

Intro. Res. No. 1104-2011
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 2/1/2011

**RESOLUTION NO. 212 -2011, ADOPTING LOCAL LAW
NO. 19 -2011, A LOCAL LAW TO PROHIBIT PET WASTE AND
WATERFOWL FEEDING ON COUNTY PROPERTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on February 1, 2011, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT PET WASTE AND WATERFOWL FEEDING ON COUNTY PROPERTY;**" and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 19 -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT PET WASTE AND WATERFOWL
FEEDING ON COUNTY PROPERTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK, as follows:**

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the presence of pet and waterfowl fecal matter on County property produce harmful bacteria which present a threat to public health and water quality of our harbors, bays, lakes, and ponds.

This Legislature further finds that the feeding of migratory waterfowl, such as Canada Geese, encourages them to halt their normal migrations and establish residency in Suffolk County, makes them susceptible to avian diseases, and causes nutritional problems.

This Legislature further finds that the County is required to implement a local law prohibiting pet waste and the feeding of geese on municipal properties pursuant to 33 U.S.C § 1342, the rules and regulations promulgated there under and the New York Environmental Conservation Law Article 17, Title 8.

This Legislature further finds it necessary to provide for the health, safety, and general welfare of the citizens of Suffolk County by prohibiting the feeding of waterfowl that results in:

A. An increase of pathogen loads to waterbodies; or

B. A violation of the State Pollutant Discharge Elimination System General Permit No. GP-0-10-002, as amended, for Stormwater Discharges from Municipal Separate Storm Sewer Systems, issued by the New York State Department of Environmental Conservation to Suffolk County pursuant to New York State Environmental Conservation Law Article 17, Title 8.

This Legislature further finds it necessary to provide for the health, safety, and general welfare of the citizens of Suffolk County by prohibiting the feeding of waterfowl that may result in:

A. A violation of a Total Maximum Daily Load Allocation; or

B. A violation of a Federal or State water quality standard.

This Legislature further finds that the above General Permit No. GP-0-10-002, as amended, also requires the County to implement a local law to prohibit feeding of waterfowl on municipal properties and to implement appropriate enforcement procedures and actions.

Therefore the purpose of this law is to create a local law to prohibit pet waste and goose feeding on all County property to protect the health and safety of the citizens of Suffolk County, to protect the County's water quality by reducing the amount of fecal matter deposited in the water and adjacent shoreline, and to establish an enforcement program to accomplish these goals.

Section 2. Definitions.

As used in this law, the following terms shall have the meaning indicated:

COUNTY PROPERTY -- Any land which is owned, maintained, leased or managed by Suffolk County for any purpose whatsoever, including but not limited to roads, parks, preserves, and beaches.

FEED -- To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing migratory waterfowl.

PET -- Any domesticated animal kept for pleasure, not utility, and normally maintained in or near the household of the owner thereof.

PERSON -- Individuals; natural persons; partnerships; joint ventures; societies; associations; clubs; corporations; unincorporated groups of any members; or officer, directors or stockholders or any kind of personal representative thereof, in any capacity, acting for himself or for any other person, under either personal appointment or pursuant to law.

WATERFOWL -- Bird that frequents water, whether migratory or domestic, including but not limited to Canada geese, mute swans and mallard ducks.

Section 3. Prohibitions.

- A. No person owning, harboring, keeping, possessing or in charge of any pet shall cause, suffer or allow such pet to soil, defile or defecate on County property unless all feces are immediately collected by said person in a sanitary manner, sealed and deposited in a garbage receptacle. In areas where a garbage receptacle is not on site, the sealed bag of feces shall be removed from the County property and deposited in the said person's garbage receptacle.
- B. No person shall feed or provide food for any waterfowl on County property at any time of the year.

Section 4. Exemptions.

The prohibition set forth in Section 3. A. shall not apply to a person who is handicapped or who is visually impaired and accompanied by a guide dog or service dog.

Section 5. Penalties for Offense.

Any person violating this law shall be guilty of a petty offense and such petty offense shall, upon conviction thereof, be punishable by a fine in an amount not less than \$50.00, nor more than \$400.00.

Section 6. Enforcement.

- A. An appearance ticket for a violation of this law may be issued by any police officer, peace officer or park ranger employed by Suffolk County.
- B. An appearance ticket for a violation of this law may be issued by any employee designated for such purpose by the Commissioner of any Suffolk County Department having jurisdiction over the County property where the offense occurs.

Section 7. Applicability.

This law shall apply to all instances of uncollected pet feces, improperly disposed of pet feces, and waterfowl feeding on County property occurring on or after the effective date of this law.

Section 8. 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.

Section 9. SEQRA Determination.

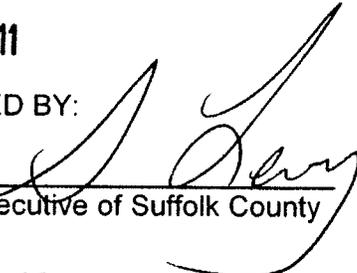
This Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), N.Y. Environmental Conservation Law Article 8 and Chapter 279 of the Suffolk County Code, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(20) and (27), in that the action constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

Section 10. Effective Date.

This law shall become effective ninety (90) days subsequent to filing with the New York State Secretary of State.

DATED: MAR 22 2011

APPROVED BY:



County Executive of Suffolk County

Date:

APR 11 2011

After a public hearing duly held on April 5, 2011
Filed with the Secretary of State on April 28, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on March 22, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1104

Res. No.

212

March 22, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

MOTION	
<input checked="" type="checkbox"/> Approve	
___ Table: _____	
___ Send To Committee	
___ Table Subject To Call	
___ Lay On The Table	
___ Discharge	
___ Take Out of Order	
___ Reconsider	
___ Waive Rule ___	
___ Override Veto	
___ Close	
___ Recess	
APPROVED <input checked="" type="checkbox"/> FAILED ___	
No Motion ___ No Second ___	

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote