



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: January 28, 2026

Sponsored by Council Members: Dundon, Cavanaugh, Hotchkiss, Mativetsky

Introduced by Committee: Municipal and Public Affairs

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 178,
ANIMALS, TO ADD PROTECTIONS FOR DOGS

WHEREAS, Corporation Counsel, the Chief of Police, and the Mayor of the City of Binghamton have recommended that the Code of the City of Binghamton, Chapter 124 be amended in the following sections: Chapter 124, *Personnel Policies*, §124-39, *Definition*, subsection 2, Chapter 124, and *Personnel Policies*, §124-39A, *Standard work day*, and

WHEREAS, City Council wishes to amend Code of the City of Binghamton accordingly.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton, Chapter 124, is hereby amended by adding a new Article VII entitled "Protection of Dogs" as follows:

ARTICLE VII, Protection of Dogs

§178-43. Short title; scope

This article shall be known as the City of Binghamton Dog Protection Ordinance and shall apply to the division of animal control and the Binghamton Police Department.

§178-44. Prohibition

No person who owns or has custody or control of a dog shall knowingly leave such dog outdoors for longer than a period of two (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 person 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 two (2) continuous hours at such time as when the actual air temperature 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 two (2) continuous hours at such time as when the actual air temperature was greater than 90° Fahrenheit.

B. Exceptions. This article shall not apply:

- (1) To working dogs;
- (2) To hunting dogs;
- (3) To dogs on a leash or other restraint under direct supervision or control of a person; and
- (4) To dogs required to be tethered or confined under an applicable law, rule, regulation, or court order.

C. Definitions. For purposes of this article, the terms listed below have specific definitions, as follows:

- (1) 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.
- (2) 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).
- (3) 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).
- (4) Working dog shall mean any dog that is trained to herd and/or protect livestock, control bird and/or wildlife populations, or is actually or has been used in connection with farming or agricultural purposes.
- (5) 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.

§178-45. Enforcement, penalties, and registration obligations.

A. Enforcement officers. This article shall be enforced by the city of Binghamton Animal Control Officers, city of Binghamton Police Officers, Broome County Sheriff's Office, or designee, and may also be enforced by any police officer, local dog control officer, peace officers, animal control officer, New York State Police, having jurisdiction within Broome County, or any other officers as may be designated by the common council via ordinance from time to time (where any such officer shall be an "enforcement officer"). Such enforcement officers shall have the authority to enforce the provisions of this article and to take such necessary and related enforcement actions, including, without limitation, accepting, recording, and investigating complaints, issuing appearance tickets, obtaining

supporting depositions, and preparing and submitting criminal and civil complaints to a court of competent jurisdiction.

- B. *Classification of offense.* Any person who violates the prohibitions found within section 178-44 of this article, shall, upon conviction thereof, be guilty of a violation, as defined in Section 55.10 of the New York State Penal Law, as may be amended from time to time. Each calendar day in which such person violates section 178-44 of this article shall constitute a separate offense.
- C. *Penalties and registration.* The court, in its discretion, may impose a sentence of imprisonment to be fixed by the court for a term not to exceed fifteen (15) days, consistent with Section 70.15(4) of the New York State Penal Law, a sentence to pay an amount to be fixed by the court not exceeding the amount of two hundred fifty dollars (\$250.00), consistent with Section 80.05(4) of the New York State Penal Law, or both. The court may also elect to cause the dog(s) underlying the basis of the conviction to be surrendered or otherwise forfeited by the person after such conviction. The surrender or forfeiture shall be to an enforcement officer, as provided herein above. In lieu of or in addition to any other penalty imposed under this article, the court may impose upon any person who fails to comply with section 178-44 of this article a civil penalty, enforceable and collectable by the city of Binghamton, in the amount of one hundred fifty dollars (\$150.00) for a first offense, two hundred fifty dollars (\$250.00) for a second offense, and five hundred dollars (\$500.00) for each additional offense.

Section 2. Except as hereinabove amended, the remainder of the Code of the City of Binghamton shall remain in full force and effect.

Section 3. That this ordinance shall take effect immediately.

Introductory No. 026-13

Permanent No. 026-13

Sponsored by City Council Members: Dundon, Cavanaugh, Hotchkiss, Mativetsky

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BINGHAMTON, CHAPTER 178, ANIMALS, TO ADD PROTECTIONS FOR DOGS

The within Ordinance was adopted by the Council of the City of Binghamton.

Date 1/28/26

City Clerk [Signature]

Date Presented to Mayor 1/29/26

Date Approved 2/1/26

Mayor [Signature]

	Ayes	Nays	Abstain	Absent
Councilmember Murray	✓			
Councilmember Middleton				✓
Councilmember Cavanaugh	✓			
Councilmember Hotchkiss	✓			
Councilmember Mativetsky	✓			
Councilmember Rathmell	✓			
Councilmember Dundon				✓
Total	5	0	0	2

Code of the City of Binghamton

Adopted Defeated

5 Ayes 0 Nays 0 Abstain 2 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 1/28/26. Approved by the Mayor on 2/1/26.