ONEIDA COUNTY BOARD OF LEGISLATORS

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February 11, 2015

(Correspondence relating to upcoming legislation, appointments, petitions, etc)

FILE NO.	COMMITTEE	PAGES
2015-077 . . .	Ways & Means, (To Board 2/11/15)	2-6

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ONEIDA COUNTY BOARD OF LEGISLATORS

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Work Phone: 798-5900 • Home Phone: 337-9045

February 6, 2015

Board of Legislators
800 Park Ave.
Utica, NY 13501

Honorable Members:

Please find the attached letter in regards to Local Law Introductory "B" regulating the tethering of dogs in Oneida County. .

To ensure that this law takes effect as soon as possible, I am attaching a message of necessity to this Local Law and am requesting that the waiting period be waived for passage by this Board at the February 11, 2015 board meeting.

Thank you in advance.

Sincerely,

GERALD J. FIORINI, CHAIRMAN
ONEIDA COUNTY BOARD OF LEGISLATORS

ONEIDA COUNTY BOARD OF LEGISLATORS

Gerald J. Fiorini, Chairman • 800 Park Avenue • Utica, New York 13501
Work Phone: 798-5900 • Home Phone: 337-9045

January 27, 2015

Oneida County Board of Legislators
800 Park Ave.
Utica, NY 13501

Re: Local Law restricting dog tethering

Dear Honorable Members:

I am submitting a Local Law restricting the tethering of dogs in Oneida County and ask for your support.

For your convenience I have attached a copy of the Local Law.

Sincerely,

Gerald J. Fiorini
Chairman of the Board of Legislators

INTRODUCTORY NO. *F.N. 2015-077*

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO.

INTRODUCED BY: Messrs. Fiorini, Welsh, D'Onofrio, Idzi, Mandryck, Miller, Paparella, Waterman, Flisnik, Porter
2ND BY:

RE: LOCAL LAW INTRODUCTORY "__" of 2015 REGULATING THE TETHERING OF DOGS OUTDOORS

BE ENACTED BY THE COUNTY LEGISLATURE OF ONEIDA COUNTY AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT AND FINDINGS.

The Oneida County Legislature has determined that the practice of fastening a dog outdoors for a prolonged period to a stationary object, such as a structure, a pole, or a tree can be inhumane and may present a threat to the safety of the dog, other animals and human beings. The Legislature has further determined that it is in the best interest of the residents of Oneida County, as well as their pets, to ensure the safety of all by regulating the amount of time, as well as the manner in which, a dog may be restrained outdoors.

SECTION 2. DEFINITIONS.

As used in this section:

a) "Tether" means 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.

b) "Weather Alert" shall mean a National Weather Service warning for heat advisory, frigid weather, snow or ice storm, tornados, tropical storm, high winds or thunderstorms.

SECTION 3. TETHERING REQUIREMENTS.

It shall be unlawful to tether a dog outdoors, except when all of the following conditions are met:

a) The tether must be attached to the dog with a buckle type collar or a body harness made of nylon or leather that is at least one inch thick. Choke, chain or pinch type collars, attached weights and chains over one-quarter inch thick cannot be utilized for tethering.

b) (i) The length of a stationary tether shall not be less than ten feet or five times the length of the dog's body as measured from the tip of the nose to the base of the tail, whichever length

is greater; shall connect at both ends with a swivel; shall be free of tangles; and shall restrain the dog to the owner's property.

(ii) If the dog is tethered to a pulley, running line, or trolley or cable system, it must be a minimum of fifteen (15) feet long and less than seven (7) feet above the ground.

c) The dog must have access to shade, food, water, shelter and dry ground.

d) The dog must not be tethered outdoors during a weather alert event.

e) The tethered dog is at least 6 months old.

f) The tethered dog is apparently free of any health condition that would be exacerbated by tethering.

g) If there are multiple dogs, each must be tethered separately.

h) A tethered dog shall have access to appropriate shelter that will allow the dog to remain dry and to be protected from the elements. In addition to complying with the requirements of Section 353-b of New York State Agriculture and Markets Law, the shelter shall: be fully enclosed on all sides except one, which side shall have an opening that will allow the dog easy entry to and exit from the shelter; have a slanted, waterproof roof; have a solid floor. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat, and large enough to allow the dog to stand, lie down with limbs outstretched, and turn around comfortably. The area around the shelter shall be kept free of standing water, ice, waste, and debris.

i) A dog may be tethered outside for a maximum of 12 hours in any 24 hour period.

j) In addition to the above requirements, 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:

(i) Exposure to animal waste, garbage, noxious odors or objects that could injure or kill a dog.

(ii) Exposure to taunting, prodding, provoking, hitting, harassing, threatening or otherwise harming a tethered or confined dog.

(iii) Exposing a dog to dangerous conditions, including potential attacks by other animals.

SECTION 4. <u>ENFORCEMENT</u>.

This Local Law shall be enforced by the office of the Oneida County Sheriff and may also be enforced by any police officer, local Dog Control or Animal Control officer, or humane law officer or investigator with jurisdiction within Oneida County.

A violation of any of the provisions of this section shall, for a first offense, shall be a written warning and an educational component given at the time of the issuance of the written warning.

A second offence shall be punishable by a fine of up to $100, plus reimbursement of the investigation costs.

For a third offense, the fine shall be up to five hundred dollars and/or 50 hours of community service, plus reimbursement of investigation costs.

For a fourth or subsequent violation, the fine shall be one thousand dollars and/or 150 hours of community service, plus surrender of dog, if ordered by court, plus costs of investigation and prosecution, not to exceed $2,000.

Fines collected pursuant to this Section shall be deposited with the Oneida County Commissioner of Finance and applied to the Emergency Services account to be used as revenue for the Animal Cruelty Investigator's contract.

SECTION 5. EXCEPTIONS.

A dog tethered in compliance with the requirements of a campground area holding an Oneida County Health Department Permit shall be exempt from these regulations.

Tethering a dog for less than 15 minutes in a public location shall be exempt from this law.

SECTION 6. EFFECT OF OTHER LAWS, REGULATIONS.

This Local Law will have no effect in a city, town or village located within the County of Oneida that has enacted an ordinance, resolution, or law regulating the tethering of dogs within its jurisdiction.

SECTION 7. SEVERABILITY.

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on the remaining portions of this local law, the application thereof, or on any provisions of the Oneida County Charter, all of which shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.

APPROVED: Ways & Means Committee ( )

DATED: February 11, 2015 (Message of Necessity)

Adopted by the following vote:
AYES _____NAYS _____ ABSENT _____