

LOCAL LAW 6-2018

A Local Law amending Chapter 75 (Animals) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 75 Article V (“Tethering”) is added with new matter underlined.

75-29 Purpose

The Board of Trustees finds that dogs left tied to an object outside for prolonged periods of time may not have sufficient food, water or shelter from inclement weather. The Board of Trustees further finds that tethers, chains and other restraints can also injure animals as the restraint may tangle and catch on other objects. Recognizing that outdoor conditions appropriate for one breed may not be appropriate for another breed, the Board of Trustees also determines that it is in the best interest of Village residents and their dogs to limit the amount of time the dogs spend outside tied to a stationary object.

75-30 Definitions

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

Responsible Party

Any person owning, harboring, or having custody or control of a dog.

Tethering

To restrain a dog by attaching the dog to any object or structure, including without limitation, a house, tree, fence, post, garage, or shed, by any means, including, without limitation, a chain, rope, cord, leash, or running line. Tethering does not include the use of a leash to walk a dog.

Weather Alert

A warning issued by the National Weather Service for heat advisory, frigid weather, snow or ice storm, tornados, tropical storm, high winds or thunderstorms.

75-31 Prohibited Acts

- A. It shall be unlawful for any responsible party 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 the dog 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

- (4) Unreasonably limits the movement of such dog because the tether 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 and lie down.
- B. Notwithstanding the provisions of Subsection A of this section, no responsible party shall tether, leash, fasten, secure, restrain, chain or tie a dog to any object with a device that:
- (1) Is a choke collar, pinch collar, or 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;
 - (2) Is embedded, partially embedded or may become embedded in such dog's skin;
 - (3) Has weights attached or contains links that are more than ¼ inch thick;
 - (4) Weighs more than 12.5% of the dog's total body weight, not to exceed 15 pounds for any dog;
 - (5) Is less than 10 feet in length for a running cable trolley and 15 feet in length for a tether to a stationary object, but in no event shall the tether be long enough to allow the dog to move outside the responsible party's property;
 - (6) Because of its design or placement, the tether is likely to become entangled;
 - (7) Would allow the restrained dog to move over an object or edge that could result in the strangulation of or injury to such dog.
- C. Notwithstanding the provisions of Subsection A of this section, no responsible party shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors if the dog is:
- (1) Less than six months of age;
 - (2) Sick or injured; or
 - (3) A nursing mother whose offspring is present.
- D. Multiple dogs shall not be tethered or restrained in such a manner that the dogs are able to come in contact with one another at any point while restrained.
- E. Notwithstanding the provisions of Subsection A of this section, a dog may be tethered outside for a maximum of 12 hours in any 24 hour period except that a dog may not be tethered outside when the National Weather Service has issued a Weather Alert as defined in Section 75-30.
- F. Tethered dogs must be free of cruel conditions or inhumane tethering at any time. For purposes of this section, "cruel conditions or inhumane tethering" shall include the following:
- (1) Exposure to animal waste, garbage, noxious odors or objects that could injure or kill a dog;
 - (2) Exposure to taunting, prodding, provoking, hitting, harassing, threatening or otherwise harming a tethered or confined dog;
 - (3) Exposing a dog to dangerous conditions, including potential attacks by other animals.

- G. Nothing in this article shall be construed to affect any other protections offered to dogs under any other provision of law under any provision of law, including, but not limited to the requirements of adequate shelter pursuant to section 355-b of the New York State Agriculture and Markets Law.

75-32 Enforcement, penalties for offenses

- A. This article shall be enforced by the Ossining Police Department and also may be enforced by any animal control officer or humane law enforcement officer with jurisdiction in the Village of Ossining.
- B. A responsible party who is found to have violated the provisions of this article shall, for a first offense, be guilty of a violation punishable by a fine no more than \$250 and/or an educational component at the court's discretion, provided that such responsible party shall be issued a written warning instead of a fine for such first offense where the dog was not injured as a result of being restrained in violation of this article.
- C. A responsible party who is found to have violated the provisions of this article a second time within a twelve month period shall be guilty of a violation punishable by a fine no more than \$500 and/or 50 hours of community service plus reimbursement of investigation costs.
- D. A responsible party who is found to have violated the provisions of this article a third time within a continuous twelve month period starting from the first offense shall be guilty of a violation punishable by a fine no more than \$1000 and/or 100 hours of community service plus surrender of the dog if so directed by the court, plus reimbursement for investigations costs.
- E. Violations of this article may be supported by evidence, including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.

Section 2. Effective Date

This local law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.