

**RESOLUTION NO. 750 -2011, ADOPTING LOCAL LAW
NO. 50 -2011, A LOCAL LAW TO AMEND RESOLUTION NO.
395-2011, 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 August 2, 2011, a proposed local law entitled, "**A LOCAL LAW TO AMEND RESOLUTION NO. 395-2011, 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. 50 -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AMEND RESOLUTION NO. 395-2011, 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 this Legislature approved Resolution No. 395-2011, which requires pet stores to check the name of potential animal purchasers against the Suffolk County Animal Abuse Registry prior to selling certain animal.

This Legislature also finds and determines that, following the passage of this legislation, concerns were raised that some of the animals covered under this law were not at risk for abuse and other animals not covered under this law may be in danger if not included.

This Legislature further finds and determines that Resolution No. 395-2011 should be amended to reflect these concerns to ensure that the law covers all animals requiring protection from abuse.

Therefore, the purpose of this law is to amend Resolution No. 395-2011 to remove fish from the definition of animal and add birds to same.

Section 2. Amendments.

Section 2 of Resolution No. 395-2011 is hereby amended as follows:

Section 2. Definitions.

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

“ANIMAL” shall mean any live mammal, ~~[fish]~~ bird, or reptile, but shall not include feeder animals.

Section 3. Applicability.

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

Section 4. 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 5. 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 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: September 15, 2011

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED OCTOBER 17, 2011

After a public hearing duly held on October 4, 2011
Filed with the Secretary of State on October 31, 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 September 15, 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.

1625

Res. No.

750

September 15, 2011

Motion:

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

Co-Sponsors:

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

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
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 | 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 |
|---|
| <input checked="" type="checkbox"/> Approve |
| Table: _____ |
| <input type="checkbox"/> Send To Committee |
| <input type="checkbox"/> Table Subject To Call |
| <input type="checkbox"/> Lay On The Table |
| <input type="checkbox"/> Discharge |
| <input type="checkbox"/> Take Out of Order |
| <input type="checkbox"/> Reconsider |
| <input type="checkbox"/> Waive Rule _____ |
| <input type="checkbox"/> Override Veto |
| <input type="checkbox"/> Close |
| <input type="checkbox"/> Recess |
| APPROVED <input checked="" type="checkbox"/> FAILED _____ |
| No Motion _____ No Second _____ |

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote