

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. 1 of the year 2008.

A local law Enacting A One-Year Moratorium
On The New Construction Of Kennels And/Or Pet Breeders
In The Town Of Romulus

(Insert Title)

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

JUL 21 2008

MISCELLANEOUS
& STATE RECORDS

Be it enacted by the Town Board of the
(Name of Legislative Body)

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When the Town Zoning Ordinance was originally enacted, the then Town Board did not provide for the regulation of the construction or operation of kennels or other dog or cat breeding or boarding facilities within the Town. Since then, the Town has learned that thousands of large scale dog breeding facilities 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 these operations 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; serious foot and leg injuries from living an entire life on wire mesh flooring; that female dogs in such circumstances are typically bred at every opportunity until they are physically spent and can no longer reproduce; that these 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.

(If additional space is needed, attach pages the same size as this sheet and number each.)

(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. 1 of 2008 of the (County)(City)(Town)(Village) of Romulus was duly passed by the Town Board on June 18 , 2008, in accordance with the applicable provisions of law.

(Name of Legislative Body)

~~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 disapproval) by the _____ and was deemed duly adopted on _____ 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 after disapproval) by the _____ on _____, 20____. Such local law 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.)~~

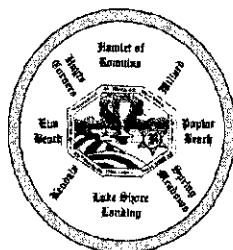
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2002 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____, 20____. Such local law was 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.

(If additional space is needed, attach pages the same size as this sheet and number each.)

TOWN OF ROMULUS

David M. Kaiser, Supervisor
Terry Smith, Town Clerk
James I. Williamson, Highway Superintendent
Robert Gerlach, Councilman
Ralph Walborn, Jr., Councilman
Barbara McCall, Councilwoman
Kyle Collinsworth, Councilman



1435 Prospect Street
P.O. Box 177
Willard, New York 14588
PHONE: 607-869-9326
FAX: 607-869-5763
TTY: 1-800-662-1220
Email: Romulus@rochester.rr.com

INTRODUCING PROPOSED LOCAL LAW PROPOSED LOCAL LAW NO.1 OF THE YEAR 2008 ENACTING A ONE-YEAR MORATORIUM ON THE NEW CONSTRUCTION OF KENNELS AND/OR PET BREEDERS IN THE TOWN OF ROMULUS RESOLUTION #45-08

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 of any new kennels and/or pet breeders and expansion of any existing kennels in the Town of Romulus, 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 large scale dog breeding facilities 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 these operations 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 such circumstances are typically bred at every opportunity until they are physically spent and can no longer reproduce; that these 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 Pet Breeder or Kennel facility or expansion of any existing kennels shall be prohibited within the Town of Romulus.

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 or expansion of any existing kennels in the Town of Romulus" be and the same is hereby introduced before the Town Board of The Town of Romulus, New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be given to 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 at 1435 Prospect Street, Willard New York at 7:30 p.m. on the 18th day of June, 2008.

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.

BE IT FURTHER RESOLVED proposed changes will be investigated and proposed through zoning amendments and amendments to the existing dog control ordinance within the term of this moratorium and

BE IT FURTHER RESOLVED once the Town Board has received the proposed amendments another public hearing on said amendments will be scheduled for public review and opinion.

Section 3. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by:

Seconded by:

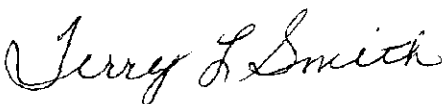
Roll Call Vote:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Gerlach	[xx]	[]	[]	[]
Councilman Walborn	[xx]	[]	[]	[]
Councilwoman McCall	[xx]	[]	[]	[]
Councilman Collinsworth	[xx]	[]	[]	[]
Supervisor Kaiser	[xx]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

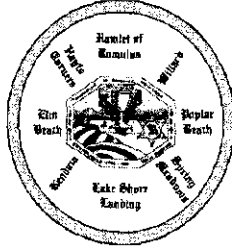
May 21, 2008



Terry L. Smith, Town Clerk
Town of Romulus

TOWN OF ROMULUS

David M. Kaiser, Supervisor
Terry Smith, Town Clerk
James I. Williamson, Highway Superintendent
Robert Gerlach, Councilman
Ralph Walborn, Jr., Councilman
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AUTHORIZING ADOPTION OF LOCAL LAW NO. 1 OF THE YEAR 2008 RESOLUTION #47-08

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Romulus for a Public Hearing to be held by said Town at the Town Office Building at 1435 Prospect Street, Willard New York at 7:30 p.m. on the 18th day of June, 2008 to hear all interested parties on a proposed Local Law entitled "A LOCAL LAW ENACTING A ONE-YEAR MORATORIUM ON THE NEW CONSTRUCTION OF KENNELS AND/OR PET BREEDERS IN THE TOWN OF ROMULUS;" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper(s) of the Town of Romulus; and

WHEREAS, said public hearing was duly held at the Town Office Building at 1435 Prospect Street, Willard New York at 7:30 p.m. on the 18th day of June, 2008 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local law, or any part thereof; and

WHEREAS, the Town Board of the Town of Romulus, after due deliberation, finds it in the best interests of the Town of Romulus to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Romulus hereby adopts said Local Law No. 1 of the year 2008 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 learned that thousands of large scale dog breeding facilities 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 these operations 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; serious foot and leg injuries from living an entire life on wire mesh flooring; that female dogs in such circumstances are typically bred at every opportunity until

they are physically spent and can no longer reproduce; that these 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:

- A. **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..

- B. **PET BREEDER** — Any building or lot on which any of the following occurs:
 - 1. at least three (3) or more dogs or cats at any one time are bred or sold for commercial purposes; or
 - 2. 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
 - 3.. more than two (2) litters of pups or kittens are sold or given away in any twelve-month period.

SECTION THREE: MORATORIUM

Upon the effective date of this Local Law and continuing for one year thereafter, the construction or operation of any new Pet Breeder or Kennel facility or expansion of any existing Pet Breeder or Kennel facility shall be prohibited within the Town of Romulus.

SECTION FOUR: EXCLUSIONS

This moratorium shall not apply to the following: 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 FIVE: 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 BE IT FURTHER RESOLVED that the Town Clerk be and hereby is directed to enter said Local law in the minutes of this meeting and in the Local Law Book of the Town of Romulus, and to give due notice of the adoption of said local law to the Secretary of the State of New York.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by: Robert Gerlach

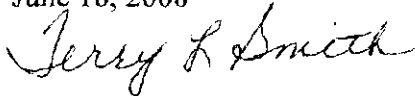
Seconded by: Ralph Walborn

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Gerlach	[X]	[]	[]	[]
Councilman Walborn	[X]	[]	[]	[]
Councilwoman McCall	[X]	[]	[]	[]
Councilman Collinsworth	[X]	[]	[]	[]
Supervisor Kaiser	[X]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

June 18, 2008



Terry L. Smith, Town Clerk

Town of Romulus