

**NOTICE OF PUBLIC HEARING ON
PROPOSED LOCAL LAW
TOWN OF OVID, NEW YORK
PROPOSED LOCAL LAW NO. BB OF THE YEAR 2012**

NOTICE IS HEREBY GIVEN that the Town Board will hold a public hearing on the following proposed Local Law at the Town Office Building, 7160 North Main Street, Ovid New York at 7:00 p.m. on the 8th day of August, 2012: **PROPOSED LOCAL LAW NO. BB OF THE YEAR 2012, A local law enacting A Eighteen-month Moratorium On The New Construction/Establishment Of Kennels And/Or Pet Breeders In The Town Of Ovid.**

The text of the proposed local as introduced is as follows:

SECTION ONE: LEGISLATIVE INTENT

When the Town Land Use Ordinance was originally enacted, the then Town Board did not provide for the regulation of the construction or operation of kennels or other dog or cat breeding or boarding facilities within the Town. Since then, the Town has learned that thousands of large scale dog breeding facilities exist all over the United States and, further that the numbers also appear to be increasing in other areas, including upstate New York. Further, it has been documented in the press that dogs rescued from these operations exhibit a wide array of veterinary and behavioral problems, including severe malnutrition, rotting teeth and severe periodontal disease, extreme matting of fur sometimes leading to skin lesions, mange, flea, tick, and parasite infestations; serious foot and leg injuries from living an entire life on wire mesh flooring; that female dogs in such circumstances are typically bred at every opportunity until they are physically spent and can no longer reproduce; that these dogs live out their entire lives in tiny enclosures, never having a chance to get out of their cages for exercise or socialization. Therefore, it appears that it would be appropriate for the Town Board to review the standards under which large scale and/or commercial kennels or breeding facilities be permitted within the Town. It is with this in mind that this moratorium is hereby proposed.

SECTION TWO: DEFINITIONS.

For the purposes of this local law, the following definitions shall apply:

- A. **KENNEL**— Any building or lot on which at least three (3) or more dogs or cats not owned by the property owner are trained, or boarded (but not bred or sold) for commercial purposes..
- B. **PET BREEDER** — Any building or lot on which any of the following occurs:
 - 1. at least three (3) or more dogs or cats at any one time are bred or sold for commercial purposes; or
 - 2. any adult female dog or cat is bred more than once in any twelve-month period with the intent of selling or giving away said dog's or cat's pups or kittens; or
 - 3. more than two (2) litters of pups or kittens are sold or given away in any twelve-month period.

SECTION THREE: MORATORIUM

Upon the effective date of this Local Law and continuing for eighteen months thereafter, the construction or operation of any new Pet Breeder or Kennel facility or expansion of any existing Pet Breeder or Kennel facility shall be prohibited within the Town of Ovid.

SECTION FOUR: EXCLUSIONS

This moratorium shall not apply to the following: Any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes;

and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

SECTION FIVE: EFFECTIVE DATE:

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York in accordance with the Municipal Home Rule Act of the State of New York.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed local law will be reviewed at the said public hearing.

The complete text of the proposed local law is available during normal business hours at the Office of the Town Clerk, Ovid Municipal Building, 7160 North Main Street, PO Box 452, Ovid NY 14521.

Dated: Ovid, N.Y., July 11, 2012

By Order of the Town Board of the Town of Ovid
James Vangalio, Town Clerk