Intro. Res. No. 1277-2011 Laid on Table 3/22/2011
Introduced by Legislators Cooper, Stern and Romaine

RESOLUTION NO. 395 -2011, ADOPTING LOCAL LAW NO. -2011, A LOCAL LAW TO PROTECT ANIMALS IN SUFFOLK COUNTY FROM ABUSE

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 22, 2011, a proposed local law entitled, "**A LOCAL LAW TO PROTECT ANIMALS IN SUFFOLK COUNTY FROM ABUSE**"; now, therefore be it

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

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

A LOCAL LAW TO PROTECT ANIMALS IN SUFFOLK COUNTY FROM ABUSE

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 animal cruelty is a serious problem, resulting in the abuse of thousands of animals each year in the United States.

This Legislature also finds and determines that Suffolk County is taking a leading role in protecting animals from abuse by creating an online registry containing identifying information of persons convicted of animal abuse crimes.

This Legislature further finds and determines that people who have abused animals in the past are likely to do so in the future, with 100% recidivism rates for certain types of abuse.

This Legislature finds that animals in need of homes should be protected from potential abusers.

This Legislature determines that persons listed on the Animal Abuser Registry should not be eligible to purchase or adopt any animal in Suffolk County for a period of five years.

This Legislature also finds that by creating an Animal Abuser Registry, Suffolk County has provided local animal shelters and pet dealers with access to important information about potential clients.

This Legislature finds that pet stores, pet dealers, breeders, animal shelters, and concerned members of the public will be able to sign up for e-mail notifications on updates and additions to the Animal Abuse Registry.

This Legislature further finds that pet stores, pet dealers, breeders, and animal shelters should check the names of potential purchasers or adopters against the County's

Animal Abuser Registry, to prevent animal abusers from purchasing or adopting potential victims.

Therefore, the purpose of this law is to prohibit pet stores, pet dealers, breeders, and animal shelters from making sales or allowing adoptions of animals to persons appearing on the Animal Abuser Registry.

Section 2. Definitions.

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

"ANIMAL" shall mean any live mammal, fish, or reptile, but shall not include feeder animals.

"ANIMAL SHELTER" shall mean any public or privately owned organization in Suffolk County which maintains property, buildings or structures for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate permanent homes for such animals. For the purpose of this law, the term "animal shelter" shall not apply to a facility commonly known as a "boarding kennel," where the ownership of the animal is not transferred; a facility commonly known as a "pet store," where animals are offered for sale as all or part of a business; an animal hospital owned, operated or supervised by a licensed veterinarian; or a facility where the owner or operator is licensed by the New York State Department of Environmental Conservation as a nuisance wildlife control agent or wildlife rehabilitator.

"BREEDER" shall mean any person who breeds nine or more animals per year.

"FEEDER ANIMAL" shall mean any animal sold to be used as food for other animals. This definition shall include, but not be limited to, mice, chicks and crickets.

"PERSON" shall mean any natural individual.

"PET DEALER" shall mean any individual, firm, partnership, corporation, company or other entity which sells or offer for sale more than nine animals in any given calendar year. This definition shall include pet stores, as defined in this law, and breeders who sell or offer to sell directly to the consumer animals born and raised on the breeder's residential premises.

"PET STORE" shall mean any facility of an individual, firm, partnership, corporation, company or other entity which offers animals for sale as all or part of a business.

Section 3. Requirements.

A. Any person seeking to purchase or adopt an animal in Suffolk County shall provide an animal shelter or pet dealer with a photographic identification prior to purchase.

B. Any animal shelter or pet dealer operating in Suffolk County shall check the name and likeness of any person seeking to purchase or adopt an animal against the Animal Abuser Registry.

Section 4. Prohibitions.

No animal shelter or pet dealer operating in Suffolk County shall knowingly sell, offer, deliver or provide an animal to any person registered on the Suffolk County Animal Abuser Registry.

Section 5. Penalties.

