

**RESOLUTION NO. 423 -2014, ADOPTING LOCAL LAW  
NO. 16 -2014, A LOCAL LAW TO REGULATE PET DEALERS  
AND PET STORES IN THE COUNTY OF SUFFOLK**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on February 11, 2014, a proposed local law entitled, "**A LOCAL LAW TO REGULATE PET DEALERS AND PET STORES IN THE COUNTY OF SUFFOLK;**" now, therefore be it

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

**LOCAL LAW NO. 16 -2014, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REGULATE PET DEALERS AND PET  
STORES IN THE COUNTY OF SUFFOLK**

**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 pets, especially dogs and cats, are a part of many families throughout Suffolk County.

This Legislature also finds and determines that many families choose to purchase their dog or cat at a pet store.

This Legislature further finds and determines that pet stores vary widely in their care and treatment of the animals they sell, with some treating their animals like extended family while others barely meet State requirements.

This Legislature finds that dog and cat breeders that cater to pet stores also vary significantly in their treatment of newborn animals and the way they breed new litters.

This Legislature determines that some pet breeders operate substandard commercial facilities that expose animals to inhuman and unsafe living conditions to increase profit margins.

This Legislature also finds that it can be difficult for consumers to judge how a pet store cares for the animals it sells or how the animal was treated at their breeder's facility.

This Legislature further finds that the New York State Legislature recently enacted legislation which, for the first time, empowers local governments to regulate pet dealers.

This Legislature also determines that the County of Suffolk should enact a reasonable framework for pet dealers and the operation of pet stores that supplements existing state regulations and which serves to protect both consumers and the animals offered for sale.

Therefore, the purpose of this law is to establish requirements for pet dealers and pet stores operating in the County of Suffolk.

## **Section 2. Definitions.**

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

“ANIMAL” shall mean a cat or dog.

“BREEDER” shall mean any person who breeds nine (9) or more cats or dogs per year.

“BROKER” shall mean any person who imports, buys, sells or trades cats, dogs, kittens or puppies in wholesale channels. Brokers are not required to take physical possession of the animals to be deemed as such.

“CAT” shall mean an animal of the genus Felis of the family Felidae.

“DOG” shall mean an animal of the genus Canis of the family Canidae.

“PERSON” shall mean natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

“PET DEALER” shall mean any person who engages in the sale or offering for sale of more than nine (9) animals per year for profit to the public. Such definition shall include breeders who sell or offer to sell animals; except a breeder who sells or offers to sell directly to consumers fewer than 25 animals per year that are born and raised on the breeder’s residential premises shall not be considered a pet dealer. Such definition shall further not include duly incorporated humane societies dedicated to the care of unwanted animals which make such animals available for adoption whether or not a fee is charged for such adoption.

“PET STORE” shall mean a business establishment owned and/or operated by a pet dealer.

“USDA” shall mean the United States Department of Agriculture.

## **Section 3. General Requirements.**

- A. No animal shall be offered for sale, trade or give-away by a pet dealer or pet store unless the animal is at least 8 weeks old, is in good health and has been weaned from its mother.
- B. No pet dealer shall obtain animals originating from a breeder who has received: 1) a direct violation from the USDA within the past 2 years, 2) “no access” violations on the two most recent inspection reports from the USDA, 3) 3 or more different indirect violations, other than “no access violations”, on the most recent USDA report or 4) one or more reoccurring indirect violations on the most recent USDA report.
- C. Any animal offered for sale, trade or give-away by a pet dealer or pet store shall have daily access to appropriate amounts of clean, fresh water and clean, fresh food no less than twice per day.

- D. Any pet dealer or pet store offering animals for sale, trade or give-away shall, upon request of the prospective consumer, make available a copy of the most recent inspection reports conducted by the USDA and the animal's state of origin of the breeder and/or broker from which the subject animal came. Pet dealers and pet stores shall post the statement "USDA inspection reports are available upon request" on the bottom of signs required pursuant to New York State General Business Law § 753-b and shall be subject to the same standards of readability.
- E. Any pet dealer or pet store offering animals for sale, trade or give-away shall retain each invoice they receive from the broker or breeder from whom they obtain their animals for a period of at least 2 years. A copy of the invoice must be provided to the Department of Labor, Licensing and Consumer Affairs upon the Department's request.
- F. Any pet dealer or pet store offering animals for sale, trade or give-away shall make sterilization services available to the consumer for animals sold at an age at which such procedures may be performed safely. Consumers shall be responsible for any costs associated with utilizing such services.

#### **Section 4. Primary Animal Enclosures Requirements for Pet Dealers.**

- A. Any primary animal enclosure used to house an animal offered for sale, trade, or give-away shall house a maximum of four animals.
- B. The required floor space for each animal in an enclosure shall be the number that results from making the following calculation: (length of the largest animal in inches measured from nose to tail +6)<sup>2</sup> divided by 144 = required floor space in square feet. For a single animal housed in an enclosure alone, the enclosure's floor space shall be a minimum of 2 square feet, provided the calculation above would result in a smaller space.
- C. The interior height of the primary enclosure must be at least six inches higher than the head of the tallest animal when it is in a normal standing position.
- D. Any enclosure made from wire must contain a resting board of sufficient size for the contained animals to lie, stretch, walk and stand without touching other animals and without touching the sides of the containment structure or wire.
- E. Animal enclosures shall be stacked no more than 2 enclosures high. The top most stacked enclosure must have a solid floor that will not permit food or debris to fall into any lower cage.
- F. Any primary animal enclosure shall have a tag with the following information about each animal who is housed therein:
  - 1. Breed of the animal, if known;
  - 2. Sex of the animal;
  - 3. Color or other identifying markers;
  - 4. Date of the animal's birth;
  - 5. The name, state and USDA license number of the breeder; and
  - 6. The name, state and USDA license number of the broker, if applicable.

**Section 5. Exemption.**

Pet dealers and pet stores may use animal enclosures that are stacked three enclosures high if they were purchased and installed by the pet store or pet dealer prior to the effective date of this law, provided that they have solid floors between each level, but this exemption will lapse and terminate five years after this law's effective date. All other requirements associated with animal enclosures shall remain in effect.

**Section 6. Enforcement.**

- A. This law shall be enforced by the Department of Labor, Licensing and Consumer Affairs.
- B. The Department of Labor, Licensing and Consumer Affairs shall inspect each pet store operating in the County of Suffolk at least once annually and shall make additional inspections of any pet store should it observe or receive credible evidence of violations.

**Section 7. Rules and Regulations.**

The Commissioner of the Department of Labor, Licensing and Consumer Affairs is hereby authorized, empowered and directed to promulgate such rules and regulations as he or she deems necessary to implement the provisions of this law.

**Section 8. Penalties.**

- A. Any pet dealer or pet store which violates any provision of this law shall be assessed a civil fine of up to \$500 per violation. Each individual violation of the provisions shall be considered a separate and distinct offense.
- B. A civil penalty shall only be assessed by the Commissioner of the Department of Labor, Licensing and Consumer Affairs following a hearing and opportunity for an alleged violator to be heard.

**Section 9. Applicability.**

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

**Section 10. 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 11. 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 12. Effective Date.**

This law shall take effect 120 days following its filing in the Office of the Secretary of State.

DATED: June 3, 2014

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: June 18, 2014

After a public hearing duly held on June 16, 2014  
Filed with the Secretary of State June 30, 2014