



Committee on Public Safety

~AGENDA~

Monday, February 25, 2019

12:01 PM

Committee Chair: Margaret A Cunzio

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

This meeting is joint with the Committee on Legislation.

MINUTES APPROVAL

1. Thursday, November 29, 2018 at 10:01 AM

I. ITEMS FOR DISCUSSION

Guests: John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney

1. **(ID # 11605) Local Law – Local Law-Amending Chap 680-County Registry for Animal Abuse Offenders:**

Local Law amending Chapter 680 of the Laws of Westchester County which established a County Registry for Animal Abuse Offenders.

2. **(ID # 11606) Resolution – PH-Amending Chap. 680-County Registry for Animal Abuse Offenders:**

A RESOLUTION to set a public hearing on "A LOCAL LAW amending Chapter 680 of the Laws of Westchester County which established a County Registry for Animal Abuse Offenders. The public hearing will be held at _____.m on the _____ day of _____, 2019.

3. **(ID # 11632) Local Law – LL-Restricting the Outdoor Tethering of Dogs:**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 681, restricting the outdoor tethering of dogs.

4. **(ID # 11633) Resolution – PH-Restricting the Outdoor Tethering of Dogs:**

A RESOLUTION to set a Public Hearing on a LOCAL Law amending the Laws of Westchester County by adding a new Chapter 681, restricting the outdoor tethering of dogs. [Public Hearing set for _____, 2019 at _____.m.].

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT



Committee on Public Safety

~MINUTES~

Thursday, November 29, 2018

10:01 AM

Committee Chair: Margaret A Cunzio



Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

This meeting was held jointly with the committee on Budget & Appropriations. With a quorum present, Chair Margaret A Cunzio called the meeting to order at 10:10 AM.

| Attendee Name | Title | Status | Arrived |
|---------------------|--------------------------------|---------|---------|
| Margaret A Cunzio | Chair | Present | |
| Nancy Barr | D6 Legislator | Present | |
| Gordon A. Burrows | D15 Legislator (Minority Whip) | Absent | |
| Kitley Covill | D2 Legislator | Present | |
| Christopher Johnson | D16 Legislator | Absent | |
| Damon Maher | D10 Legislator | Present | |
| Virginia Perez | D17 Legislator | Absent | |
| MaryJane Shimsky | D12 Legislator (Majority Whip) | Absent | |
| Catherine Borgia | D9 Legislator | Present | |
| Benjamin Boykin | D5 Legislator (Chairman) | Present | |

MINUTES APPROVAL

- Monday, October 29, 2018 at 3:00 PM

On motion of Legislator Covill seconded by Legislator Maher the minutes were approved 5 - 0.

I. ITEMS FOR DISCUSSION

- ACT-2018-209 Act – IMA-Communications & Dispatch Svcs-Tuckahoe PD:**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Village of Tuckahoe pursuant to which the County Department of Public Safety will provide the Village Police Department with communications and dispatch services during the midnight shift.

Guest: Chief Inspector Christopher Calabrese and Sgt. Robert Pavone, Department of Public Safety

This IMA authorizes the County of Westchester to enter into an intermunicipal agreement with the Village of Tuckahoe with the County Department of Public Safety to provide the Village Police Department with communications and dispatch services during the midnight

Minutes Acceptance: Minutes of Nov 29, 2018 10:01 AM (MINUTES APPROVAL)

shift. There is no cost to the county because the call volume is miniscule and there isn't a need for additional resources. Tuckahoe is the only municipality that currently has this agreement with the county.

With a motion by Legislator Maher and seconded by Legislator Barr the item was approved with a vote of 5-0.

RESULT: SIGNED BY COMMITTEE

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

With a motion by Legislator Covill and seconded by Legislator Maher the five items below were received & filed with a vote of 5 to 0.

1. (ID # 11369) Communication – HON. CATHERINE F. PARKER: CNN.com Article - NY Uber driver faces kidnapping charges:

Forwarding a *CNN.com* article entitled, "New York Uber driver faces kidnapping charges."