Any animal shelter or pet dealer who violates this law shall be guilty of a violation and subject to a fine of five hundred dollars for any first offense. A second violation of this law shall be a violation and subject to a fine of one thousand dollars. A third or subsequent violation of this law shall be a violation and subject to a fine of one thousand five hundred dollars.

Section 6. Applicability.

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

Section 7. 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 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect on the one hundred twentieth (120th) day following its filing in the Office of the Secretary of State.

DATED: May 10, 2011

APPROVED BY:

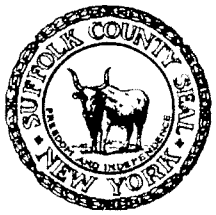
VETOED

County Executive of Suffolk County

Date: June 9, 2011

VETO OVERRIDE ADOPTED ON JUNE 21, 2011

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

June 9, 2011

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RE: RESOLUTION NO. 395 – 2011, ADOPTING LOCAL LAW NO. -2011, A LOCAL LAW TO PROTECT ANIMALS IN SUFFOLK COUNTY FROM ABUSE.

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 395 – 2011; ADOPTING LOCAL LAW NO. -2011, A LOCAL LAW TO PROTECT ANIMALS IN SUFFOLK COUNTY FROM ABUSE;** vetoed in its entirety.

Let me assure the Legislature that I have been wholeheartedly supportive of its many initiatives to ensure the safety and wellbeing of pets and animals in our county and I believe the bill is well intentioned. I can support legislation that relates to a typical family pet such as a dog or cat. However, this resolution – which requires a check of identification and a cross-referencing to the Animal Abuse Registry for the commercial purchase of any type of animal – is an instance of government going too far.

I am supportive of background checks for those purchasing a dog or cat from a commercial breeder or pet shop, or those purchasing a horse from a breeder, and I would support a new resolution that proposes those regulations. However I fail to see the need for government to mandate this intrusive type of scrutiny over the purchase of every fish or reptile.

The Animal Abuse Registry, which is to be maintained by the Suffolk Society for the Prevention of Cruelty to Animals (however is not yet operational) is not likely to ever have reported instances of cruelty to goldfish. Do we really think it advisable to require a patron to show identification in order to purchase an ant farm or guppy for their child?

Furthermore, while the resolution has argued for the sanctity of all animal life, the resolution paradoxically exempts "feeder animals" – such as chicks, mice or insects

LOCATION:
H. LEE DENNISON BUILDING, 12th FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS:
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

OFFICE (631) 853-4000
FAX (631) 853-4818

raised and purchased with the sole intent of being fed to other animals. While the exemption is warranted, there are many lower forms of animal life that would not fit that feeder criteria.

I encourage the sponsor to revise and resubmit the legislation to include the sale of dogs and cats but exclude smaller animals, which have not historically been subject to reported abuse. I believe that legislation would garner much support. However as written, the resolution goes further than necessary.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,

Steve Levy
County Executive of Suffolk County

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Christopher Kent, Chief Deputy County Executive
Edward Dumas, Chief Deputy County Executive
Eric Naughton, Deputy County Executive for Finance and Management
Ken Crannell, Deputy County Executive
Connie Corso, Budget Director
Eric Kopp, Assistant Deputy County Executive
Dan Aug, Director of Communications
Mark L. Smith, Deputy Director of Communications

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 May 10, 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. 1277 Res. No. 395 May 10, 2011

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

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-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	Sarah S. ANKER	✓				
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	18				

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube
Tim Laube, Clerk of the Legislature

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 June 21, 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. 1277 Res. No. 395 June 21, 2011

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

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Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
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5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION

____Approve
____Table:_____
____Send To Committee
____Table Subject To Call
____Lay On The Table
____Discharge
____Take Out of Order
____Reconsider
____Waive Rule ____
X Override Veto
____Close
____Recess

APPROVED X FAILED____
No Motion___ No Second___

RESOLUTION DECLARED

____ADOPTED
____NOT ADOPTED

Roll Call____Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature