

Village of Port Chester, New York

Local Law No. I-7 of the year 2016

Be it enacted by the Board of Trustees of the Village of Port Chester, New York

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER,
CHAPTER 136 "ANIMALS", WITH REGARD TO PROHIBITION ON SALE OF
COMMERCIALY BRED DOGS AND CATS IN PET STORES

SECTION 1: Purpose and Intent

The Board of Trustees hereby finds that the sale of commercially bred dogs and cats in pet stores can lead to the mistreatment, abuse and even slaughter of unsold dogs and cats. According to The Humane Society of the United States ("The Humane Society"), American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers. The Humane Society, reports 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.

According to the USDA inspection reports, some additional documented problems found at puppy mills include: (1) sanitation problems leading to infectious disease; (2) large numbers of animals overcrowded in cages; (3) lack of proper veterinary care for severe illnesses and injuries; (4) lack of protection from harsh weather conditions; and (5) lack of adequate food and water. Across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these same stores collaborate with local animal shelter and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.

While the Board recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs and cats to pet stores as a "puppy mill" or "kitten factory," it is the Board's belief that regulations are needed to regulate the sale of dogs and cats in pet stores. The Board also finds that existing State law does not sufficiently address the issue of "puppy mills," or "kitten factories" and further the Board takes notice of the legislation that has been enacted by the State

Legislature to amend the Agricultural and Markets Law and General Business Law on this subject, to authorize local governments enact more stringent regulations on pet stores. (L.2013, c.21, § 2, eff. Jan.27, 2014). Acting under the authority of Municipal Home Rule Law, Section 10, subd.1(i) and (ii)a(12), the Board finds 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 Village.

SECTION 2: The Code of the Village of Port Chester, Chapter 136, is hereby amended to include a new article, Article V entitled "Prohibition on sale of commercially bred dogs and cats in pet stores", to read as follows:

§136-33 Prohibitions.

A. It shall be unlawful for any person to sell any live dog or cat in any pet store, retail business or other commercial establishment located in the Village of Port Chester, unless the dog or cat was obtained from an animal shelter or a humane society located in the County of Westchester, or a nonprofit rescue and humane organization registered with the New York State Department of Agriculture.

B. For purposes of this section, a "rescue and humane organization" is defined as a New York State nonprofit corporation that is exempt from taxation under Internal Revenue Code Section 501 (c)(3), participates in early age spay/neuter of animals, complies with state and local laws regarding the humane treatment of animals, and whose mission and practice is, in whole or in significant part, the rescue and placement of dogs and/or cats.

§136-34 Enforcement

(A) Any person who violates the provisions of this section or any of the rules promulgated thereunder shall, for a first offense, be guilty of a violation punishable by a fine no more than \$250. For a second offence, within a continuous twelve-month period, be guilty of a violation punishable by a fine no more than \$500. For a third, or any subsequent offense, within a continuous twelve-month period starting from the first offense, such person shall be guilty of a class B misdemeanor punishable by a fine no more than \$500 or by imprisonment of no more than three months, or both.

(B) In the alternative to such criminal penalties, any person who violates this section may be liable for a civil penalty of no more than \$250 for the first offence and \$500 for any subsequent offence.

(C) The Village Attorney shall be authorized to bring a proceeding, against a responsible party(ies), in court of competent jurisdiction to enforce this law.

SECTION 3: Severability

If any provision of this local law is held to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such provision or part thereof and the remaining part of such provision and all other provisions shall continue in full force and effect.

SECTION 4: Effective Date

This local law shall be effective immediately upon filing with the Secretary of State.