

(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 2015

County

City

Town

Village

TOWN OF HANNIBAL

DEPARTMENT OF STATE

Local Law No. 2 of the year 2015

Amending Local Law 3 for the year 1999

A local law

(Insert Title)

entitled Zoning Law for the Town of Hannibal

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

County

City

Town

Village

Town of Hannibal

as follows:

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

**The Town of Hannibal Zoning Law is amended as follows:**

**Article 2, Section 210 of the Zoning Law is amended by adding the following specific definitions:**

**Dog breeding facility:** Any building or lot on which one of the following occurs:

1. At least three or more dogs at any one time are bred or sold for commercial purposes;
2. Any adult female dog is bred more than once in any twelve month period with the intent of selling or giving away the offspring of said dog;
3. More than 2 litters of puppies are sold or given away in any twelve month period.
4. Three or more unsprayed female dogs are housed on the property.

**Dog kennel facility:** Any building or lot on which at least three or more dogs not owned by the property owner are trained or boarded (but not bred or sold) for commercial purposes.

**Dog sheltering facility:** Any building or lot where three or more dogs are provided with temporary shelter for the purpose of finding new homes and/or owners for said dogs but not for commercial purposes. This definition shall apply whether or not said dogs have been registered in the property owner's name. It shall not apply to: 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; or to any veterinary hospital or clinic owned by a veterinarian or veterinarians which is operated for such purpose in addition to its customary purposes.

**Article 4, Section 430 Schedule B is amended as follows:**

Dog breeding facility and dog sheltering facility shall all require a special permit.

**Article 17.0 Section 1750 is amended as follows:**

- A. Whenever a violation of this law occurs any person may file a written or oral complaint in regard thereto. All such written complaints and a record of any oral complaints shall be filed with the Zoning Officer who shall properly record and immediately investigate such complaint. A written report of the Zoning Officer's Findings shall be made and recorded. The Zoning Officer shall report on the disposition of complaints resolved in the previous month and the status of all pending complaints at each Town Board meeting.
- B. If the complaint is found to be valid, the Zoning Officer shall proceed as follows:
  1. He/she may issue a written warning notifying the property owner of the violation and giving the owner a specified period of time to correct the violation without penalty;
  2. If no correction is made within the specified time or if in the discretion of the Zoning Officer, a written warning is not sufficient, he/she may issue a stop work order or a cease and desist order as the case may be requiring all work or prohibited activity to cease immediately until the violation is corrected.
  3. If the violation is not corrected within the specified time the Zoning Officer shall take further criminal legal action to compel compliance. Pursuant to Section 150.20 (3) of the Criminal Procedure Law, the Zoning Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the Town Justice. The Zoning officer shall also file such supporting documents as are necessary to institute a criminal proceeding in the Town Justice Court.

- C. Pursuant to Section 10 of Municipal Home Rule Law and Section 268 of Town Law, and person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a misdemeanor and subject to fine and/or imprisonment as specified below. Each week an offense is continued shall be deemed a separate violation of this law.
1. A violation shall be a misdemeanor offense, punishable by a fine not to exceed \$100.00 or imprisonment for a period not to exceed 15 days, or both for a conviction for a first offense:
  2. A fine not to be less than \$100.00 nor more than \$250.00 or imprisonment for a period not to exceed 30 days, or both for a conviction for a second offense within a period of five years from the date of the commission of the first offense:
  3. A fine not to be less than \$250.00 nor more than \$500.00 or imprisonment for a period not to exceed 60 days, or both for a conviction for a third offense within a period of five years from the date of the commission of the first offense:
  4. A fine not to be less than \$500.00 nor more than \$1000.00 or imprisonment for a period not to exceed one year for a fourth or subsequent.
- D. The Town Board may maintain a civil action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

**Article 18 is added as follows:**

#### **Article 18 Dog Facilities**

##### **Section 1800 Intent and Purpose:**

The purpose of this law is to protect and preserve the general health, safety and welfare of dogs found in dog facilities in the Town of Hannibal by establishing regulations regarding the location, use and operation of said facilities in order to avoid and prevent detrimental effects on dogs and an increase in dogs taken in by animal shelters and rescue organizations due to the lack of socialization and training and poor health of dogs held in such facilities. It is further the intent of this local law to provide for local public health, safety and welfare and the rights of consumers by preventing or alleviating unsafe or unsanitary conditions of dogs which might impact the residents of the Town of Hannibal.

##### **Section 1801 Standards:**

1. A dog breeding kennel or sheltering facility (hereinafter referred to as a "dog facility") will be permitted in the Town of Hannibal in its designated district only under the following conditions:
  - a. All animals shall be kept in clean and sanitary premises, structures or enclosures and all such premises, structures or enclosures, including any outside runs shall be cleaned daily.
  - b. The ambient temperature shall be consistent with the requirements of the specific dogs. Heating shall be deemed necessary when the inside ambient temperature of the facility falls below fifty (50) degrees Fahrenheit for a period of four (4) consecutive hours and cooling shall be required when the temperature of the facility rises above eighty-five (85) degrees Fahrenheit.
  - c. All facilities shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means. The necessary

equipment or comparable means shall be provided to exhaust the air from the animal area to the outside of the building.

- d. Uniformly distributed natural and/or artificial lighting shall be provided to permit routine inspection and facilitate routine cleaning and the proper care and maintenance of the animals. Lighting shall be so arranged as to protect each animal from excessive illumination.
- e. All dogs shall be provided with adequate food and clean potable water daily.
- f. All dogs shall be provided with any necessary veterinary care appropriate to its general health and ownership status.
- g. One inside pen shall be provided for each dog boarded or kept. Any inside pen shall have a minimum measurement of three (3) feet wide by four (4) feet in length for all dogs except those 100 lbs. Or over which will have a minimum of three (3) feet by five (5) feet in area size. Any pen shall be of sufficient height for the dog to stand fully erect on all four legs with at least (6) inches of headroom.
- h. There shall be a minimum of one (1) outside run per three (3) dogs boarded or kept and there shall be no more than one (1) dog per run at any one time. No dog may be left outside.
- i. Each outside run shall:
  - Have a concrete base
  - Be enclosed by a minimum six (6) foot high chain link fence with shelter and with secure gates
  - The size of the run shall be (3) feet in width and ten (10) feet in length except for dogs of the size of 100lbs. or more. For dogs 100lbs or more, the run shall be four (4) feet width and ten (10) feet length.
- j. Sewage and waste shall be disposed of by connection of drains to a sanitary sewer or a state, county or locally approved sewage disposal system. Drainage systems shall be provided with back flow prevention devices on submersible inlets and hair traps, if required by law, on all plumbing lines in animal areas where hoses may be attached for cleaning of the facility.
- k. A dog facility can only be established on at least five (5) acres of property located at least one hundred (100) yards from any adjoining property lines. A dog facility cannot be established within a one mile radius of the property boundary of any existing dog facility.

## 2. Inspection Requirement:

- a. As heretofore provided, a person may operate a dog facility in the Town of Hannibal only with a special permit.
- b. Prior to the commencement of any use or upon any transfer of ownership or control of a facility the premises must be inspected by the Zoning Officer, together with the local dog control officer and found to be in compliance with all laws, ordinances, rules and regulations applicable to the use and occupancy for a commercial dog/cat breeding facility and/or dealers and in compliance with the Hannibal Town Code, the New York State Agriculture and Markets Law, the New York State General Business Law and the Uniform Fire Prevention and Building Code.
- c. All zoning officers shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of the inspection of the premises by such officials.
- d. Any owner and/or operator, employee of the owner and/or operator, or agent of the owner and/or operator, shall permit representatives of the Town Zoning Officer, the Town Dog Control Officer, the Oswego County Health Department, the Oswego County Sheriff's Department, the New York State Police, and the State Health Department, or any other

Town, county or state department or agency that has permitting authority regarding the use of the premises, to inspect the premises of the dog facility for the purpose of ensuring - compliances with this article at any time it is occupied or open for business. In the event that such permission is refused then a police agency or permitting authority, as appropriate, shall make application as required by law for a warrant to enter and inspect the premises.

3. The duration of any special permit shall be for a maximum period of one year. Any special permit for uses under this Article shall expire on December 31 of each year unless otherwise stated. The special permit shall run for the calendar year if so renewed by the Planning Board for the Town of Hannibal. An application for renewal of any permit must be made no more than ninety (90) and no less than (60) calendar days prior to expiration of such permit.
4. If upon inspection as described above, it shall be found that the operator has violated any provisions of this chapter, the Code Enforcement Officer shall have the power to revoke or suspend the permit and order the animals removed or dog facility closed after notice and an opportunity for the owner/operator to be heard by the Planning Board and their recommendation.
5. In addition to the other provisions of the Town Code, it shall be deemed a violation of Town Zoning Code if the owner and/or operator, an employee of the owner and/or operator or an agent of the owner and/or operator:
  - a. Has violated or is not in compliance with any section of the Town Code, the New York State Agriculture and Markets Law, the New York State General Business Law and/or any section of the New York Penal Law relating to mistreatment of animals: or
  - b. Has refused to allow any inspection of the dog facility as authorized by this article: or
  - c. Operates with an expired special permit

#### **SECTION 1802 Substantive Requirements: Pre-Existing Dog Facilities**

1. Pre-Existing facilities shall be considered non-conforming structures and must follow the terms under Article 5, Section 510 of the Town's Zoning Laws.
2. Non-conforming pre-existing facilities shall be allowed no modification and/or expansion without a Variance except for expanding the size or number of kennel runs to meet requirements in paragraphs l and j of standards, above. The facility may not increase the number of dogs bred within the facility.
3. Pre-existing facilities must meet the standards set for all dog facilities in the Town of Hannibal

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

/ Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 for 2015 of 2016  
the (County)(City)(Town)(Village) of HARVARD was duly passed by the  
TOWN BOARD on Sept 16 2015 in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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 19\_\_\_\_  
of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after  
(Name of Legislative Body)  
disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_,  
(Elective Chief Executive Officer\*)  
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 19\_\_\_\_  
of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after  
(Name of Legislative Body)  
disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted  
(Elective Chief Executive Officer\*)  
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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_  
of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the  
\_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after  
(Name of Legislative Body)  
disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to  
(Elective Chief Executive Officer\*)  
permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, became operative.

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

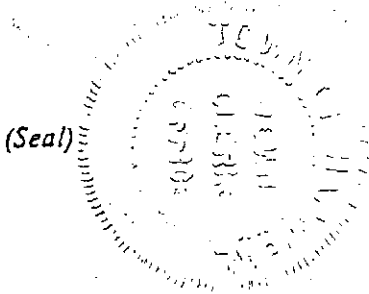
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the 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 \_\_\_\_\_, above.

Marcia Hubbard  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

Date: 9-18-15



(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 Oswego

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]  
Signature  
TOWN ATTORNEY  
Title

County  
City of HANNIBAL, NY  
Town  
Village

Date: 10/9/15