

AMENDED COPY AS OF 6/21/2011

Intro. Res. No. 1545-2011

Laid on Table 6/7/2011

Introduced by Legislators Cooper, Romaine, Muratore and Schneiderman

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW BANNING THE RETAIL SALE OF
PUPPIES IN SUFFOLK COUNTY TO COMBAT THE PROBLEM
OF PUPPY MILLS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 7, 2011, a proposed local law entitled, "**A LOCAL LAW BANNING THE RETAIL SALE OF PUPPIES IN SUFFOLK COUNTY TO COMBAT THE PROBLEM OF PUPPY MILLS;**" 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 BANNING THE RETAIL SALE OF PUPPIES IN
SUFFOLK COUNTY TO COMBAT THE PROBLEM OF PUPPY
MILLS**

**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 an estimated two million puppies are purchased, sold or adopted each year, while 4 to 5 million unwanted dogs die in shelters across America.

This Legislature also finds and determines that the vast majority of puppies sold at retail pet stores come from puppy mills in the Midwest, South and portions of Pennsylvania.

This Legislature determines that the United States Department of Agriculture, which provides minimal regulations on the care of animals that barely meet the animals' subsistence needs, cannot meaningfully enforce their standards, as the Department is so large and maintains less than 100 inspectors nationwide.

This Legislature finds that puppy mills are large commercial breeding businesses that breed dogs like livestock and sell their offspring at five to six weeks of age, despite federal regulations banning the sale of puppies less than eight weeks of age. Federal regulations on many puppy mill practices exist, but are not consistently enforced, due to an insufficient number of inspectors.

This Legislature further finds and determines that female dogs are bred immediately upon maturity and in each heat cycle thereafter until they are no longer able to produce puppies. Once they are unable to produce, the mothers are culled, auctioned to other mills, abandoned or killed.

This Legislature determines that conditions in puppy mills are stark: dogs are crammed into small, unsanitary wire cages, frequently left in their own excrement, and are unprotected from extreme temperature fluctuations.

This Legislature further determines that dogs languishing in puppy mills are chronically undernourished; are not provided with veterinary care or socialization; and are at an

increased risk for serious health problems, including ailments caused by the harsh living conditions. In addition, their puppies are at increased risk of genetic defects caused by inbreeding.

This Legislature also finds that puppies from puppy mills frequently exhibit health problems which are caused by the harsh conditions and mistreatment of the mother dogs that occurs in these mills. These problems can continue even after the puppies leave the horrible conditions at a puppy mill.

This Legislature also determines that the American Kennel Club ("AKC") focuses solely on the registration of purebred puppies, but does not consider the condition under which puppies are born, nor the care and treatment of their parents. The AKC does not verify that puppies given their certification were bred by a responsible breeder and not at a puppy mill.

This Legislature also determines that Suffolk County has a responsibility to promote animal welfare.

This Legislature further determines that a restriction on the retail sale of puppies bred outside of Suffolk County will provide the dual benefits of increasing consumer awareness of puppy mills and ensure that those puppies which are sold in Suffolk County are either bred locally or are obtained from shelters or animal rescue organizations.

Therefore, the purpose of this law is to ban the retail sale of puppies from breeders outside of Suffolk County.

Section 2. Definitions.

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

"ANIMAL RESCUE ORGANIZATION" shall mean any not-for-profit organization which is dedicated to pet adoption and takes unwanted, abandoned, abused or stray animals with the intent to find the animal a suitable new permanent home. Animal rescue organizations are not required to have a dedicated shelter for rescued animals, but may have volunteers which take animals in the care of the organization into their residences temporarily.

"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.

"BREEDER" shall mean any person who breeds nine or more dogs per year.

"DOG" shall mean an animal of the Canidae family of the order Carnivora.

“PET STORE” shall mean a business establishment or individual(s) who obtain puppies through wholesale channels with the intent to sell the animals in the retail market, but shall not include animal shelters or other animal rescue organizations.

“PET STORE OPERATOR” shall mean a person who owns or operates a pet store, or both.

“PUPPY” shall mean any dog that is less than one year old.

Section 3. Requirements.

Any pet store or pet store operator in Suffolk County shall only display, sell, deliver, offer for sale or adoption, barter, auction, give away or otherwise dispose of a puppy which comes from an animal shelter, an animal rescue organization or a responsible breeder located in Suffolk County that can demonstrate the puppy’s mother is on their premises.

Section 4. Enforcement.

This law shall be enforced by the Suffolk County Department of Consumer Affairs.

Section 5. Penalties.

Any person who knowingly violates the provisions of this law shall be subject to a civil penalty of five hundred dollars (\$500) per puppy being offered for sale for an initial violation of the law and a penalty of one thousand dollars (\$1,000) per puppy being offered for sale for each subsequent violation. Any alleged violations of this law shall be subject to an administrative hearing.

Section 6. Administrative Hearing.

No fine shall be imposed until after a hearing has been held before the Director of the Suffolk County Office of Consumer Affairs upon at least seven business days’ notice to the person upon whom such fine is to be levied. Such notice shall be served either personally or by certified mail, return receipt requested, to the last known address of said person and shall state the date and place of the hearing as well as enumerate the grounds constituting the allegations against such person. Said person may be represented by counsel and may produce witnesses in his or her own behalf. A record of the hearing shall be taken and preserved. For purposes of such hearing, the Director of the Suffolk County Office of Consumer Affairs may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records or other documents deemed pertinent to the subject of the hearing.

Section 7. Applicability.

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

Section 8. 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 9. 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 10. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: