

RESOLUTION NO. 468 -2016, ADOPTING LOCAL LAW NO. 16 -2016, A LOCAL LAW TO REGULATE PET GROOMING BUSINESSES OPERATING IN SUFFOLK COUNTY (“GINGER’S LAW”)

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 22, 2016, a proposed local law entitled, "**A LOCAL LAW TO REGULATE PET GROOMING BUSINESSES IN SUFFOLK COUNTY (“GINGER’S LAW”)**"; now, therefore be it

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

LOCAL LAW NO. 16 -2016, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REGULATE PET GROOMING BUSINESSES IN SUFFOLK COUNTY (“GINGER’S LAW”)

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 are an integral part of many families in the County of Suffolk.

This Legislature further finds and determines that many families choose to use pet groomers to maintain their pet’s appearance, health or well-being, entrusting them to the care of professionals skilled in styling animals.

This Legislature finds that pet groomers provide their services in fixed storefronts and mobile grooming vans, or they provide in-home services.

This Legislature determines that, unfortunately, some pet groomers do not adhere to appropriate safety and sanitary practices, endangering the health and well-being of pets placed in their care.

This Legislature also finds that irresponsible actions by some pet groomers can cause pets to be injured, suffer allergic reactions or even die.

This Legislature further finds that pet groomers should be required to register with the County of Suffolk and follow basic rules to provide safe grooming services to County residents.

Therefore, the purpose of this local law is to require pet groomers to register with the County and to follow common sense care and safety regulations when providing their services.

Section 2. Definitions.

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

“Apprentice” – a person who is engaged in learning and acquiring knowledge of pet grooming or styling under the direction and supervision of a pet groomer.

“Box Dryer” – a piece of equipment that is attached to, or near, a cage or enclosure for the purpose of drying or aiding in the drying of a pet contained in a cage or enclosure, and which is capable of functioning without a person manually holding a dryer.

“Cage or Crate” – a safe and humane container for the keeping and/or housing of pets in a facility.

“Commissioner” – the Commissioner of the Suffolk County Department of Labor, Licensing and Consumer Affairs.

“Department” – the Suffolk County Department of Labor, Licensing and Consumer Affairs.

“Incident” – when the skin of any pet or person is broken or a pet has an allergic reaction during the course of a grooming session.

“Pet” – any dog, cat or other animal accepted for grooming or styling.

“Pet Groomer” – any individual who clips, trims, styles, bathes or dries a pet for financial remuneration.

“Pet Grooming Business” – any person, corporation, firm or proprietorship or other entity or business organization that engages in a business that provides pet grooming or styling services. This shall include businesses that provide their services at a commercial building, from a mobile unit, from the business owner’s home, or are provided at a customer’s home, grounds or business using equipment provided by a pet groomer.

“Pet Friendly” – Any product, chemical, tool or piece of equipment which is safe for use on pets.

“Pet Restraint” – Any tool or piece of equipment used or attached to a grooming arm, tub or other facility, fixture or equipment to hold a pet safely and under control.

Section 3. Pet Grooming Registration Required.

- A. No pet grooming business shall operate within the County of Suffolk unless it has registered with the Department in accordance with the provisions of this section. The initial application fee for registration of a pet grooming business shall be \$50. Registration shall be filed biennially for a fee of \$100.
- B. Each registrant must provide the following information and appropriate supporting documentation to the Department:
 - 1. The name of the pet grooming business.
 - 2. The principal address and the names of all owners of the business.
 - 3. Documents providing proof of professional and general liability and property damage insurance and workers’ compensation.

- C. No applicant for registration or renewal shall have any outstanding judgment for child support against him or her, or be in arrears in child-support payments as determined by official court records or official government records, at the time an application is filed for such registration or renewal. If an applicant has such a judgment against him or her, or is in such arrears, but is current in payments on a judicially approved, or Child Support Enforcement Bureau sanctioned, payment schedule to pay off or reduce such judgment or arrears, then such individual shall not be deemed ineligible for registration or renewal on the grounds of such judgment or arrears. At least 30 days prior to the expiration of a registration, the Office shall send a written notice to a registrant informing said registrant of his or her obligation to comply with the provisions of this section pertaining to compliance with child-support obligations. If necessary, a second written notice shall be sent by the Office to a registrant 60 days after the registration has lapsed, informing said registrant of his or her obligation to comply with the provisions of this section pertaining to compliance with the child-support obligations. In addition, the County Department of Social Services, through its Child Support Enforcement Bureau, shall notify all current noncustodial parents of the obligations contained herein.
- D. The Department shall provide each pet grooming business which has complied with registration requirements a registration certificate and an identification card, which shall have a registration number and expiration date.
- E. Pet grooming businesses shall display their County registration number on all vehicles and identification used by employees.

