

Intro. Res. No.1760-2016
Introduced by Legislators Martinez, Muratore, Anker and Calarco

Laid on Table 7/26/2016

**RESOLUTION NO. 867 -2016, ADOPTING LOCAL LAW
NO. 30 -2016, A LOCAL LAW TO REGULATE ANIMAL
RESCUE ORGANIZATIONS OPERATING IN SUFFOLK
COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 26, 2016, a proposed local law entitled, "**A LOCAL LAW TO REGULATE ANIMAL RESCUE ORGANIZATIONS OPERATING IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 30 -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REGULATE ANIMAL RESCUE
ORGANIZATIONS OPERATING IN SUFFOLK COUNTY**

**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 County of Suffolk is a consistent leader on issues of animal welfare, establishing the nation's first Animal Abuser Registry and regulating pet dealers operating in the County.

This Legislature further finds and determines that Chapter 302 of the SUFFOLK COUNTY CODE regulates animal shelters and kennels operating in Suffolk County to ensure that stray, surrendered or abandoned animals are treated humanely while they await new homes.

This Legislature finds that since the enactment of Chapter 302 in 1984, new non-profit animal rescue organizations have developed. Similar in some respects to animal shelters, these organizations house unwanted animals, but do not have similar regulations on their operation.

This Legislature determines that animal rescue organizations should be subject to the same regulations as animal shelters and kennels, given their similar mission and activities.

Therefore, the purpose of this law is to amend Chapter 302 of the SUFFOLK COUNTY CODE to include animal rescue organizations.

Section 2. Amendments.

Chapter 302 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 302. Animal Shelters and Kennels.

Article I. ANIMAL SHELTERS.

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§ 302-2. Definitions.

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

“Animal cruelty crime” - The commission of the following enumerated crimes against an animal: animal fighting, as defined in the New York State Agriculture and Markets Law (hereinafter "AML") § 351; overdriving, torturing and injuring animals; failure to provide proper sustenance, as defined in AML § 353; aggravated cruelty to animals, as defined in AML § 353-a; abandonment of animals, as defined in AML § 355; failure to provide proper food and drink to an impounded animal, as defined in AML § 356; interference with or injury to certain domestic animals, as defined in AML § 361; harming a service animal in the first degree, as defined in New York State Penal Code § 242.15.

“Animal Shelter” – A property consisting of a tract or tracts of land and all buildings or structures and installations, temporary or permanent, pertaining there to, any part or all of which is maintained for the harboring of animals which may be stray, unwanted, lost or abandoned, the owner or operator of which is a nonprofit or not-for-profit entity. For the purpose of this article, the term "animal shelter" shall not apply to a municipally owned or operated animal harboring facility; 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. The owner or operator of an animal shelter shall be presumed to be a nonprofit or not-for-profit entity unless documentation is presented to the satisfaction of the Suffolk County Department of Health Services or its agents which shows otherwise.

“Animal Rescue” – Any individual or non-for-profit organization which takes custody of stray, surrendered, abandoned or otherwise unwanted animals for the purpose of facilitating adoption and houses such animals at either a centralized facility or in a foster home or network of foster homes. This definition shall also include any individual or organization which adopts, gives away or barter more than twenty-four (24) animals per year.

“Breeder” – Any person who breeds nine or more cats or dogs per year.

“Broker” – 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.

“Commissioner” – The Commissioner of the County Department of Health Services.

“Convicted of” - An adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere.

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“Department” – The County Department of Health Services.

“Foster Home” – A private residential dwelling at which housing and temporary care are provided for animals held by an animal shelter or animal rescue. The legal address of an animal rescue shall not be considered a foster home. An individual foster home may house no more than 23 distinct animals in a given year.

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

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§ 302-3. [License] Permit required; dangerous dog restrictions.

