

RESOLUTION NO. 864 -2016, ADOPTING LOCAL LAW NO. 28 -2016, A LOCAL LAW TO STRENGTHEN REGULATION OF PET DEALERS AND PET STORES 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 STRENGTHEN REGULATION OF PET DEALERS AND PET STORES IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 28 -2016, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO STRENGTHEN REGULATION OF PET DEALERS AND PET STORES 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 Local Law No. 16-2014 enacted regulations on the sourcing and care of companion animals offered for sale in the County of Suffolk by pet dealers and at pet stores.

This Legislature also finds and determines that, despite the enactment of Local Law No. 16-2014, chronically sick animals sourced from disreputable animal breeders and brokers are still entering the County.

This Legislature also determines that a practice is being utilized by some pet dealers and pet stores whereby they lease or rent pets to customers. Frequently, these agreements do not fully disclose hidden fees and exorbitant interest rates. This practice is unfair to both consumers and the animals that may be "repossessed" in the event of a default.

This Legislature further finds that renting a pet is disruptive to an animal, who may be brought into a family only to be repossessed and placed with a different family in rapid succession.

This Legislature finds that the regulations enacted by Local Law No. 16-2014 should be strengthened to prevent unscrupulous breeders and brokers from supplying animals for sale in the County of Suffolk.

This Legislature also concludes that the renting and leasing of dogs and cats should be prohibited for the health and safety of animals and the families they live with.

Therefore, the purpose of this law is to amend Chapter 299 of the SUFFOLK COUNTY CODE to strengthen the regulation of pet stores and pet dealers in the County of Suffolk.

Section 2. Amendments.

Chapter 299 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 299.
ANIMALS**

* * * *

**ARTICLE VIII.
PET DEALERS AND PET STORES**

* * * *

§ 299-57. Definitions.

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

Adoption – the process of taking guardianship of and responsibility for a pet that was abandoned or released by a previous owner to a shelter or rescue organization.

Animal – a cat, [or] a dog, a hamster, a guinea pig, or a rabbit.

Breeder – any person who breeds nine or more cats, [or] dogs, rabbits, hamsters or guinea pigs per year.

Broker – any person who imports, buys, sells or trades cats, dogs, rabbits, hamsters, guinea pigs, kittens, [or] puppies, or bunnies in wholesale channels. Brokers are not required to take physical possession of the animals to be deemed as such.

* * * *

Dog – an animal of the genus Canis of the family Canidae.

Guinea pig – an animal of the genus Cavia of the family Caviidae, subfamily Caviinae.

Hamster – an animal of the family Cricetidae, subfamily Cricetinae.

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

* * * *

Pet Store – a business establishment owned and/or operated by a pet dealer.

Rabbit – an animal of the Leporidae family of the Lagomorpha order.

USDA – the United States Department of Agriculture.

* * * *

§ 299-58. General Requirements.

- A. No animal shall be offered for sale, trade or give away by a pet dealer or pet store[s] unless the animal is at least eight weeks old, is in good health and has been weaned from its mother. No pet dealer or pet store shall transfer an animal to an individual or entity as an adoption unless the animal was sourced from a municipal shelter within Suffolk County.
- B. Pet dealers shall only source from USDA licensed breeders and brokers. Animals shall not be sourced from private or exempt breeders through a USDA licensed broker. No pet dealer shall obtain animals originating from a breeder or a broker that has received:
- 1) A direct violation from the USDA within the past two (2) years;
 - 2) “No access” violations on [the two] any USDA [most recent] inspection reports [from the USDA] within the past two years;
 - 3) Three or more indirect violations, other than “no access” violations on [the most recent USDA report] any USDA inspection reports within the past two years [or];
 - 4) One or more reoccurring indirect violations on [the most recent USDA reports] any USDA inspection report within the past two years; or
 - 5) A 2.40 violation (attending veterinarian and adequate veterinary care) on any USDA inspection report within the past two years.

* * * *

- F. Any pet dealer or pet store offering animals for sale, trade or give-away shall make sterilization services by a licensed veterinarian 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.
- G. No pet dealers or pet store shall provide animals to customers under lease or rental terms. Any agreement for short term use of an animal or an agreement involving installment payments by a customer shall be deemed an improper rental or lease of an animal.
- H. Pet dealers and pet stores shall post a sign provided by the Department of Labor, Licensing and Consumer Affairs at the entrance of their business which is fully visible from the exterior of the store, that directs consumers to a webpage maintained by the Department of Labor, Licensing and Consumer Affairs regarding pet dealers and pet stores.

§ 299-59. Primary Animal Enclosure Requirement for Pet Dealers.

* * * *

- F. Any primary animal enclosure shall have a tag in Times New Roman font in a minimum font size of 16 points with the following information about each animal which is housed therein:

* * * *

§ 299-63. Penalties for Offenses.

- A. Any pet dealer or pet store which violates any provision of this article 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.

* * * *

Section 3. Webpage and Signage.

- A. The Department of Labor, Licensing and Consumer Affairs shall establish a webpage dedicated to providing information on the County's pet dealer and pet store regulations, as well as information on the County's pet store rating program. The webpage shall be operational within 60 days of the effective date of this law.
- B. The Department of Labor, Licensing and Consumer Affairs will develop and distribute signs to each pet dealer and pet store operating in the County of Suffolk directing consumers to the webpage for further information and to report complaints or violations of this law. The signs shall also provide the telephone number for the Department of Labor, Licensing and Consumer Affairs where complaints may be reported. All signs will be distributed within sixty (60) days of the effective date of this law.

Section 4. Coordination of oversight.

The Department of Labor, Licensing and Consumer Affairs is hereby directed to communicate with the New York State Department of Agriculture and Markets to coordinate oversight efforts when feasible.

Section 5. Applicability.

This law shall apply to all actions occurring 60 days after the effective date of this law.

Section 6. 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 7. 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 8. Effective Date.

This law shall take effect immediately upon 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