RESULT: RECEIVED AND FILED

2. (ID # 11373) Communication – HON. KITLEY COVILL: Various articles regarding Regulated Marijuana:

Forwarding various articles on the topic of Regulated Marijuana.

RESULT: RECEIVED AND FILED

3. (ID # 11396) Communication – LEGISLATORS MAHER AND L. WILLIAMS: Yahoo.com Article - "Leading for-profit prison and immigration detention company sued":

Forwarding a *Yahoo.com* Article entitled, "Leading for-profit prison and immigration detention medical company sued at least 1,395 times."

RESULT: RECEIVED AND FILED

4. (ID # 11400) Communication – LEGISLATORS BORGIA, BARR, MAHER AND PARKER: Green Light NY: Driving Together Fact Sheet:

Forwarding a fact sheet entitled, "Green Light NY: Driving Together."

RESULT: RECEIVED AND FILED

Minutes Acceptance: Minutes of Nov 29, 2018 10:01 AM (MINUTES APPROVAL)

5. **(ID # 11402) Communication - LEGISLATORS BOYKIN AND L. WILLIAMS: LoHud Article - "Sex Offenders in Hudson Valley skirt rules on photographs, residency":**

Forwarding a *LoHud* Article entitled, "Sex Offenders in Hudson Valley skirt rules on photographs, residency."

RESULT: RECEIVED AND FILED

ADJOURNMENT

Moved by Legislator Covill seconded by Legislator Barr the Committee adjourned at 10:15 AM.

Minutes Acceptance: Minutes of Nov 29, 2018 10:01 AM (MINUTES APPROVAL)

**HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee recommends adoption of “A LOCAL LAW amending Chapter 680 of the Laws of Westchester County which established a County Registry for Animal Abuse Offenders.”

Your Committee is informed that in 2012, this Honorable Board enacted Chapter 680 of the Laws of Westchester County creating a County Animal Abuse Registry. The purpose of the registry was twofold. First, as a publicly searchable database administered by the Westchester County Department of Public Safety, it would serve to inform the public of a person convicted of an animal abuse crime that has occurred in Westchester County. Second, in requiring pet sellers to search the database for a consumer’s name prior to every sale, it would aid in preventing the sale of animals between a pet seller and a consumer who is listed in the registry. Persons convicted of animal abuse crimes or pet sellers who failed to abide by the requirements of the law would be subject to the penalties as defined in the statute.

In testimony at the Legislation Committee in 2012, the Animal Law Committee of the Westchester County Bar Association gave statements identifying the correlation between animal abuse and other forms of violence and abuse. Other speakers from local animal cruelty prevention organizations, domestic violence prevention organizations, and

law enforcement corroborated the link between animal abuse and other forms of abuse, speaking about their personal experiences on the subject.

Your Committee notes that in New York State in the last decade, there have been over one thousand cases where animal abuse was suspected and approximately two hundred convictions on a felony charge, misdemeanor charge, or civil violation relating to animal abuse. Your Committee is informed however, that since the creation of the Westchester County Animal Abuse Registry in 2013, very few persons convicted of animal abuse offenses or crimes in the County have registered with the Registry. Therefore amending the law to expand the list of crimes constituting animal abuse to include offenses, to require a person who has pled to or been convicted of a violation that includes the factual elements of animal abuse crime to register with the Registry and to require the Department of Public Safety to forward on an annual basis a copy of the registry to the Board of Legislators who shall send a copy to every municipality in the County, will hopefully result in more consistent enforcement of this law for the safety and protection of Westchester residents and animals.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, 6 NYCRR Part 617. The proposed local law has been classified by staff as a “Type II” action pursuant these regulations, and, accordingly, no further environmental review is required. Your Committee has reviewed the annexed SEQRA Status Sheet and concurs with this conclusion.

For the above reasons, your Committee recommends the adoption of this local law. An affirmative vote of a majority of the Board of Legislators is required to adopt this local law.

Dated: February , 2019
White Plains, New York

COMMITTEE ON

RESOLUTION NO. 2019 - _____

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. 2019-_____, entitled "A LOCAL LAW amending Chapter 680 of the Laws of Westchester County which established a County Registry for Animal Abuse Offenders." The public hearing will be held at ____m. on the ____ day of _____, 2019 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. – 2019

A LOCAL LAW amending Chapter 680 of the Laws of Westchester County which established a County Registry for Animal Abuse Offenders.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 680 of the Laws of Westchester County is hereby amended to read as follows:

CHAPTER 680

ANIMAL ABUSER REGISTRY LAW

- Sec. 680.01. Short title.**
- Sec. 680.02. Legislative intent.**
- Sec. 680.03. Definitions.**
- Sec. 680.04. Creation of animal abuser registry.**
- Sec. 680.05. Requirements.**
- Sec. 680.06. Fees.**
- Sec. 680.07. Promulgation of rules and regulations.**
- Sec. 680.08. Penalties.**
- Sec. 680.09. Applicability.**
- Sec. 680.10 Reverse preemption.**
- Sec. 680.11 Severability.**

Sec. 680.01 Short title.

This chapter law shall be known and may be cited as “The Animal Abuser Registry Law.”

680.02 Legislative intent.

Animal cruelty is a serious problem, resulting in the abuse of thousands of animals each year in the United States. While New York State has criminalized the cruel treatment of animals, animal abuse continues to occur in Westchester County and

throughout the State. Statistically, individuals who abuse animals are more likely to commit violent acts against humans. Furthermore, a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.

While a number of states in recent years have considered legislation to establish statewide registries of individuals convicted of animal abuse offenses, Suffolk County, Albany County and Rockland County have all adopted a local law creating such a registry. The County Board finds that it is in the best interests of Westchester County residents to establish a similar system. Therefore, the purpose of this law is to establish an online registry for individuals residing in Westchester County who are convicted of animal abuse crimes.

Sec. 680.03. Definitions.

Wherever used in this Chapter, unless the context or subject matter otherwise requires:

1. “ANIMAL ABUSE CRIME” shall mean the commission of the following enumerated offenses or crimes against an animal: animal fighting, as defined in the New York State Agriculture and Markets Law (hereinafter “A.M.L.”) Section 351; overdriving, torturing and injuring animals; failing to provide proper sustenance, as defined in A.M.L. Section 353; aggravated cruelty to animals, as defined in A.M.L. Section 353-a; abandonment of animals, as defined in A.M.L. Section 355; failure to provide proper food and drink to impounded animal, as defined in A.M.L. Section 356; poisoning or attempting to poison animals, as defined in A.M.L. Section 360; interference

with or injury to certain domestic animals, as defined in A.M.L. Section 361; sexual misconduct with an animal, as defined in New York State Penal Code Section 130.20(3); harming an animal trained to aid a person with a disability in the first degree, as defined by New York State Penal Code Section 195.12; harming a service animal in the second degree, as defined in New York State Penal Code Section 242.10; harming a service animal in the first degree, as defined in New York State Penal Code Section 242.15.

2. “CONVICTED OF” shall mean an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty [or nolo contendere]. Conviction shall include a plea or conviction to a violation that includes the factual elements of animal abuse crime as described in this law.

Sec. 680.04. Creation of Animal Abuser Registry.

The Westchester County Department of Public Safety (the “Department”) is hereby authorized, empowered and directed to establish and maintain an Animal Abuser Registry (the “Registry”) that shall contain the name, photograph, and residence information of each person living in Westchester County who has been convicted of an animal abuse offense or crime. The Registry shall be publicly available on the Internet.

Sec. 680.05. Requirements.

1. All persons eighteen (18) years of age or older who reside in Westchester County and who are convicted of an animal abuse offense or crime on or after the effective date of this law must register with the Registry within the later of ten (10) of:

- a. their release from incarceration; or

- b. if not incarcerated, from the date of entry of judgment.

This section shall not apply to youthful offenders or persons whose convictions or adjudications include sealed records.

2. When a person is convicted of an animal abuse offense or crime in Westchester County, the prosecuting agency shall [endeavor to] forward to the Department the name and address of the convicted person along with the name of the animal abuse offense or crime originally charged and the final conviction. [of which the person was convicted.] The Department shall promptly notify all persons convicted of an animal abuse offense or crime in Westchester County that they must register with the Registry within ten (10) days of:

- a. their release from incarceration; or
- b. if not incarcerated, from the date of the entry of judgment.

3. Each person registered with the Registry shall submit:

- a. their name;
- b. any aliases they are known by;
- c. their residential address; and
- d. a photograph of their head and shoulders taken from the front.

4. Each person registered with the Registry shall update their registration information annually in January and within ten (10) days of any change of residence in Westchester County.

5. Each person required to register with the Registry shall remain on the Registry for ten (10) years following:

- a. their release from incarceration; or

- b. if not incarcerated, from the date of entry of judgment.

Persons required to register with the Registry shall remain on the registry for life following a second conviction for an animal abuse crime.

6. On January 31st of every year the Department shall forward a copy of the animal registry to the Westchester County Board of Legislators who shall send a copy of the report to every municipality in Westchester County.

[6]7. Each person required to register with the Registry is prohibited from possessing, adopting, owning, purchasing or exercising control over any animal at any time while the person is required to be listed on the Registry.

Sec. 680.06. Fees.

Every person required to register with the Registry shall pay to the Department a fee of fifty dollars (\$50.00):

- a. Upon initial registration; and
- b. Every January thereafter at the time of their registration update.

These funds will be used to pay the administrative costs of maintaining the Registry.

Sec. 680.07. Promulgation of Rules and Regulations.

The Commissioner/Sheriff of the Westchester County Department of Public Safety, or his/her designee, is hereby authorized and empowered to promulgate such rules and regulations necessary to implement this law.

Sec. 680.08. Penalties.

1. Any person required to register, or update his/her registration, with the Registry who fails to do so shall be guilty of a violation punishable by:
 - a. a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000); or
 - b. imprisonment for not more than fifteen (15) days or;
 - c. both.
2. Any person required to register, or to update his/her registration, with the Registry and who, for a second time within any two (2) year period, fails to do so shall be guilty of a class "A" misdemeanor.
3. Any person required to register with the Registry who possesses, adopts, owns, purchases, or exercises control over any animal at any time while the person is required to be listed on the Registry shall be guilty of a violation punishable by:
 - a. a fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000); or
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Sec. 680.09. Applicability.

This law shall apply to all persons convicted of an animal abuse offense or crime on or after the effective date of this law.

Sec. 680.10 Reverse preemption.

This Chapter shall be null and void on the effective date of any federal or state legislation that incorporates the same or substantially similar provisions as are set forth in this chapter or in the event that any state or federal administrative agency promulgates regulations preempting this chapter. The County Board of Legislators may determine via resolution whether federal or state legislation, or state or federal regulations, have the effect of preempting the provisions of this chapter.

Sec. 680.11. Severability.

If any clause, sentence, paragraph, or section of this chapter shall be held invalid by any court of competent jurisdiction, or the application of this chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declare to be severable.

§2. This Local Law shall take effect immediately.

**HONORABLE BOARD OF LEGISLATORS
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with or injury to certain domestic animals, as defined in A.M.L. Section 361; sexual misconduct with an animal, as defined in New York State Penal Code Section 130.20(3); harming an animal trained to aid a person with a disability in the first degree, as defined by New York State Penal Code Section 195.12; harming a service animal in the second degree, as defined in New York State Penal Code Section 242.10; harming a service animal in the first degree, as defined in New York State Penal Code Section 242.15.

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Sec. 680.05. Requirements.