- A. No person shall operate an animal shelter or animal rescue in the County of Suffolk without first obtaining a [license] permit therefor from the Department in accordance with the provisions of this article.
- B. Liability insurance. Any person who owns or possesses a dog determined to be a dangerous dog within the County of Suffolk shall obtain and maintain in full force and effect a liability insurance policy in the amount of \$100,000 for personal injury or death of any person, resulting from an attack of such dangerous dog. No required [license] permit mandated for a dog determined to be a dangerous dog shall be issued unless the owner produces proof that he or she has obtained the required liability insurance, which shall remain effective during the twelve-month period for which the [license] permit is sought and through each and every subsequent renewal period.
- C. The existing contract with the Suffolk County Society for the Prevention of Cruelty to Animals (SPCA) shall be amended to authorize the SPCA to coordinate the enforcement of court-generated dangerous dog orders or judgments issued for violations of Article 7 of the New York Agriculture and Markets Law, including the establishment of a centralized computer database identifying all such outstanding orders or judgments. The County Department of Law is hereby authorized to provide such assistance as shall be necessary and appropriate to provide such coordinated enforcement.
- D. In addition to the penalties set forth in Article 7 of the New York Agriculture and Markets Law, a court may also impose a requirement that the owner of a dangerous dog post a bond to secure performance of the court order or judgment, and/or require the owner of a dangerous dog to take education courses designed to properly train such animals due to their inherent aggressive nature.
- E. No person who has been convicted of an animal cruelty crime shall be issued a permit under this law.

§ 302-4. Fines; required hearing; applications.

- A. The Commissioner shall have the power to impose a civil fine, not to exceed \$500, upon a [licensee] permittee or to suspend or revoke a [license] permit or to deny an

application for the renewal of a [license] permit for any one or more of the following causes:

- (1) Fraud, deceit, misrepresentation, or bribery in securing a [license] permit;
- (2) The making of any false statement in an application for a [license] permit;
- (3) Operation of an animal shelter or animal rescue, or ownership or possession of a dog judicially determined to be a dangerous dog in violation of § 302-3B of this article, without obtaining a [license] permit therefor or, having had a valid [license] permit which has been suspended or revoked, continued operation of such animal shelter or animal rescue under a suspended or revoked [license] permit; and

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- B. No [license] permit shall be suspended or revoked nor a fine imposed until after a hearing has been conducted in accordance with the procedural provisions of Article 2 of the Suffolk County Sanitary Code, §§ 760-208 through 760-215.
- C. All applications shall include the residence address and telephone number of the individual who subscribes his or her name to the application.
- D. The Commissioner may require the names and residence addresses of any employees or officers of the applicant, in addition to any other information which he may deem advisable and proper.
- E. An individual applicant must be at least 18 years of age, of good character and financially responsible.
- F. The Commissioner shall investigate such applicant as to good character before he shall issue the applicant a [license] permit.
- G. Applicants shall meet the requirements prescribed by this article and any other rules or regulations promulgated hereunder by the Commissioner.
- H. The Department shall issue a [license] permit to each applicant who has submitted satisfactory evidence of his qualifications and who has complied with all of the requirements of this article.

§ 302-5. [License] Permit term, renewal and conditions.

- A. All [licenses] permits shall be for a period of [one] two years from the date of issuance thereof and shall expire on the last day of the [12th] 24th month following such issuance. All applications for a permit shall be accompanied by a fee of \$100.
- B. No [license] permit issued hereunder shall be assignable or transferable.
- C. An application for renewal of an animal shelter or animal rescue [license] permit shall be made on a form provided by the Department, accompanied by the required fee of \$100 for every renewal application. Said application shall be filed with the Department not less

than 30 days prior to the expiration of the existing [license] permit. Failure to file an application as above shall require the applicant to submit an application as if it were an original application. An application shall be filed with the Department following revocation of a [license] permit. A [license] permit shall expire upon a change of owner or operator, on the date stipulated by the Department, upon revocation, upon death of the [license] permit holder, upon abandonment of the facility or property or upon surrender to the Department.

- D. Each [licensee] permittee shall, within 10 business days prior to a change of address or business name, notify the Department in writing of such change.
- E. No [licensee] permittee shall authorize or permit the use of his [license] permit by or on behalf of any other person.
- F. Each [licensee] permittee shall, within seven business days after a change of address or business name, notify the Department in writing of such change.
- G. A copy of any permit issued to an animal shelter or animal rescue shall be maintained at all locations where animals are housed, as well as at any events held by the animal shelter or animal rescue where animals are present.

§ 302-6. Fines; denial, suspension or revocation of [licenses] permits.

- A. The Commissioner shall have the power to impose a civil fine, not to exceed \$500, upon a [licensee] permittee or to suspend or revoke a [license] permit or to deny an application for the renewal of a [license] permit for any one or more of the following causes:
 - (1) Fraud, deceit, misrepresentation or bribery in securing a [license] permit.
 - (2) The making of any false statement in an application for a [license] permit.
 - (3) Operation of an animal shelter or animal rescue without obtaining a [license] permit therefor or, having had a valid [license] permit which has been suspended or revoked, continued operation of such animal shelter or animal rescue under a suspended or revoked [license] permit.

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- B. No [license] permit shall be suspended or revoked nor a fine imposed until after a hearing has been conducted in accordance with the provisions of the Suffolk County Sanitary Code, Article II, § 760-18.

§ 302-7. Requirements and restrictions.

Any person holding a [license] permit under this article shall comply with the following:

- A. Any animal shelter or animal rescue and any of its records required to be maintained by any municipality or by the Commissioner pursuant to any rules or regulations adopted hereunder shall be open to inspection at any time by the Commissioner or his duly authorized agents at any reasonable time, including but not limited to normal business

hours. A periodic, unannounced inspection of said facilities by a professional shall be made to check on any violations of these regulations, with a written report of said inspection to be sent to the governing agency. These inspections shall not include foster home locations used by animal shelters or animal rescues. Every animal on the animal shelter or animal rescue property shall be afforded the protection of this article, including stray or unwanted animals, animals owned by the shelter owner, operator, employees, friends, acquaintances and/or relatives and those animals which have been placed in the care of the shelter or animal rescue, regardless of intended length of stay or agreements between the animal owner and the owner or operator of the shelter or animal rescue.

- B. Any animal shelter or animal rescue that takes in animals shall permit a public viewing of all the animals in its custody during normal business hours. The requirements of this subsection shall not apply to foster home locations used by animal shelters or animal rescues or animals held in isolation due to illness.
- C. Any structure or structures of an animal shelter or animal rescue shall have sufficient heat, light, plumbing and ventilation to ensure the comfort and well-being of the animals housed therein.
- D. Any building of an animal shelter or animal rescue shall be maintained in a sufficient state of repair to properly contain and avoid injury to animals.
- E. Any primary enclosure of an animal shelter or animal rescue shall provide appropriate space sufficient for each animal to stand, stretch, turn and assume normal positions and adequate for their protection from the [weather] elements. Primary enclosures may be stacked a maximum of two enclosures high. Stacked enclosures must have a solid floor that will not permit food or debris to fall into lower cages.
- F. Any primary enclosure of an animal shelter or animal rescue shall include an area that is dry and in which an animal can keep warm and which provides adequate protection from the [sun] elements.
- G. No more than two adult dogs or six puppies shall be confined in any one primary enclosure in any animal shelter or animal rescue.
- H. An approved receptacle containing fresh litter shall be provided for cats, to contain excreta in any animal shelter or animal rescue.
- I. Any animal shelter or animal rescue shall provide isolation areas for animals with communicable diseases or suspected of having such disease.
- J. Any animal shelter or animal rescue shall contain proper areas and containers for food storage to prevent contamination from mold, insects and rodents.
- K. Any animal shall be properly fed, properly sheltered and properly watered in any animal shelter or animal rescue.
- L. Upon admission to any animal shelter or animal rescue, all dogs and cats shall be inoculated against all currently vaccinable diseases, unless proof exists that said animal or animals have been inoculated within the previous 12 months, except that dogs or cats shall not be inoculated with rabies vaccine if the animal is within the ten-day observation

period required following a biting incident. Animals shall be examined by a New York State licensed veterinarian within seven days of arrival at an animal shelter or animal rescue. Animals arriving from out of state shall be placed in isolation for a period of seven days to be observed. All animals shall be inspected for mange and other skin conditions and shall be treated for external parasites; and all animals suspected of having a contagious disease shall be placed in isolation and treated for their condition. No animal may be adopted, bartered or given away during any period that it is in isolation. Documentation of all examinations, treatments and inspections shall be made available to the Department and any individual who adopts or otherwise takes custody of an animal from an animal shelter or animal rescue.

- M. All animals in any animal shelter or animal rescue shall be examined daily by qualified personnel for signs of disease and, if suspected of having any contagious disease, shall be placed in isolation. Animals shall be tested and treated for internal parasites. All dogs over eight months of age shall be tested and treated if positive for heartworms. All cats over eight weeks of age shall be tested for FIV and FELV. A New York State licensed veterinarian shall be called immediately for diagnosis and treatment of any sick or injured animal or, if necessary, said animal shall be sent to an animal hospital for treatment. If necessary, continued adequate and sufficient treatment shall be provided to such animals by the shelter or rescue.
- N. Animal and food wastes, bedding, debris and other organic wastes in any animal shelter or animal rescue shall be disposed of in such a way as to avoid vermin infestation, odors and disease hazards.
- O. The bodies of animals that die at any animal shelter or animal rescue shall be removed immediately to a physically separate area and shall be stored and disposed of in such a way as to avoid disease hazards to other animals or to humans. An animal shelter or animal rescue must maintain records of disposition for any animal which dies in its custody or care for a minimum of three years.
- P. Buildings and grounds at any animal shelter or animal rescue shall be kept clean, in good repair and free of trash and debris.
- Q. Every animal entering any animal shelter or animal rescue shall be assigned an individual number to enable identification of that animal.
- R. Records shall be kept by the animal shelter or animal rescue, for at least a three-year period, of the source from which any animal was obtained, the medical history of the animal and the eventual disposition of the animal. All animals arriving from out-of-state must have a certificate of veterinary inspection from the state of origin which was completed no more than 30 days prior to the animal entering New York State. The certificate of veterinary inspection must include:
1. the date of the examination, the breed, sex, and age of the dog or cat, the state or country of origin, and the full name and complete post-office address of the consignee and the consignor,
 2. a statement that the examination revealed no clinical evidence of infectious or communicable disease, including external parasites and fungi, and that to the

best of the veterinarian's knowledge, the dog or cat has not recently been exposed to such infectious or communicable disease, and

3. a statement that the dog or cat has been properly immunized against rabies by a vaccine approved by the United States Department of Agriculture, with a notation as to whether the vaccine administered protects for 12 or 36 months, within 12 months prior to the date of importation into the State of New York, unless a veterinarian certifies that the animal is less than 3 months of age or that the health of the animal would be endangered by the administration of a rabies vaccine.

Surrendered animals must have documentation of their origin, including the name, address and phone number of prior owners. A copy of any and all records shall be provided to any individual who adopts or otherwise receives an animal from an animal shelter or animal rescue.

- S. All animals shall be removed from the premises during any disinfection procedures. Such disinfection procedures shall be performed by a licensed pest-control operator.
- T. Any animal shelter or animal rescue shall exist solely for the purpose of giving shelter to stray or unwanted dogs, cats and other animals until such time as they are adopted by the public. Said animals shall not, under any circumstances, ever be sold, donated or otherwise delivered to any institution for experimental purposes.
- U. Animals at animal shelters or animal rescues shall not be sourced directly from a broker or breeder licensed by the United States Department of Agriculture.
- V. Animals at animal shelters or animal rescues must be provided with daily exercise for all dogs and cats. A designated exercise area of at least four feet by eight feet must be available at each shelter or rescue location, excepting foster home locations. Daily exercise logs must be kept and maintained.
- W. Any animal which is adopted, bartered or given away by an animal shelter or animal rescue shall be spayed or neutered prior to transfer to a new owner unless a New York State licensed veterinarian provides a written determination that performing such procedure would be unsafe.

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 one hundred eighty (180) days from its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: October 5, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: November 3, 2016

After a public hearing duly held on October 17, 2016
Filed with the Secretary of State on November 22, 2016