

A06046 Summary:

BILL NO A06046

SAME AS Same as S 7147

SPONSOR Magee (MS)

COSPNSR Millman, Titone, Fields

MLTSPNSR Colton, Hevesi, Lupardo, Pheffer, Sweeney

Add S353-e, Ag & Mkts L

Provides that no dog shall be restrained by a tethering device attached to a fixed point or to a running cable trolley system for more than six hours per day.

A06046 Actions:

BILL NO A06046

02/24/2009 referred to agriculture

01/06/2010 referred to agriculture

A06046 Memo:

BILL NUMBER: A6046

TITLE OF BILL : An act to amend the agriculture and markets law, in relation to the tethering of dogs

PURPOSE : To prohibit the tethering and chaining of dogs for a period of greater than six hours in a twenty-four hour period.

SUMMARY OF PROVISIONS :

Section 1 -- Adds a new section 353-c to the Agriculture and Markets Law to prohibit dogs from being tethered for more than six hours in any twenty-four hour period. Anyone violating this provision will be subject to a fine of \$50-\$100 for a first offense and \$100-\$250 for a second or subsequent offense.

Section 2 -- Effective date.

JUSTIFICATION : Across the country, there is a greater recognition of the negative physical and psychological effects that the chaining of dogs has on our canine friends. In the past, studies have shown that dogs who are chained up for long periods of time are not properly socialized and have a tendency to be more aggressive.

In one study, it was found that chained dogs account for a substantial portion of serious and fatal bites. Each year, dog bites result in over \$100 million in medical costs with another \$1 billion in liability claims.

We should be doing everything we can to decrease the number of aggressive, non-socialized dogs. That will most certainly translate into fewer dog bites, healthier children (as they are most often the ones bitten), and a substantial decrease in the insurance claims related to dogs. Once again, a large part of that is ensuring that our dogs are not unduly and unnecessarily chained for long periods of time thus providing them with the exercise and social outlet that they want and need.

6046

2009-2010 Regular Sessions

IN ASSEMBLY

February 24, 2009

Introduced by M. of A. MAGEE, MILLMAN -- Multi-Sponsored by -- M. of A. HEVESI, PHEFFER read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the tethering of dogs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The agriculture and markets law is amended by adding a new
2 section 353-e to read as follows:
3 S 353-E. TETHERING OF DOGS. 1. FOR PURPOSES OF THIS SECTION:
4 (A) "TETHERING DEVICE" SHALL MEAN A CHAIN, ROPE OR OTHER RESTRAINING
5 DEVICE WHICH ATTACHES TO A DOG.
6 (B) "RUNNING CABLE TROLLEY SYSTEM" SHALL MEAN A SUSPENDED CABLE, AT
7 LEAST TEN FEET IN LENGTH, TO WHICH A TETHERING DEVICE, AT LEAST TEN FEET
8 IN LENGTH, IS ATTACHED BY MEANS OF A PULLEY, LOOP OR OTHER MOVEABLE
9 DEVICE.
10 2. ANY PERSON WHO OWNS OR HAS CUSTODY OR CONTROL OF A DOG SHALL NOT
11 RESTRAIN SUCH DOG BY MEANS OF A TETHERING DEVICE ATTACHED TO A FIXED
12 POINT OR BY MEANS OF A RUNNING CABLE TROLLEY SYSTEM FOR A PERIOD OF
13 MORE
14 THAN SIX HOURS IN ANY TWENTY-FOUR HOUR PERIOD. ANY TETHERING DEVICE
15 ATTACHED TO A FIXED POINT SHALL BE AT LEAST FIFTEEN FEET IN LENGTH. ANY
16 TETHERING DEVICE SHALL BE ATTACHED TO SUCH DOG IN SUCH A MANNER AS TO
17 PREVENT INJURY OR STRANGULATION TO SUCH DOG AND ENTANGLEMENT WITH
18 OTHER
19 OBJECTS. NO TETHERING DEVICE SHALL BE ATTACHED TO SUCH DOG BY MEANS OF
20 A
21 CHOKE-TYPE COLLAR OR A PRONG COLLAR, OR BY ANY MEANS OTHER THAN BY
22 ATTACHMENT TO A PROPERLY FITTED COLLAR, HARNESS OR OTHER DEVICE
23 MADE
24 EXPRESSLY FOR SUCH PURPOSE.
25 3. (A) ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS
26 SECTION SHALL BE GUILTY OF A VIOLATION, PUNISHABLE BY A FINE OF NOT LESS
27 THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS FOR A FIRST
28 OFFENSE, AND A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE
29 THAN

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09541-01-9

A. 6046

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- 1 TWO HUNDRED FIFTY DOLLARS FOR EACH SECOND OR SUBSEQUENT OFFENSES.
2 BEGIN-
3 NING SEVENTY-TWO HOURS AFTER A CHARGE OF VIOLATING THIS SECTION, EACH
4 DAY THAT A DEFENDANT FAILS TO CORRECT THE DEFICIENCIES IN THE METHOD
5 USED TO RESTRAIN A DOG THAT HE OR SHE OWNS OR THAT IS IN HIS OR HER
6 CUSTODY OR CONTROL, SO AS TO BRING IT INTO COMPLIANCE WITH THE
7 PROVISIONS OF THIS SECTION, SHALL CONSTITUTE A SEPARATE OFFENSE.
8 (B) THE COURT MAY, IN ITS DISCRETION, REDUCE THE AMOUNT OF ANY FINE
9 IMPOSED FOR A VIOLATION OF THIS SECTION BY THE AMOUNT WHICH THE DEFEND-
10 ANT PROVES HE OR SHE HAS SPENT PROVIDING A TETHERING DEVICE OR RUNNING
11 CABLE TROLLEY SYSTEM THAT COMPLIES WITH THE REQUIREMENTS OF THIS
12 SECTION. NOTHING IN THIS PARAGRAPH SHALL PREVENT THE SEIZURE OF A DOG

12 FOR A VIOLATION OF THIS SECTION PURSUANT TO THE AUTHORITY GRANTED IN
13 THIS ARTICLE.

14 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY
15 PROTECTIONS AFFORDED TO DOGS OR OTHER ANIMALS UNDER ANY OTHER
PROVISIONS

16 OF THIS ARTICLE.

17 S 2. This act shall take effect on the sixtieth day after it shall
18 have become a law.