

WITHDRAWN AS OF 3/15/2011

Intro. Res. No. 1952-2010

Laid on Table 9/16/2010

Introduced by Legislators Cooper and Romaine

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW NO.
-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 September 16, 2010, a proposed local law entitled, "**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. -2011, SUFFOLK COUNTY, NEW YORK

**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 animal cruelty is a serious problem, resulting in the abuse of thousands of animals each year in the United States.

This Legislature also finds and determines that Suffolk County is taking a leading role in protecting animals from abuse by proposing an online registry containing identifying information of persons convicted of animal abuse crimes.

This Legislature further finds and determines that people who have abused animals in the past are likely to do so in the future, with 100% recidivism rates for certain types of abuse, like animal hoarding.

This Legislature finds that animals in need of homes should be protected from potential abusers.

This Legislature determines that persons listed on the Animal Abuser Registry should not be eligible to purchase or adopt any animal in Suffolk County.

This Legislature also finds that by creating an Animal Abuser Registry, Suffolk County has provided local animal shelters and pet dealers with access to important information about potential clients.

This Legislature further finds that local animal shelters and pet dealers should check the names of potential purchasers or adopters against the County's Animal Abuser Registry, to prevent animal abusers from purchasing or adopting potential victims.

Therefore, the purpose of this law is to prohibit pet dealers and animal shelters from making sales or allowing adoptions of animals to persons appearing on the Animal Abuser Registry.

Section 2. Definitions.

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

“ANIMAL SHELTER” shall mean any public or privately owned organization in Suffolk County which maintains property, buildings or structures for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate permanent homes for such animals. For the purpose of this law, the term “animal shelter” shall not apply to 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.

“PERSON” shall mean any natural individual.

“PET DEALER” shall mean any individual, firm, partnership, corporation, company or other entity which offer animals for sale.

Section 3. Requirements.

Any animal shelter or pet dealer operating in Suffolk County shall check the name of any person seeking to purchase or adopt an animal against the Animal Abuser Registry.

Section 4. Prohibitions.

No animal shelter or pet dealer operating in Suffolk County shall knowingly sell, offer, deliver or provide an animal to any person registered on the Suffolk County Animal Abuser Registry.

Section 5. Penalties.

Any animal shelter or pet dealer who violates this law shall be guilty of a violation and subject to a fine of five hundred dollars (\$500.00).

Section 6. Applicability.

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

Section 7. 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 8. 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 9. Effective Date.

This law shall take effect on the one hundred eightieth (180th) day following its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: