

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2019**

**A LOCAL LAW AMENDING CHAPTER 14 OF
THE TOWN CODE ENTITLED “DOGS”**

BE IT ENACTED by the Town Board of the Town of North Hempstead as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 14 of the Town Code entitled “Dogs” in order to establish new regulations and amend existing regulations addressing the outside tethering of dogs and adjust the penalties for certain offenses.

Section 2.

Section 14-9 of Chapter 14 of the Town Code is hereby amended as follows:

§ 14-9. Dogs to be restrained.

A. It shall be unlawful for a dog to be on public property or on private property without the consent of the owner or person in possession of such private property unless the dog is effectively restrained in the immediate custody and control of its owner or possessor by a chain or leash not exceeding six feet in length. A person owning or possessing a dog which is not so restrained, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this chapter. It shall be presumed that the presence of a dog on private property of a person other than the dog's owner or possessor is without the consent of the owner or person in possession of such private property.

B. **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. Restricts such dog's access to suitable food, fresh, potable water and dry ground;**
- 2. 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**

- 3. Unreasonably limits the movement of such dog because the restraint is too short for the dog to move around or for the dog to urinate or defecate in a area separate from the area where the dog must eat, drink or lie down.**

C. Notwithstanding the provisions of Subsection B of this section, no person 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, prong collar or a similar collar that restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog and which may cause choking or causes substantial discomfort to the dog;**
- 2. Is embedded, partially embedded or may become embedded in the dog's skin;**
- 3. Has weights attached or contains links that are more than 1/4 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 15 feet in length, except that the device may be in a shorter length if the length of 15 feet may allow activity prohibited by Section 14-9(C)(7) below;**
- 6. Because of its design or placement is likely to become entangled;**
- 7. Is long enough to allow such dog to move outside of its owner's property;**
- 8. Would allow the restrained dog to move over an object, including any fencing, barrier, or edge that could result in the strangulation of or injury to such dog; or**
- 9. Is fixed (i.e., does not swivel) on either end.**

D. No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for more than one continuous hour in any continuous twelve-hour period between the hours of 6:00 a.m. and 11:00 p.m.

E. No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors between the hours of 11:00 p.m. and 6:00 a.m.

- F.** **Multiple dogs shall not be tethered or restrained in such a manner that they are able to come into contact with one another at any point in time while restrained.**
- G.** **No person shall tether, leash, fasten, secure, restrain, chain, tie, pen or otherwise confine outdoors a dog when:**
- 1.** **The temperature is below 32° F.;**
 - 2.** **The temperature is above 90° F.;**
 - 3.** **The National Weather Service has issued a heat or wind chill advisory, watch or warning; or**
 - 4.** **Conditions are not appropriate due to the breed, physical condition and climate, as established pursuant to New York State Agricultural and Markets Law § 353-b.**
- H.** **The provisions of this section shall not apply to any federal, state or local law enforcement agency.**
- I.** **Notwithstanding the provisions of this section, no person shall allow a tethered, leashed, fastened, chained, tied, secured or restrained dog to be taunted, prod, hit, harassed, threatened, attacked or otherwise harmed by humans or other animals.**
- J.** **The provisions of this section shall not be construed to prohibit the Animal Warden, the American Society for the Prevention of Cruelty to Animals, the Nassau County Society for the Prevention of Cruelty to Animals or any law enforcement officer or peace officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.**
- K.** **Nothing in this section shall be construed to affect any other protections afforded to animals under any provision of law, including, but not limited to, the requirement of adequate shelter pursuant to § 353-b of the New York State Agriculture and Markets Law.**

Section 3.

Section 14-18 of Chapter 14 of the Town Code is hereby amended as follows:

§ 14-18. Penalties for offenses.

[Amended 3-1-1994 by L.L. No. 2-1994; 12-9-2014 by L.L. No. 20-2014]

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be guilty of a violation punishable: ~~[by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.]~~

A. For conviction of a first offense, by a fine of not less than \$500 and not more than \$750 or by imprisonment not exceeding 15 days, or by both.

B. For conviction of the second of two offenses, by a fine of not less than \$750 and not more than \$1,000 or by imprisonment not exceeding 15 days, or by both.

C. For conviction of a third or subsequent offense, by a fine of not less than \$1,000 and not more than \$1,500 or by imprisonment not exceeding 15 days, or by both.

Section 4.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person 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, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5.

This Local Law shall be effective upon filing with the Secretary of State.