

UNFINISHED BUSINESS

Referral No. 9321

October 7, 2014

LOCAL LAW NO. 3 OF 2014 COUNTY OF ROCKLAND STATE OF NEW YORK

(Introduced by: Hon. Barry S. Kantrowitz, Co-Sponsor: Hon. Alden H. Wolfe)

Mr. Kantrowitz offered the following Local Law, which was seconded by Mrs. Cornell, Mr. Jobson, Mr. Moroney, Mr. Schoenberger, Mr. Wieder, Mr. Hood, Jr. and Chairman Wolfe and unanimously adopted:

A local law within the County of Rockland.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Name of local law

This law shall be known as the "Protect our Pets Act."

Section 2. Legislative intent.

Pets, especially dogs and cats, are a part of many families throughout Rockland County, and many families choose to purchase their dog or cat at a pet store. However, pet stores vary widely in their care and treatment of the animals they sell, with some treating their animals like extended family while others barely meet State requirements.

Dog and cat breeders that cater to pet stores also vary significantly in their treatment of newborn animals and the way they breed new litters. Some pet breeders operate substandard commercial facilities that expose animals to inhuman and unsafe living conditions to increase profit margins.

It can be difficult for consumers to judge how a pet store cares for the animals it sells or how the animal was treated at their breeder's facility. But the New York State Legislature has recently enacted legislation which, for the first time, empowers local governments to regulate pet dealers.

The County of Rockland should enact a reasonable framework for pet dealers and the operation of pet stores that supplements existing state regulations. Therefore, the purpose of this law is to establish requirements for pet dealers and pet stores operating in the County of Rockland which will serve to protect both consumers and the animals offered for sale.

Section 3. Definitions.

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

- A. ANIMAL** - a cat or dog.
- B. ANIMAL WELFARE ACT** - 7 USCS §§ 2131 et seq.
- C. BREEDER** - any person, business or principle of a business who breeds nine (9) or more cats or dogs per year.
- D. BROKER** - any person who imports, buys, sells or trades cats, dogs, kittens or puppies in wholesale channels. Brokers are not required to take physical possession of the animals to be deemed as such.
- E. CAT** - an animal of the genus *Felis* of the family *Felidae*.
- F. CONTINUOUS** - three or more instances within a specified period.
- G. DOG** - shall mean an animal of the genus *Canis* of the family *Canidae*.
- H. PERSON** - natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.
- I. PET DEALER** - any person who engages in the sale or offering for sale of more than nine (9) animals per year for profit to the public. Such definition shall include breeders who sell or offer to sell animals; except a breeder who sells or offers to sell directly to consumers fewer than 25 animals per year that are born and raised on the breeder's residential premises shall not be considered a pet dealer. Such definition shall further not include duly incorporated humane societies dedicated to the care of unwanted animals which make such animals available for adoption whether or not a fee is charged for such adoption.
- J. PET STORE** - a business establishment owned and/or operated by a pet dealer.
- K. USDA** - the United States Department of Agriculture.

Section 4. General Requirements.

- A.** No animal shall be offered for sale, trade or give-away by a pet dealer or pet store unless the animal is at least 8 weeks old, is in good health and has been weaned from its mother.
- B.** No pet dealer shall obtain animals from a breeder who has received: 1) a direct violation from the USDA within the past 2 years, 2) continuous "no access" violations from the USDA during the past 2 years, or 3) 3 or more indirect Non-Compliance Issues violating sections 2.40 and 2.131 of the Animal Welfare Act on the most recent USDA report.
- C.** Any animal offered for sale, trade or give-away by a pet dealer or pet store shall have daily access to appropriate amounts of clean, fresh water and clean, fresh food no less than twice per day.
- D.** Any pet dealer or pet store offering animals for sale, trade or give-away shall, upon request of the prospective consumer, make available a copy of the most recent inspection reports conducted by the USDA and the state of origin of the animal's breeder and/or broker from which the subject animal came.
- E.** Any pet dealer or pet store offering animals for sale, trade or give-away shall retain each invoice they receive from the broker or breeder from whom they obtain their animals for a period of at least 2 years. A copy of the invoice must be provided to the Rockland County Office of Consumer Protection upon the Department's request.
- F.** Any pet dealer or pet store offering animals for sale, trade or give-away shall make sterilization services 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.

Section 5. Primary Animal Enclosures Requirements for Pet Dealers.

- A.** Any primary animal enclosure used to house an animal offered for sale, trade, or give-away shall house a maximum of four animals.
- B.** The required floor space for each animal in an enclosure shall be the number that results from making the following calculation: $(\text{length of the largest animal in inches measured from nose to tail} + 6)^2 \text{ divided by } 144 = \text{required floor space in square feet}$. For a single animal housed in an enclosure alone, the enclosure's floor space shall be a minimum of 2 square feet, provided the calculation above would result in a smaller space.

- C. The interior height of the primary enclosure must be at least six inches higher than the head of the tallest animal when it is in a normal standing position.
- D. Any enclosure made from wire must contain a resting board of sufficient size for the contained animals to lie, stretch, walk and stand without touching other animals and without touching the containment structure or wire.
- E. Animal enclosures shall be stacked no more than 2 enclosures high. The top most stacked enclosure must have a solid floor that will not permit food or debris to fall into any lower cage.
- F. Any primary animal enclosure shall have a tag with the following information about each animal who is housed therein:
 - 1. Breed of the animal, if known;
 - 2. Sex of the animal;
 - 3. Color or other identifying markers;
 - 4. Date of the animal's birth;
 - 5. The name and USDA license number of the breeder; and
 - 6. The name and USDA license number of the broker, if applicable.

Section 6. Exemption.

Pet dealers and pet stores may use animal enclosures that are stacked three enclosures high if they were purchased and installed by the pet store or pet dealer prior to the effective date of this law, provided that they have solid floors between each level, but this exemption will lapse and terminate five years after this law's effective date. All other requirements associated with animal enclosures shall remain in effect.

Section 7. Enforcement.

- A. This law shall be enforced by the Office of Consumer Protection.
- B. The Director of the Office of Consumer Protection shall designate someone who shall inspect each pet store operating in the County of Rockland at least once annually and who shall make additional inspections of any pet store should it observe or receive credible evidence of violations.

Section 8. Rules and Regulations.

The Director of the Office of Consumer Protection is hereby authorized, empowered and directed to promulgate such rules and regulations as he or she deems necessary to implement the provisions of this law.

Section 9. Penalties.

- A.** Any pet dealer or pet store which violates any provision of this law shall be assessed a civil fine of \$500 per violation. Each individual violation of the provisions shall be considered a separate and distinct offense.
- B.** A civil penalty shall only be assessed by the Director of the Rockland County Office of Consumer Protection following a hearing and opportunity for an alleged violator to be heard.

Section 10. Applicability.

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

Section 11. 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 12. Effective Date.

This law shall take effect 120 days following its filing in the Office of the Secretary of State.

STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 7th day of October 2014 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

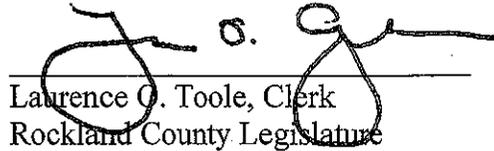
I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 8th day of October 2014.

Date sent to the County Executive:
October 8, 2014



Certified or Approved
Edwin J. Day
County Executive, County of Rockland



Laurence O. Toole, Clerk
Rockland County Legislature

11/2/14
(date)

LOCAL LAW NO. **3** OF 2014