LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS
OCT 19 2018
DEPARTMENT OF STATE

County
City
Town of Starkey
Village

Local Law No. **3** of the year **2018**

A Local Law Amending The Town of Starkey Zoning Ordinance to Change Regulations Pertaining to Kennels

Be it enacted by the **Town Board**

County
City
Town of **Starkey** as follows:
Village

Section 1. Section 6.77 of The Town of Starkey Zoning Ordinance is hereby repealed and a new Section 6.77 is hereby inserted in its place to read as follows:

6.77 KENNELS

All kennels must be in compliance with USDA and /or NY State Ag and markets regulations and require a special use permit from the planning board. In addition to the special use criteria in section 6.60 of this Local Law the planning board shall be guided by the following criteria.

1. Design elements to mitigate noise both inside and out to protect the animals' hearing as well as prohibiting nuisance noise impacting human neighbors. Total decibel level should be below 95 to reduce hearing loss among breeding and puppy stock.

2. Primary Pens, adjacent exercise areas and outside runs shall be a minimum of 200% of USDA standards, a minimum of fifty percent solid flooring and include daily access to an outside portion of the pen. Stacked pens will not be allowed. Whelping areas shall not be located adjacent to flooring that would allow feet to penetrate the flooring.

3. Waste shall be composted following the guidelines in the town issued breeders guide. Piles shall be situated a minimum of 200 feet from any

waterway, ditch, stream, pond or lake. Composted material shall not be used to grow crops for human consumption.

4. Flooring shall be solid or plastic-coated wire flooring with a minimum of 50% solid flooring required. Plastic covered wire flooring is permitted in the remaining area as long as the gauge of openings is small enough to prevent injuries to the size of dog being housed. Solid flooring may consist of tile, concrete and or other materials that provide an easily cleaned surface. Areas in which the dogs are housed, exercised, or allowed to roam in an enclosure shall be maintained daily as a clean and waste free environment.

5. Each breeding dog at retirement shall be spayed or neutered.

6. The application shall include a plan for exercise, socialization and grooming with the goal of successful re-homing for retired dogs.

7. Each applicant for a kennel shall provide the name of a fully certified veterinarian who has agreed to attend any animals to be housed at the proposed kennel, and submit a letter from that veterinarian containing the following:

   a) They are confident in the applicant's ability to properly care for the number of breeding dogs requested in the facility as designed.

   b) They will instruct the breeder in proper technique and equipment for any procedures that the breeder is allowed to perform by law. (list is available in the town issued breeders guide)

8. In an ongoing effort to more openly assure our citizens of how kennels operate and produce well cared for animals, an agreed upon town representative, either a council member or planning board member may visit the kennel at least once a year to assess the effectiveness of these regulations.

Section 4: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, 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, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

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

(Complete the certification in the paragraph that applies to the filing of this local law and

strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2018 of the **Town of Starkey** was duly passed by the Starkey Town Board on September 6, 2018, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer[1].)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

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[1] Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November ___, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Sue A. Crans
Clerk of the Town

(Seal)

Date: Sept 18, 2018

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

_____
Signature

_____
Title_____

County of Yates, Town of Starkey

Date_____

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