1. All persons eighteen (18) years of age or older who reside in Westchester County and who are convicted of an animal abuse offense or crime on or after the effective date of this law must register with the Registry within the later of ten (10) of:

- a. their release from incarceration; or

- b. if not incarcerated, from the date of entry of judgment.

This section shall not apply to youthful offenders or persons whose convictions or adjudications include sealed records.

2. When a person is convicted of an animal abuse offense or crime in Westchester County, the prosecuting agency shall [endeavor to] forward to the Department the name and address of the convicted person along with the name of the animal abuse offense or crime originally charged and the final conviction. [of which the person was convicted.] The Department shall promptly notify all persons convicted of an animal abuse offense or crime in Westchester County that they must register with the Registry within ten (10) days of:

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4. Each person registered with the Registry shall update their registration information annually in January and within ten (10) days of any change of residence in Westchester County.

5. Each person required to register with the Registry shall remain on the Registry for ten (10) years following:

- a. their release from incarceration; or

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6. On January 31st of every year the Department shall forward a copy of the animal registry to the Westchester County Board of Legislators who shall send a copy of the report to every municipality in Westchester County.

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Sec. 680.06. Fees.

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- b. Every January thereafter at the time of their registration update.

These funds will be used to pay the administrative costs of maintaining the Registry.

Sec. 680.07. Promulgation of Rules and Regulations.

The Commissioner/Sheriff of the Westchester County Department of Public Safety, or his/her designee, is hereby authorized and empowered to promulgate such rules and regulations necessary to implement this law.

Sec. 680.08. Penalties.

1. Any person required to register, or update his/her registration, with the Registry who fails to do so shall be guilty of a violation punishable by:
 - a. a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000); or
 - b. imprisonment for not more than fifteen (15) days or;
 - c. both.
2. Any person required to register, or to update his/her registration, with the Registry and who, for a second time within any two (2) year period, fails to do so shall be guilty of a class "A" misdemeanor.
3. Any person required to register with the Registry who possesses, adopts, owns, purchases, or exercises control over any animal at any time while the person is required to be listed on the Registry shall be guilty of a violation punishable by:
 - a. a fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000); or
 - b. imprisonment for not more than fifteen (15) days; or
 - c. both.
4. Any person required to register with the Registry and who, for a second time within any two (2) year period, possesses, adopts, owns, purchases, or exercises control over any animal at any time while the person is required to be listed on the Registry shall be guilty of a class "A" misdemeanor.

Sec. 680.09. Applicability.

This law shall apply to all persons convicted of an animal abuse offense or crime on or after the effective date of this law.

Sec. 680.10 Reverse preemption.

This Chapter shall be null and void on the effective date of any federal or state legislation that incorporates the same or substantially similar provisions as are set forth in this chapter or in the event that any state or federal administrative agency promulgates regulations preempting this chapter. The County Board of Legislators may determine via resolution whether federal or state legislation, or state or federal regulations, have the effect of preempting the provisions of this chapter.

Sec. 680.11. Severability.

If any clause, sentence, paragraph, or section of this chapter shall be held invalid by any court of competent jurisdiction, or the application of this chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declare to be severable.

§2. This Local Law shall take effect immediately.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 681, restricting the outdoor tethering of dogs."

The tethering of dogs involves restraining them by a rope or chain in a manner intended to restrict their movement. Incorrectly tethered dogs, or dogs tethered for too long, are at risk from extreme weather conditions and lack of proper food and shelter. Your Committee notes that regulating the outdoor tethering of dogs will help protect the most vulnerable members of the dog population in Westchester County from unsafe conditions. According to the American Veterinary Medical Association, dogs, like people, are susceptible to frostbite and hypothermia. Dogs that are tied up outside can also strangle or injure themselves on the attached tether.

