

TOWN OF DEERFIELD, NEW YORK

LOCAL LAW #3 OF 2018

A LOCAL LAW AMENDING "THE TOWN OF DEERFIELD DOG CONTROL LAW"

(LOCAL LAW #2 OF 2010)

BE IT ENACTED BY THE TOWN BOARD OF THE  
TOWN OF DEERFIELD AS FOLLOWS:

**SECTION I: Purpose:**

The purpose of this Local Law is to address humane dog control within the Town, so as to include protection for dogs who are subject to excessive control or poor treatment at the hands of those who own or harbor them. Specifically, the amendments to the Dog Control Law are to be enacted to protect dogs who are left outdoors without means to protect themselves from the elements. It is believed that the humane treatment of dogs not only provides the animals with a better quality of life, but may also reduce the likelihood of dogs having harmful behaviors towards other animals and people.

**SECTION II: Amendments to the Town of Deerfield Dog Control Law:**

The following amendments are hereby adopted with respect to The Town of Deerfield Dog Control Law (Local Law No. 5 of 2010).

(A) "Section 3: Definitions" is hereby amended so as to include the following additional definitions:

- (i) "Extreme weather conditions" shall include inclement weather, being weather conditions that are likely to adversely affect the health or safety of the dog, including but not limited to rain, sleet, ice snow, wind, or extreme heat and cold, and otherwise consistent with the provisions of New York State Agriculture and Markets Law Section 353-b (1) (b), as may be amended from time to time.
  - (ii) "Weather alert" shall mean a broadcast of the National Weather Service regarding one of the following weather-related events, reasonably construed to be affecting the region in which the dog was left outdoors: blizzard warning, severe thunderstorm (watch or warning), severe weather statement, tornado (watch or warning), winter storm (watch or warning).
  - (iii) "Outdoors" shall mean a location outside a permanent structure capable of habitation or occupancy by people during an extreme weather event or period of time with temperatures falling below 32 ° Fahrenheit or greater than 90 ° Fahrenheit (depending on the applicable weather conditions), such as a house, apartment building, or office building. Examples of non-suitable outdoor structures include, without limitation, wire cages and non-insulated structures, including those made of plastic (e.g., calf hutch).
  - (iv) "Tether" shall include the actions of leashing, fastening, securing, chaining, tying, or otherwise restraining a dog to any stationary object outdoors.
  - (v) "Working dog" shall mean any dog that is trained to herd and/or protect livestock, control bird and/or wildlife populations, or otherwise is actually or has been used in connection with farming or agricultural purposes.
  - (vi) "Hunting dog" shall mean any dog that is trained to aid in taking of wildlife and is actually or has been used for such purposes, consistent with applicable law or regulation, including Environmental Conservation Law Section 11-0923, and local permits.
- (B) "Section 5. Prohibited Acts" is hereby amended so as to include an additional

prohibited act as follows:

"8." To remain tethered outdoors for longer than a period of 2 continuous hours at such time as when either (1) the actual air temperature is lower than 32° Fahrenheit (not accounting for wind chill), (2) the actual air temperature is greater than 90 ° Fahrenheit (no accounting for humidity levels), or (3) during such period of time as extreme weather conditions exist, where any such condition in (1), (2), or (3) above is actually known to such persons or reasonably should have been known to such person. Actual harm or injury need not be shown to prove a violation of the prohibition in this subsection.

(a) Rebuttable Presumptions.

Extreme weather conditions shall be presumed to have been present in the event that a weather alert was in effect for a region reasonably construed and commonly understood to be affecting the region in which the dog was left outdoors and during such time as the dog was left outdoors.

A dog exhibiting signs of frostbite shall be presumed to have been left outdoors for longer than a period of 2 continuous hours at such time as when the actual air temperatures was lower than 32° Fahrenheit.

A dog exhibiting signs of heatstroke shall be presumed to have been left outdoors for longer than a period of 2 continuous hours at such time as when the actual air temperatures was greater than 90° Fahrenheit.

(b) Exceptions.

This prohibition shall not apply:

- (i) to working dogs;
- (ii) to hunting dogs;
- (iii) to dogs on a leash or other restraint under direct supervision or control of persons actively engaged in recreational activities, including walking, jogging, or running; and
- (iv) to dogs required to be tethered under an applicable law, rule, regulation, or court order.

(c) "Section 5. Prohibited Acts" at subsection "7" is amended so as to reference in addition to "domestic animal", "companion animal" and "farm animal".

SECTION III: Effective Date

This Local Law shall be effective after its filing in the office of the Secretary of State.