

TOWN OF TYRE**Local Law No 4 of the Year 2015****Town of Tyre Dog Kennel Law**

Be it enacted by the Town Board of the Town of Tyre as Follows:

Section 1. Legislative Intent

It is the intent hereof to require that in order for a dog kennel to be established or maintained in the Town of Tyre, Seneca County, NY, a kennel permit be obtained from the Town, for the purposes of keeping a record thereof and assuring the healthful and humane treatment of dogs pursuant to New York State and/or federal law.

Section 2. Definitions

- 2.1. The following words, terms and phrases, when used in the law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

COMMERCIAL KENNEL: Any use on a lot, whether such use is primary or otherwise, wherein nine or more dogs, each of which is four months of age or older, are kept or maintained for sale, boarding, breeding, grooming, letting for hire, training or any other purpose involving compensation, whether monetary or otherwise, of any kind.

EXEMPT KENNEL: Any use on a lot for a municipal animal shelter or veterinary facility, unless such use includes activities that can be defined herein as a commercial kennel.

KENNEL PERMIT: The document issued by the Town of Tyre pursuant to this article, indicating compliance with the application process required by this article.

- 2.2. All other words and phrases used in this article shall have, for the purpose of this article, the meanings respectively ascribed to them by Article 26-A of the Agriculture and Markets Law (Care of Animals by Pet Dealers), Article 35-D of the General Business Law (Sale of Dogs and Cats) and the Federal Animal Welfare Act (7 U.S.C. § 2131 et seq.), as well as the amendments and/or successors to said laws.

Section 3. New York State and federal licensing compliance

- 3.1. Every commercial kennel that is required to be licensed by either the New York State Department of Agriculture and Markets or the United States Department of Agriculture shall at all times be so licensed.
- 3.2. Every individual dog that is kept or maintained in a commercial kennel shall at all times be licensed, if required, pursuant to state and local law or regulation.

Final Version Adopted June 18, 2015

- 3.3. Every individual dog that is housed, kept or maintained in a commercial kennel shall at all times be in compliance with all applicable vaccination and other canine health maintenance requirements pursuant to federal, state and local law or regulation.
- 3.4. Every commercial kennel shall at all times be in compliance with all applicable federal, state and local laws and regulations, including, but not limited to, Town of Tyre zoning regulations and New York State Uniform Fire Prevention and Building Code regulations.

Section 4. Town kennel permit required; application; fee; renewal

- 4.1. No commercial kennel shall be operated, maintained or kept on a lot in the Town of Tyre, unless a kennel permit has been issued for such commercial kennel. The Code Enforcement Officer shall issue each kennel permit upon application for same, subsequent to verification by the Town of Tyre Code Enforcement Officer or Dog Control Officer that any kennel license required pursuant to state or federal law or regulation is currently in effect for that kennel.
- 4.2. The kennel permit issued by the Town of Tyre shall be separate and distinct from any kennel licensing by the federal government or the New York State Department of Agriculture and Markets, as well as permits issued pursuant to the Town of Tyre Zoning Chapter and the New York State Uniform Fire Prevention and Building Code.
- 4.3. There shall be a fee for such kennel permit, as well as any renewal thereof, the amounts of which shall be established by resolution of the Town Board. Such fee must be paid prior to issuance of the kennel permit or renewal thereof.
- 4.4. The kennel permit application shall contain a certification by the applicant that the kennel is in compliance with all applicable federal, state and local laws, rules and regulations, as well as any and all conditions of any license(s) which pertains to such kennel.
- 4.5. The application form shall require disclosure of whether the applicant, property owner or operator of the kennel has ever been convicted of a crime involving animal cruelty or animal torture or determined to have violated any section of Article 26-A of the Agriculture and Markets Law of the State of New York or any section of Article 35-D of the General Business Law of the State of New York.
- 4.6. The kennel permit shall be valid for a period of one year from date of issuance and shall be subject to annual renewal. The requirements of this article shall equally pertain to the renewal of such kennel permit.

Section 5. Kennel permit criteria

- 5.1. All kennel licenses and permits shall be prominently displayed on the kennel premises.
- 5.2. A Town of Tyre kennel permit may be denied or revoked based upon clear and convincing evidence that false information has been supplied in the application for such kennel permit, that the kennel's license, if any is required, has been suspended, revoked or otherwise terminated by an agency of the federal or state government or the conviction of the kennel permit holder of any crime involving animal cruelty, or determined to have violated any section of Article 26-A of the Agriculture and Markets Law of the State of

Final Version Adopted June 18, 2015

New York or any section of Article 35-D of the General Business Law of the State of New York.

- 5.3. Each kennel permit shall be valid for a period of one year and may be renewed annually subject to the provisions hereof.

Section 6. Administration

The Dog Control Officer of the Town of Tyre is authorized and directed to enforce the provisions hereof.

Section 7. Penalties for offences.

- 7.1. Any violation of the provisions of this article shall constitute a violation punishable by a fine not to exceed \$250, by incarceration for not more than 15 days, or by both such fine and incarceration. In the event that any violation is ongoing or continuous, each twenty-four-hour period thereof shall constitute a separate and distinct offense and may be prosecuted as such.
- 7.2. In addition to the foregoing remedies, an action or proceeding in the name of the Town of Tyre may be commenced in any court of competent jurisdiction to compel compliance with or restrain violation of this article.

Section 8. Effective date

This law shall take effect upon filing with the NYS Secretary of State.