Your Committee is further informed that the outdoor tethering of dogs can be inhumane and may present a threat to the safety of the dog, other animals and human beings. According to a study from the Centers for Disease Control, chained dogs are 2.8 times more likely to bite someone than non-chained dogs. In addition, dogs that are excessively tethered may become bored and anxious, which may create violent tendencies and lead to excessive barking. Studies have shown that animal abusers are up to five times more likely to commit violent crimes against people.

Notably, Suffolk County and Ulster County have recently enacted laws regulating dog tethering. Within Westchester County, the Village of Port Chester has enacted a law regulating dog tethering, while other jurisdictions such as the Village of

Ossining are considering similar code changes. By having a countywide law in place in Westchester County regulating dog tethering, law enforcement will be better equipped to ensure justice is served throughout the county. The intent of this Chapter is to improve the safety of the residents of Westchester County, as well as their pets, by regulating the amount of time and the manner in which dogs are tethered outdoors.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). Your Committee is advised that the Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law _____ . Your Committee concurs with that conclusion.

Your Committee, after careful consideration, recommends the adoption of this Local Law.

Dated: _____, 2019
White Plains, New York

RESOLUTION NO.- 2019

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No.- 2019, entitled "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 681, restricting the outdoor tethering of dogs." The public hearing will be held at ____ .m. on the _____ day of ____, 2019 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. -2019

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 681, restricting the outdoor tethering of dogs.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The Laws of Westchester County are hereby amended by the addition of a new Chapter 681, to read as follows:

Chapter 681– Restrictions on the outdoor tethering of dogs

Sec. 681.01 Definitions

Sec. 681.02 Restrictions on tethering

Sec. 681.03 Restrictions on types of tethering devices

Sec. 681.04 Enforcement and penalties

Sec. 681.05 Severability

Sec. 681.06 Effect of other laws and regulations

Sec. 681.07 Reverse preemption

Sec. 681.01 Definitions

1. “Responsible Party” shall mean any person owning, harboring, or having custody or control of a dog.
2. “Tethering” shall mean 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” shall not include the use of a leash to walk a dog.
3. “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.

Sec. 681.02 Restrictions on tethering

1. It shall be unlawful for any responsible party to tether a dog to any stationary object outdoors or cause such dog to be restrained in a manner that:

- (a) Restricts such dog's access to suitable and sufficient food, potable water and dry ground;
 - (b) 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;
 - (c) Unreasonably limits the movement of such dog to urinate or defecate in a separate area from the area where it must eat, drink or lie down;
 - (d) Exposes such dog to animal waste, garbage, noxious odors, taunting, prodding, provoking, hitting, or harassing that could injure or kill the dog; or
 - (e) Enables such dog to move outside of the property to which it is otherwise properly tethered.
2. No responsible party shall tether a dog to any stationary object outdoors if such dog is:
- (a) Less than six months of age;
 - (b) Sick or injured; or
 - (c) A nursing mother whose offspring are present.
3. Notwithstanding any provision to the contrary in this chapter, no responsible party shall tether a dog to any stationary object outdoors:
- (a) During a weather alert; or
 - (b) Between the hours of 11:00 p.m. and 6:00 a.m.

Sec. 681.03 Restrictions on types of tethering devices

1. No responsible party shall tether a dog to any object with a device that:
- (a) Restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog, which may cause choking or substantial discomfort to the dog;
 - (b) Is embedded, partially embedded or may become embedded in such dog's skin;
 - (c) Weights more than 15 pounds or more than 12.5% of the dog's total body

weight; or

(d) Is less than 10 feet in length.

Sec. 681.04 Enforcement and penalties

1. Upon the receipt of a complaint of a violation of this Chapter, the Westchester County Department of Public Safety or any other appropriate County or local municipal officer, employee or agent, shall enforce the provisions hereof.
2. For the first violation of this Chapter, a person shall be guilty of a violation and required to pay a fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000), or imprisonment for not more than fifteen (15) days, or both.
3. For any subsequent violation of this chapter, a person shall be guilty of a class "A" misdemeanor.

