

**FILING LOCAL LAW**

New York State Department of State  
41 State Street, Albany, NY 12231

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(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  
**Town of Geneva**  
Village

Local Law No. **2** of the year **2008**.

A local law **"Establishing a Moratorium on Kennels and Puppy Mills in the Town of Geneva"**

(Insert Title)

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

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

Section 1. STATEMENT OF LEGISLATIVE INTENT:

The present Town Code does not address the emergence of kennels and puppy mills as revenue enhancers for private/personal gains. When unregulated, these facilities can be detrimental to the neighboring residents enjoyment of their property or premises.

Therefore, it is the intention of the Town Board to enact a moratorium of the construction or use of kennels and puppy mills so that the Town Board can enact laws to ensure public health, safety, comfort, convenience and welfare of the Town residents.

Section 2. DEFINITIONS

- A. Town: Town of Geneva, Ontario County, New York
- B. Town Board: Town of Geneva Town Board
- C. Planning Board: Town of Geneva Planning Board

D. Zoning Board: Town of Geneva Zoning Board

E. Building Inspector: Town of Geneva Building Inspector

F. Kennels: Any premises where, for monetary compensation, four (4) or more dogs or other domestic animals, other than farm animals, more than four months of age are housed, groomed, bred, trained or offered for sale.

G. Puppy Mills: Any large scale dog breeding facilities that operate under substandard breeding conditions, causing the development of chronic health problems, temperament issues, and hereditary defects in puppies that come from the mills.

### Section 3. MORATORIUM

A. The Town Board hereby enacts a moratorium, which shall prohibit Kennels and Puppy Mills within the Town.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of (i) the date six (6) months from said effective date, unless renewed: or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for kennels or puppy mills nor shall it grant any preliminary or final approval to any site plan or subdivision application which includes kennels or puppy mills as part of the application.

E. Pursuant to this moratorium, the Building Inspector shall not issue Building Permits or Certificates of Occupancy for any kennels or puppy mills.

F. Pursuant to this moratorium, the Zoning Board shall not grant any approvals for any variance or special use permit that involves the construction, reconstruction, relocation, enlargement or modification of kennels or puppy mills.

### Section 4. PENALTIES

Any person, firm, entity or corporation which shall construct, reconstruct, relocate, enlarge or modify any kennel or puppy mill in violation of the provisions of this Local Law, shall be subject to:

- A. A fine not to exceed \$250 or imprisonment for a period not to exceed fifteen days, or both;
- B. A civil penalty in the amount of \$100.00 for each day that such violation shall exist;
- C. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction, improvements, or related items or byproducts which may have taken place in violation of this Local Law.

Section 5. ENFORCEMENT

It shall be the duty of the Building Inspector to enforce the provisions of this Local Law.

Section 6. VALIDITY

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such 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 thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 7. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six months from the date of such filing.

**(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. 2 of 2008 of the **Town of Geneva** was duly passed by the Geneva Town Board on \_\_\_\_\_, 2008, 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<sup>1</sup>.)**

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.

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

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<sup>1</sup> 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.

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2005 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.

(Seal) \_\_\_\_\_  
Clerk of the Town  
Date: \_\_\_\_\_

**(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 ONTARIO

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.

\_\_\_\_\_  
Attorney to the Town  
  
Town of Geneva  
  
Date: \_\_\_\_\_