



TOWN of GREENBURGH

Local Law No. /2019

A local law to amend the Town Code of the Town of Greenburgh, pursuant to the New York State Constitution Article IX and New York Municipal Home Rule § 10 and the New York State Agriculture and Markets Law Article 26-A, § 407, by creating a new Chapter 343 entitled, “Dogs and Cats, Commercially Bred” in the Town Code of the Town of Greenburgh.

BE IT ENACTED by the Town Board of the Town of Greenburgh:

Section 1. Enactment of a new Chapter 343 entitled “Dogs and Cats, Commercially Bred.”

- § 343-1. Purpose and Intent.
- § 343-2. Title.
- § 343-3. Definitions.
- § 343-4. Prohibition on Sale of Commercially Bred Dogs and Cats in Pet Stores.
- § 343-5. Enforcement.
- § 343-6. Penalties for Offences.

Section 2. Severability

Section 3. Effective Date.

SECTION 1. Enactment of a new Chapter 343 entitled “Dogs and Cats, Commercially Bred.”

§ 343-1. Purpose and Intent.

The purpose of this chapter shall be to prohibit the sale of commercially bred dogs and cats in pet stores which can lead to the mistreatment, abuse and even slaughter of unsold dogs and cats. The Town Board finds that hundreds of thousands of dogs and cats across the nation have been housed and bred at substandard breeding facilities known as "puppy mills," or "kitten factories," that mass-produce animals for sale to the public, with many of these animals being sold in pet stores. The U.S. Center for Disease Control and Prevention reports that these animals pose a health risk to consumers. The Board also finds that existing State law does not sufficiently address the issue of “puppy mills,” or “kitten factories” and determines that reasonable restrictions at the local level are therefore necessary and appropriate to protect the well-being of persons and property in the Town.

§ 343-2. Title.

This law shall be known as “A Local Law amending the Code of the Town of Greenburgh by adding a new Chapter 343 entitled; “Dogs and Cats, Commercially Bred.”

§ 343-3. Definitions.

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

ANIMAL CARE FACILITY - means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

ANIMAL RESCUE ORGANIZATION - means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

BREEDER - means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

BROKER - means a person that transfers a dog or cat from a breeder for resale by another person.

CAT - means a member of the species of domestic cat, *Felis catus*.

DOG - means a member of the species of domestic dog, *Canis familiaris*.

OFFER FOR SALE - means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

PET DEALER - means any person or firm which engages in the sale of more than nine animals per year for profit to the public. Includes breeders who sell animals. Exception: breeders who sell directly to the consumer fewer than 25 animals per year that are born and raised on the breeders' residential premises. (N.Y. AGRIC. & MKTS. LAW § 400, N.Y. GEN. BUS. LAW § 752-a)

PET STORE - means a retail establishment where dogs or cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

§ 343-4. Prohibition on sale of commercially bred dogs and cats in pet stores.

- A. It shall be unlawful for any person to sell any live dog or cat in any pet store located in the Town of Greenburgh, unless the dog or cat was obtained from an animal shelter or a humane society that does not breed dogs, affiliate with or share a premise with a breeder, pet dealer, or broker, obtain dogs from a breeder, pet dealer, or broker in exchange for payment or compensation, or resell dogs obtained from a breeder, pet dealer, or broker and provide payment or compensation.

Nothing in this section shall prohibit pet shop operators from collaborating with animal control facilities or animal shelters to offer space for such entities to showcase adoptable dogs and cats provided the pet shop operator shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

This section shall not apply to the display, sale, offer for sale, giving away or other transfer of dogs or cats by a breeder from the premises on which they were bred and reared, provided that the premises are property zoned for such activity and not retail in nature.

- B. A pet shop shall not offer for sale a puppy or kitten that is younger than eight weeks old.
- C. Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall display a label stating the name and address of the organization supplying said animal on the animal's cage.
- D. Every shop shall maintain records stating the name and address of the animal shelter or animal welfare organization from which each dog or cat was obtained for a minimum of two years following the date of acquisition. Such records shall be made available, immediately upon request, to the Greenburgh Town Clerk.
- E. In accordance with NYS Agriculture and Markets Law § 407, the provisions of this law shall not result in essentially banning all sales of dogs or cats raised and maintained in a healthy and safe manner.

§ 343-5. Enforcement

This article shall be enforced by the Town's Building Code Enforcement Officer(s).

343-6. Penalties for offenses.

Any person who violates any provision of the article shall be guilty of a violation punishable by a fine not to exceed \$500. Each dog or cat offered for sale in violation of this section shall constitute a separate violation.

SECTION 2. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application to any person 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 chapter, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 3. Effective date.

This Local Law shall take effect 180 days after filing with the Secretary of State.