Sec. 681.05 Severability

If any section, subsection, sentence, clause, phrase or other portion of this Chapter is for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Chapter, which remaining portions shall continue in full force and effect.

Sec. 681.06 Effect of other laws and regulations

This Chapter shall not impair or supersede any ordinance, resolution or local law enacted by a village, town, or city within the County of Westchester which regulates tethering of dogs within its jurisdiction.

Sec 681.07 Reverse preemption

This Chapter shall be null and void on the day that statewide or federal legislation goes into effect incorporating either the same or substantially similar provisions as

are contained in this Chapter, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Westchester. The County Legislature may determine via a mere resolution whether or not identical or substantially similar statement legislation has been enacted for the purposes of triggering this provision of this section.

Section 2. This Local Law shall take effect immediately.

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 681, restricting the outdoor tethering of dogs."

The tethering of dogs involves restraining them by a rope or chain in a manner intended to restrict their movement. Incorrectly tethered dogs, or dogs tethered for too long, are at risk from extreme weather conditions and lack of proper food and shelter. Your Committee notes that regulating the outdoor tethering of dogs will help protect the most vulnerable members of the dog population in Westchester County from unsafe conditions. According to the American Veterinary Medical Association, dogs, like people, are susceptible to frostbite and hypothermia. Dogs that are tied up outside can also strangle or injure themselves on the attached tether.

Your Committee is further informed that the outdoor tethering of dogs can be inhumane and may present a threat to the safety of the dog, other animals and human beings. According to a study from the Centers for Disease Control, chained dogs are 2.8 times more likely to bite someone than non-chained dogs. In addition, dogs that are excessively tethered may become bored and anxious, which may create violent tendencies and lead to excessive barking. Studies have shown that animal abusers are up to five times more likely to commit violent crimes against people.

Notably, Suffolk County and Ulster County have recently enacted laws regulating dog tethering. Within Westchester County, the Village of Port Chester has enacted a law regulating dog tethering, while other jurisdictions such as the Village of

Ossining are considering similar code changes. By having a countywide law in place in Westchester County regulating dog tethering, law enforcement will be better equipped to ensure justice is served throughout the county. The intent of this Chapter is to improve the safety of the residents of Westchester County, as well as their pets, by regulating the amount of time and the manner in which dogs are tethered outdoors.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). Your Committee is advised that the Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law _____ . Your Committee concurs with that conclusion.

Your Committee, after careful consideration, recommends the adoption of this Local Law.

Dated: _____, 2019
White Plains, New York

RESOLUTION NO.- 2019

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Sec. 681.03 Restrictions on types of tethering devices

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Sec. 681.06 Effect of other laws and regulations

Sec. 681.07 Reverse preemption

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weight; or

(d) Is less than 10 feet in length.

Sec. 681.04 Enforcement and penalties

1. Upon the receipt of a complaint of a violation of this Chapter, the Westchester County Department of Public Safety or any other appropriate County or local municipal officer, employee or agent, shall enforce the provisions hereof.
2. For the first violation of this Chapter, a person shall be guilty of a violation and required to pay a fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000), or imprisonment for not more than fifteen (15) days, or both.
3. For any subsequent violation of this chapter, a person shall be guilty of a class "A" misdemeanor.

Sec. 681.05 Severability

If any section, subsection, sentence, clause, phrase or other portion of this Chapter is for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Chapter, which remaining portions shall continue in full force and effect.

Sec. 681.06 Effect of other laws and regulations

This Chapter shall not impair or supersede any ordinance, resolution or local law enacted by a village, town, or city within the County of Westchester which regulates tethering of dogs within its jurisdiction.

Sec 681.07 Reverse preemption

This Chapter shall be null and void on the day that statewide or federal legislation goes into effect incorporating either the same or substantially similar provisions as

are contained in this Chapter, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Westchester. The County Legislature may determine via a mere resolution whether or not identical or substantially similar statement legislation has been enacted for the purposes of triggering this provision of this section.

Section 2. This Local Law shall take effect immediately.