Section 4. Pet Groomer Registration.

- A. No natural person shall provide services as a pet groomer in Suffolk County unless they have registered with the Department in accordance with the provisions of this law. The initial application fee for registration as a pet groomer shall be \$25. Registration shall be filed biennially for a fee of \$50. Registrants who are owners of registered pet grooming businesses shall be exempt from the pet groomer fees. Registrants must be at least 18 years of age.
- B. Each registrant must provide the following information and appropriate documentation to the Department:
 - 1. Proof of age.
 - 2. Documents demonstrating that the applicant has either:
 - a. received training in the field of pet grooming for at least 150 hours, either as an apprentice or from a school or institution that provides instruction in pet grooming, or
 - b. has continually operated a business providing pet grooming services or has been employed as a pet groomer for a period of at least one (1) year prior to the effective date of this law.
- C. The Department shall provide each pet groomer who has complied with the registration requirements a registration certificate and an identification card, which shall have a registration number and expiration date.
- D. Natural persons who are employed by only one pet grooming business shall be exempt from the individual pet groomer registration requirements set forth in this law.

Section 5. Health and Safety Standards.

- A. Pet grooming businesses shall provide temporary housing for pets that is in good repair, safe, secure and stable. Pets should be able to sit, stand and turn around comfortably in any crate or enclosure. All pet housing shall be sufficiently ventilated and climate controlled for the health and safety of the pet.
- B. Pet grooming businesses and groomers must offer fresh water to any pet confined more than four (4) hours.
- C. No pet shall be left unsupervised while on a grooming table or in the bathing areas.
- D. Bathing areas used by grooming businesses should be in safe, operational condition with non-slip flooring for pets and pet groomers. Water temperature should be set appropriately to prevent injury to pets.
- E. All equipment, tools and products used by pet grooming businesses shall be in good working condition. All pet restraints used shall be both secure and pet friendly. Pet grooming businesses and pet groomers shall only use products and/or chemicals in the grooming and styling of pets that are pet friendly. Any topical pesticide used on a pet shall be approved by the New York State Department of Environmental Conservation.
- F. Pets in box dryers shall be attended to by at least 1 person in the room at all times.
- G. The facilities used by pet grooming businesses shall be clean, neat and orderly, with enclosures and work spaces cleaned between use by different pets. Facilities shall have appropriate ventilation and first aid kits available for pets and personnel.
- H. All facilities used by pet grooming businesses shall have emergency procedures to assure the health and safety of pets in the event of an emergency situation. This includes, but is not limited to, the name and contact information of a local emergency veterinarian to be used by pet groomers or pet owners in the event of a pet's medical emergency.
- I. Pet grooming businesses shall keep and maintain records of all clients and their respective pets, including, but not limited to: the name of the pet, the name, address and phone number of the pet owner; any known allergies of the pet; the services provided; and the dates of services rendered. Incident reports shall be created in the event of an incident occurring with a pet. General records shall be retained for at least one (1) calendar year from the date of service. Incident reports shall be retained for at least three (3) years from the date of service.
- J. Apprentices working in a pet grooming business must be under the supervision of a pet groomer.

Section 6. Penalties for Offenses.

- A. Any pet grooming business which violates any of the provisions of this law shall be subject to a civil penalty of no less than \$500 nor more than \$1,000 for each violation. Each action in violation of this law shall constitute a separate and distinct violation.

- B. The Department is hereby empowered to revoke or deny a registration certificate to any pet grooming business or pet groomer which fails to file all required information, files falsified information or is found responsible for more than three (3) violations during any registration period of two (2) years. Any pet grooming business or pet groomer whose registration is revoked or denied may reapply after a period of two (2) years.
- C. Any civil penalty, revocation or denial of registration may only be assessed by the Commissioner following a hearing and opportunity for an alleged violator to be heard.
- D. In addition to any civil penalties imposed by the Commissioner pursuant to this law, any person who shall conduct a pet grooming business requiring registration under this law without obtaining the registration therefore or who shall continue to engage in such business after having a registration revoked or denied shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$5,000 or imprisonment for up to one year, or both. Each such violation shall be deemed a separate offense.

Section 7. Enforcement.

This law shall be enforced by the Department of Labor, Licensing and Consumer Affairs.

Section 8. Rules and Regulations.

The Commissioner of the Department of Labor, Licensing and Consumer Affairs is hereby authorized and empowered to issue and promulgate such rules and regulations as he or she may deem necessary for the implementation and enforcement of this law.

Section 9. Applicability.

This law shall apply to all pet grooming businesses operating in Suffolk County 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 180 days following its filing in the Office of the Secretary of State

DATED: June 1, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 21, 2016

After a public hearing duly held on June 13, 2016
Filed with the Secretary of State on July 19, 2016