

LOCAL LAW NO. "H" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO PROTECT CANINES FROM ENCLOSURE IN DANGEROUSLY HOT OR COLD VEHICLES

Introduced: 4/9/18

By Mr. Clenahan:

Section 1. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

"Person" means any individual, firm, partnership, corporation, company, society, association, or any organized group of persons, whether incorporated or not.

Section 2. Prohibitions.

(a) A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.

(b) After making reasonable efforts to locate the motor vehicle's owner, a police officer, peace officer, fire fighter, emergency medical technician, or local dog control or animal control officer may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. A police officer, peace officer, fire fighter, emergency medical technician, or local dog control or animal control officer may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.

(c) A police officer, peace officer, fire fighter, emergency medical technician, or local dog control or animal control officer who removes or otherwise retrieves an animal under this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name, title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.

(d) A police officer, peace officer, fire fighter, emergency medical technician, or local dog control or animal control officer who removes or otherwise retrieves an animal from a motor vehicle under subsection (b) is immune from criminal or civil liability that might otherwise result from the removal.

(e) After making reasonable efforts to locate the motor vehicle's owner, a person not authorized under subsection (b) may enter a motor vehicle using reasonable means to protect the health and safety of an animal; provided, however, that the person:

(1) determines that there are no reasonable means of egress for the animal from the vehicle;

(2) has a good faith and reasonable belief, based upon known circumstances, that entry into the vehicle is reasonably necessary to prevent imminent danger or harm to the animal;

(3) notifies law enforcement or calls 911 before entering the vehicle;

(4) shall not use more force than reasonably necessary to enter the motor vehicle and remove the animal; and

(5) remains with the animal in a safe location in reasonable proximity to the vehicle until law enforcement or another first responder arrives.

(f) A person who removes an animal from a motor vehicle pursuant to subsection (e) is immune from criminal or civil liability that might otherwise result from the removal.

Section 3. Enforcement.

This Local Law shall be enforced by the office of the Albany County Sheriff and may also be enforced by any police officer, peace officer, fire fighter, emergency medical technician, or local dog control or animal control officer with jurisdiction within Albany County.

Section 4. Penalties for offenses.

A violation of this Local Law shall be punishable by a fine of not more than \$150 for a first offense, by a fine of not more than \$300 for a second offense and by a fine of not more than \$500 for a third or subsequent offense.

Section 5. Applicability.

This article shall apply to all actions occurring on or after the effective date of this Local Law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local 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 Local 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.

Section 7. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

Referred to Law and Public Safety Committees – 4/9/18