

**RESOLUTION NO. 675 -2011, ADOPTING LOCAL LAW
NO. 41 -2011, A LOCAL LAW TO LIMIT THE RESTRAINT OF
PETS OUTDOORS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 26, 2011, a proposed local law entitled, "**A LOCAL LAW TO LIMIT THE RESTRAINT OF PETS OUTDOORS**;" now, therefore be it

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

LOCAL LAW NO. 41 -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO LIMIT THE RESTRAINT OF PETS OUTDOORS

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 Suffolk County is a leader in protecting the health and welfare of animals residing in the County.

This Legislature also finds and determines that animal owners will sometimes tie their animals to a stationary object out of doors for a short period of time.

This Legislature further finds and determines that some owners, however, leave their animals tied to a stationary object outside for long periods of time, in some cases, all day.

This Legislature finds that animals left tied to an object outside for prolonged periods may not have sufficient food, water or shelter from inclement weather.

This Legislature further finds that tethers, chains and other restraints can also injure animals, as the restraint may tangle or catch on other objects.

This Legislature also determines that it is in the best interests of County residents and their pets to limit the amount of time animals spend tied to a stationary object.

Therefore, the purpose of this law is to limit the length of time that animals may be restrained outdoors to no more than two hours in any continuous twelve hour period.

Section 2. Definitions.

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

"PERSON" shall mean any individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not.

Section 3. 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:
- (1) Endangers such dog's health, safety or well-being;
 - (2) Restricts such dog's access to suitable and sufficient food and water;
 - (3) 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; or
 - (4) Unreasonably limits the movement of such dog because it is too short for the dog to move around or for the dog to urinate or defecate in a separate area 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 a dog to any stationary object for any amount of time with a device that:
- (1) Is a choke collar or pinch collar, or otherwise causes such dog to choke;
 - (2) Has weights attached or contains links that are more than one-quarter inch thick;
 - (3) Because of its design or placement is likely to become entangled;
 - (4) Is long enough to allow such dog to move outside of its owner's property; or
 - (5) Would allow the restrained dog to move over an object or edge that could result in the strangulation of or injury to such dog.

Section 4. Exemption.

This law shall not apply to any federal, state or local law enforcement agency.

Section 5. Penalties.

Violation of this law shall constitute a violation, subject to a fine of up to five hundred dollars (\$500.00).

Section 6. Effect of Other Laws, Regulations.

This law will have no effect in any town or village located within the County of Suffolk which has enacted an ordinance, resolution or law regulating the restraint of dogs within their jurisdiction.

Section 7. Applicability.

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

Section 8. 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 9. SEQRA Determination.

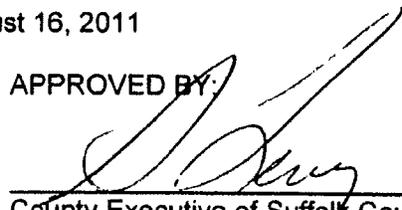
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning 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 10. Effective Date.

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

DATED: August 16, 2011

APPROVED BY:



County Executive of Suffolk County

Date: SEP 09 2011

After a public hearing duly held on August 30, 2011
Filed with the Secretary of State on September 26, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 16, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1315

Res. No.

675

August 16, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R	
1	Edward P. ROMAINE						
2	Jay H. SCHNEIDERMAN						
3	Kate M. BROWNING						
4	Thomas MURATORE						
6	Sarah S. ANKER						
7	Jack EDDINGTON						
9	Ricardo MONTANO						
10	Thomas CILMI						
11	Thomas F. BARRAGA						
12	John M. KENNEDY, JR.						
13	Lynne C. NOWICK						
14	Wayne R. HORSLEY						
15	DuWayne GREGORY						
16	Steven H. STERN						
17	Lou D'AMARO						
18	Jon COOPER						
5	Vivian VILORIA-FISHER, D.P.O.						
8	William J. LINDSAY, P.O.						
Totals		18					

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee
Table Subject To Call
Lay On The Table
Discharge
Take Out of Order
Reconsider
Waive Rule _____
Override Veto
Close
Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote