

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW
PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2008
ENACTING A ONE-YEAR MORATORIUM
ON THE CONSTRUCTION OR OPERATION OF ANY NEW KENNELS AND/OR PET BREEDERS, AS WELL
AS EXPANSION OF EXISTING FACILITIES IN THE TOWN OF ROMULUS**

WHEREAS, it has been recommended that it is in the best interests of the Town that there be introduced a Local Law enacting a one-year moratorium on the construction or operation of any new kennels and/or pet breeders, as well as expansion of existing facilities in the Town of Romulus shall be prohibited, as follows:

SECTION ONE: LEGISLATIVE INTENT

When the Town Zoning Ordinance was originally enacted, the then Town Board did not provide for the regulation of the construction or operation of kennels or other dog or cat breeding or boarding facilities within the Town. Since then, the Town has been made aware that thousands of puppy mills exist all over the United States and, further that the numbers also appear to be increasing in other areas, including upstate New York. Further, it has been documented in the press that dogs rescued from puppy mills exhibit a wide array of veterinary and behavioral problems, including severe malnutrition, rotting teeth and severe periodontal disease, extreme matting of fur sometimes leading to skin lesions, mange, flea, tick, and parasite infestations, and serious foot and leg injuries from living an entire life on wire mesh flooring; that female dogs in puppy mills are typically bred at every opportunity until they are physically spent and can no longer reproduce; that puppy mill dogs live out their entire lives in tiny enclosures, never having a chance to get out of their cages for exercise or socialization. Therefore, it appears that it would be appropriate for the Town Board to review the standards under which large scale and/or commercial kennels or breeding facilities be permitted within the Town. It is with this in mind that this moratorium is hereby proposed.

SECTION TWO: DEFINITIONS.

For the purposes of this local law, the following definitions shall apply:

KENNEL— Any building or lot on which at least three (3) or more dogs or cats not owned by the property owner are trained, or boarded (but not bred or sold) for commercial purposes; this definitions shall not apply to: any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

PET BREEDER — Any building or lot on which any of the following occurs:

- A. at least three (3) or more dogs or cats at any one time are bred or sold for commercial purposes; or
- B. there is found at any one time more than three (3) adult dogs and one (1) litter of pups under four (4) months of age at any one time; or
- C. there is found at any one time more than three (3) adult cats and one (1) litter of kittens under four (4) months of age at any one time; or
- D. any adult female dog or cat is bred more than once in any twelve-month period with the intent of selling or giving away said dog's or cat's pups or kittens; or
- E. more than two (2) litters of pups or kittens is sold or given away in any twelve-month period.

These definitions shall not apply to: any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

SECTION THREE: MORATORIUM

Upon the effective date of this Local Law and continuing for one year thereafter, the construction or operation of any new kennels and/or pet breeders, as well as expansion of existing facilities in the Town of Romulus shall be prohibited, as follows:

SECTION FOUR: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York in accordance with the Municipal Home Rule Act of the State of New York; and

NOW, THEREFORE, BE IT RESOLVED that proposed Local Law No. 1 of the year 2008 entitled "A Local Law enacting a one-year moratorium on the construction or operation of any new kennels and/or pet breeders, as well as expansion of existing facilities in the Town of Romulus shall be prohibited ; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desks of each member of the Town Board; and

BE IT FURTHER RESOLVED that the Town Board hold a public hearing on said proposed Local Law at the Town Office Building, 1435 Prospect Street, Willard New York at 7:30 p.m. on the 18th day of June, 2008; and

BE IT FURTHER RESOLVED that the Town Clerk publish or cause to be published a notice of said public hearing in the official newspaper of the Town at least five (5) days prior thereto.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE 41 STATE ST, ALBANY, NEW YORK 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

of Romulus ~~Town~~ ~~Village~~

Local Law No. _____ of the year 2008.

A local law enacting a one-year moratorium on the construction or operation of any new kennels and/or pet breeders, as well as expansion of existing facilities in the Town of Romulus

(Insert Title)

Be it enacted by the

Town Board *(Name of Legislative Body)*

of the

~~County~~

~~City~~

of

Romulus

as Follows

~~Town~~
~~Village~~

SECTION ONE: LEGISLATIVE INTENT

When the Town Zoning Ordinance was originally enacted, the then Town Board did not provide for the regulation of the construction or operation of any new kennels and/or pet breeders, as well as expansion of existing facilities in the Town of Romulus shall be prohibited.

Since then, the Town has been made aware that thousands of puppy mills exist all over the United States and, further that the numbers also appear to be increasing in other areas, including upstate New York. Further, it has been documented in the press that dogs rescued from puppy mills exhibit a wide array of veterinary and behavioral problems, including severe malnutrition, rotting teeth and severe periodontal disease, extreme matting of fur sometimes leading to skin lesions, mange, flea, tick, and parasite infestations, and serious foot and leg injuries from living an entire life on wire mesh flooring; that female dogs in puppy mills are typically bred at every opportunity until they are physically spent and can no longer reproduce; that puppy mill dogs live out their entire lives in tiny enclosures, never having a chance to get out of their cages for exercise or socialization. Therefore, it appears that it would be appropriate for the Town Board to review the standards under which large scale and/or commercial kennels or breeding facilities be permitted within the Town. It is with this in mind that this moratorium

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- D. any adult female dog or cat is bred more than once in any twelvemonth period with the intent of selling or giving away said dog's or cat's pups or kittens; or
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SECTION THREE: MORATORIUM

Upon the effective date of this Local Law and continuing for one year thereafter, the construction or operation of any new kennels and/or pet breeders, as well as expansion of existing facilities in the Town of Romulus shall be prohibited.

SECTION FOUR: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York in accordance with the Municipal Home Rule Act of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2008 of the ~~(County)(City)(Town)(Village)~~ of Romulus was duly passed by the Town Board on _____, 20____, in accordance with the applicable provisions *(Name of Legislative Body)* of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the _____ and was deemed duly adopted on _____, *(Elective Chief Executive Officer*)* in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not disapproved)(repassed *(Name of Legislative Body)* after disapproval) by the _____ on _____, 20____. Such local law *(Elective Chief Executive Officer*)* was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2002 of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____, 20____, and was (approved)~~(not disapproved)(repassed after disapproval)~~ by the _____ on _____, *(Elective Chief Executive Officer*)* 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

*** Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney or locality.)

STATE OF NEW YORK
COUNTY OF SENECA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title: Attorney

Town of Romulus

Date: