

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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.

~~COUNTY~~
~~CITY~~ of Lumberland
Town _____
~~VILLAGE~~ _____

Local Law No. 1 of the year 2008

A local law to amend Local Laws #4/1988 and #3/2001 entitled Zoning
(insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of Lumberland
Town _____ as follows:
~~VILLAGE~~ _____

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 5.9.4

2. Any facility where more than four (4) dogs or cats over three (3) months of age are kept (indoors or outdoors), boarded or trained shall also be considered a kennel and be subject to special use permitting procedures where permitted. Any existing kennels are exempt from obtaining a special use permit.
4. All dogs and/or cats kept at a kennel must have current rabies vaccinations. Copies of appropriate paperwork evidencing rabies vaccinations must be kept on file by the kennel for at least one year after the last time an animal is kept.

DEFINITION:

KENNEL: Any place at which there are kept five or more dogs or cats over the age of three months and/or more pups or kittens than from a single litter, under the age of three months, for care, boarding, breeding or other purpose. All other words and phrases used in this amendment shall for the purpose of this amendment have the meanings ascribed to them by Section 108 of the Agriculture and Markets Law.

SECTION 5.9.5

2. Setbacks: All buildings and structures housing animals and all pens, runs and open areas where dogs and cats are allowed to be shall be located no closer than 300 feet from any lot or street line and shall also be located no closer than 500 feet from any residential dwelling that is located off the site.

The dog control officer shall recommend appropriate fencing for the kennel operation; this recommendation shall then be considered by the Planning Board which shall determine the placement and extent of such fencing.

4. All kennels must obtain a special use permit from the Planning Board, in addition to the other requirements of this section, whether or not the kennel(s) charges a fee for boarding animals.
5. Sanitary and veterinary review: In all instances, all dogs and cats shall be adequately housed, fed, controlled, fenced, inoculated, and otherwise maintained in a sanitary and safe manner so as not to create a nuisance, health or safety hazard to nearby properties, property owners or inhabitants of the neighborhood or the dogs and cats or other domestic animals.

6. Kennel License: A license for one year for a kennel may be obtained from the Town Clerk after the Dog Control Officer has inspected the premises and found that it meets the conditions of this local law. A fee of \$50.00 per year per kennel is imposed by the Town and each license is renewable on its anniversary date for the same fee. In order to obtain a

renewal of the license, the dog control officer must inspect the premises and find that it continues to meet the provisions of this section. Violations of this local law may, in the discretion of the dog control officer, constitute the basis for non-renewal of the license. In the event that there are any outstanding charges of violation of this section at the time renewal of the license is sought, the dog control officer may, in his or her discretion, deny renewal of the license until such time as the charges are resolved and, at that time, re-evaluate the renewal license application. Fees will remain the same until said fees are changed by resolution of the Town Board.

3362-051

(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. 1 of 20 08 of the ~~(County)(City)(Town)(Village)~~ of Lumberland was duly passed by the Town Board on 20, 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*.)

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.

* 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 _____ 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.

Virginia V. Horn
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 19, 2008

(Seal)

(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 Sullivan

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.

Brian S. Edwards
Signature

Attorney for the Town of Lumberland
Title

~~COUNTY~~
County of _____
~~CITY~~ of Lumberland
Town _____
~~VILLAGE~~

Date: 6/20/08