

**Amendment in the Nature of a Substitution – Clerk Item 25-26**

**Introduced by:** Legislator Samantha Goetz

**Co-Sponsored by:** Presiding Officer Howard J. Kopel, Deputy Presiding Officer Thomas McKevitt, Alternate Deputy Presiding Officer Michael Giangregorio, and Legislators Patrick Mullaney, John J. Giuffre, Scott Strauss, Mazi Melesa Pilip, Kayla Knight, Rose Marie Walker, and James Kennedy

LOCAL LAW NO. \_\_\_\_\_

A LOCAL LAW TO AMEND TITLE 86 OF THE MISCELLANEOUS LAWS OF NASSAU COUNTY REGARDING THE PROHIBITION ON THE INHUMANE RESTRAINT OF PETS

APPROVED AS TO FORM  
  
Majority Counsel

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. §3(a)(3) of Title 86 of the Miscellaneous Laws of Nassau County, known as the “Tethering Law”, shall be amended as follows:

- (3) Confines the animal outdoors when:
- i. The temperature is below 35 degrees Fahrenheit;
  - ii. The temperature is above 85 degrees Fahrenheit; or
  - iii. The National Weather Service has issued a heat or wind chill advisory, watch or warning.
  - iv. 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.

§2. §3(c) of Title 86 of the Miscellaneous Laws of Nassau County, known as the “Tethering Law”, shall be amended as follows:

- c. No person shall tether, leash, fasten, secure, retrain, chain or tie an animal to any stationary object outdoors for more than 1 (one) hour in any 12 (twelve) hour period [.], and such action shall be prohibited between the hours of 11:00 P.M. and 6:00 A.M.
- d. No person shall tether, leash, fasten, secure, retrain, chain or tie an animal to any stationary object outdoors if the animal is:
  - (1) Less than six months of age;
  - (2) Sick or injured;
  - (3) A nursing mother whose offspring is present.
- e. Multiple animals 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.
- f. No person shall tether an animal to any stationary object outdoors unless such person remains on the premises where the animal is tethered.

§3. §4. of Title 86 of the Miscellaneous Laws of Nassau County, known as the “Tethering Law”, shall be amended as follows:

§4. Penalties.

- a. Any Person who violates this Title shall be guilty of a [violation] misdemeanor and subject to a maximum fine of \$500 for any first offense and/or imprisonment for up to 15 days. A second violation of this Title shall be a [violation] misdemeanor and subject to a maximum fine of \$750 and/or imprisonment up to 30 days. Any third or subsequent violation of this Title by a person shall be guilty of a misdemeanor, punishable by imprisonment not to exceed one year, or by a fine of not more than \$1000 or both.
- b. Any Person found guilty of an offense pursuant to this title may be subject to forfeiture of the animal at the discretion of the court which so adjudicates their guilt.

§4. §6. of Title 86 of the Miscellaneous Laws of Nassau County, known as the “Tethering Law”, shall be amended as follows:

[This Local Law shall not apply in any Town, City or Village that has adopted substantially similar local legislation.] This Title shall have no effect in any Town, City or Village located within

the County of Nassau which has enacted an ordinance, resolution or law regulating the restraint of animals within its jurisdiction, unless the Town, City or Village ordinance, resolution or law expressly provides and allows for the enforcement of this article within the Town, City or Village boundaries.

§5. 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.

§6. SEQRA Determination.

It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8. N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment, and no further review is required.

§7. Effective Date.

This Local Law shall take effect immediately.

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