suffolk has been a consistent leader in the areas of animal and pet protection over the years.

This Legislature also finds and determines that family pets are often placed in the back of family pick-up trucks and other areas of vehicles which are open to the environment.

This Legislature further finds and determines that these open spaces in vehicles pose a unique danger to animals if they are not properly restrained and the vehicle stops short or an accident occurs.

This Legislature finds that pets riding in open-air, unsecured areas of a vehicle should be restrained in an appropriate carrier or restraint system which is affixed to the vehicle and will protect them in the case of an accident.

Therefore, the purpose of this law is to require individuals operating motor vehicles with open air spaces to secure their animals for their own safety when they are riding in those areas of the vehicle.

Section 2. Definitions.

As used in this law, the following terms shall have the meaning indicated:

ANIMAL RESTRAINT – a crate, cage, harness or other piece of equipment which is intended to, and suitable for, the restriction of or limiting the movement of an animal.

DOMESTICATED ANIMAL – Dogs, cats, and/or any other animal which is commonly owned and cared for as a household pet.

MAIN PASSENGER CABIN – the enclosed portion of a motor vehicle which is utilized to carry passengers and cargo and is not open to the elements.

MOTOR VEHICLE - any vehicle which is self-propelled by mechanical means and any trailer which is attached to such a vehicle.

PERSON - Any individual, firm, partnership, corporation, company, society, association, or any organized group of persons, whether incorporated or not.

Section 3. Requirements.

Any person operating a motor vehicle that has a portion of such vehicle separate from the main passenger cabin which is open to the elements and unsecured shall secure any domesticated animal riding in the unsecured portion of the vehicle with an appropriate animal restraint which is securely affixed to the motor vehicle.

Section 4. Penalties.

Violation of this law shall constitute an unclassified misdemeanor, punishable by a fine of up to \$500 and/or up to 6 months imprisonment.

Section 5. Applicability.

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

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 law 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 Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purpose of triggering the provisions of this section.

Section 8. 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)(26), (27) and (33) 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 in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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 9. Effective Date.

This law shall take effect on the sixtieth (60th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: