

Local Law Filing

(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 Village

(Select one.)

of ERIE

FILED
STATE RECORDS

APR 10 2019

DEPARTMENT OF STATE

Local Law No. 2 of the year 2019

A local law in relation to The Feline (Cat) Adoption Promotion Act of 2019
(Insert Title)

Be it enacted by the Erie County Legislature of the
(Name of Legislative Body)

County City Town Village

(Select one.)

of ERIE

as follows:

Section 1: Legislative Findings and Intent

The Erie County Legislature hereby makes the following findings and determinations:

The Legislature of the County of Erie, takes notice that Assembly Bill A09970B and Senate Bill S177, heretofore known as amendments to Subdivision 2 of Section 374 of the New York State Agriculture and Markets Law, as amended by Chapter 449 of the Laws of 2010, was signed into law by the Governor on December 21, 2018.

This law relates to the disposition of felines (cats) and allows shelters to place cats, whose owners cannot be identified by any collar, tags or microchip, up for adoption after three days, as contrasted with a prior five day waiting period.

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

The 2018 amendments to Subdivision 2 of Section 374 of the New York State Agriculture and Markets Law allows any municipality to establish the duration of such periods by local law or ordinance for any cat whose owner cannot be identified by a collar, tag, microchip, tattoo or other identifying mark at no less than three days.

The Erie County Legislature takes note that some animal shelters in Erie County have large populations of cats seeking adoption, and that the longer a cat resides in a shelter without being adopted, the greater the chance of illness or disease being spread amongst the cats in the shelter. Further, until December 2018, Subdivision 2 of Section 374 of the New York State Agriculture and Markets Law required such shelters to retain cats for at least five days before they could be adopted. The new state law allows for adoptions after three days, provided that a local municipality adopts a local law or ordinance “opting in” to the three day requirement.

The Erie County Legislature finds and determines that acting under the authority granted under Section 374 of the New York State Agriculture and Markets Law, and in order to promote the health and well-being of cats in shelters, and the timely and safe adoption of felines (cats) from a duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any city, town or village in Erie County, it is necessary to re-establish the duration of the period in Erie County in which such an organization may make available for adoption or transfer to a rescue organization any cat whose owner cannot be identified by a collar, tag, microchip, tattoo or other identifying mark.

Section 2: Cat Adoption or Transfer to a Rescue Organization After Three Days

The Erie County Legislature hereby establishes that a cat may be placed for adoption or transfer to a rescue organization after three days by a duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any city, town or village in Erie County. This also provides that said cat can be made available for the purposes of adoption or transfer to a rescue organization and released to an adoptive owner or a rescue organization following an examination by a duly-licensed veterinarian, the details of which shall be provided to the adoptive owner or rescue organization.

Section 3: Effective Date

This Local Law shall take effect upon filing with the New York State Secretary of State.

Section 4: Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or Business 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, subdivision, section or part of this law, or in its specific application.

Sponsors:

Peter J. Savage, III

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ 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. 2 of 20¹⁹ of the (County) _____ of ERIE was duly passed by the ERIE COUNTY LEGISLATURE on MARCH 21 20¹⁹, and was (approved)(~~not approved~~) (repassed after disapproval) by the _____ and was deemed duly adopted on APRIL 8 20¹⁹, 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.)

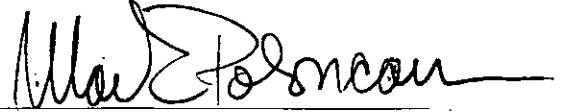
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____² above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 9, 2019

(Seal)

A Public Hearing was held on the foregoing **Local Law Intro. No. 2-1-2019** on **April 8, 2019** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 8th day of April, 2019.



Mark C. Poloncarz

A Public Hearing was held on the foregoing **Local Law Intro. No. 2-1-2019** on **April 8, 2019** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ____ day of _____, 20____.

Mark C. Poloncarz