

## 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 Niagara

Local Law No. 5 of the year 2015

A local law of the County of Niagara New York, Establishing the Niagara County Animal Abuser  
(Insert Title)  
Registry

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

☒ County ☐ City ☐ Town ☐ Village  
(Select one:)

of Niagara as follows:

### Section 1. Title:

This Local Law shall be known as "The Niagara County Animal Abuser Registry Law."

### Section 2. Legislative Findings:

Animal cruelty is a serious problem resulting in the abuse of many animals each year and that while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Niagara County and throughout New York State. Studies show that people who have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding. It has also been documented that individuals who abuse animals are statistically more likely to commit violent acts against humans and there has been a strong correlation established linking individuals who abuse animals with incidents of domestic violence. Animals in need of homes need to be protected from potential abusers. The Niagara County Legislature further finds and determines that it is in the best interest of the residents of Niagara County and their animals that an online registry be established identifying individuals residing in Niagara County convicted of animal abuse crimes that will prevent these individuals convicted of animal cruelty from adopting, purchasing or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of

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

animals by adoption, sale or other means.

Section 3. Definitions:

As used in this local law, the following terms shall have the meanings indicated:

“Animal Abuse Crime” – Any of the following crimes:

- a) A Violation of any of the following provisions of the NYS Agriculture Markets Law (AML) Article 26:
  - Section 351 – Prohibition of animal fighting
  - Section 353 – Torturing and injuring animals; failure to provide proper sustenance
  - Section 353-A – Aggravated cruelty to animals
  - Section 355 – Abandonment of animals
  - Section 356 – Failure to provide proper food and drink to impounded animals
  - Section 359 – Carrying animal in a cruel manner
  - Section 360 – Poisoning or attempting to poison animals
  - Section 361 – Interference with or injury to certain domestic animals
  - Section 362 – Throwing substance injurious to animals in public place
  - Section 365 – Clipping or cutting the ears of dogs
  - Section 366 – Companion animal stealing
  - Section 366-A – Removing, seizing or transporting dogs for research purposes
- b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)
- c) Harming a service animal in violation of PL §242.10 and PL §242.15
- d) Killing or injuring a police animal in violation of PL §195.06
- e) Harming an animal trained to aid a person with a disability in violation of PL §195.12

“Animal” – Any living mammal (except a human being), bird, reptile, amphibian or fish

“Animal Abuse Offender” – Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

“Animal Abuser Registry” – The online registry established by this Local Law for registering any person residing in Niagara County convicted of an Animal Abuse Crime.

“Animal Shelter” – Any public or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such animals.

“Conviction” – An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty or nolo contendere plea.

“Farm Animal” – An animal used in the production of human or animal food, feed or fiber.

“Pet Seller” – Any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange or other transfer of ownership of animals.

“Service Animal” – Any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the ADA (Americans with Disabilities Act).

#### Section 4.      Establishing an Animal Abuser Registry:

The Niagara County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an online Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Niagara County who are convicted of an animal abuse crime on or after the effective date of this law. The online Registry will be maintained by the Niagara County Sheriff's Office and shall be listed on the Niagara County official website within the Niagara County Sheriff's Office webpage. The online Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the state of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers or other persons or entities located in Niagara County when they shall sell, exchange or otherwise transfer the ownership of any animal. The Registry shall contain the required information about each Animal Abuse Offender for a period of fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Officer convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Niagara County Sheriff's Office of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this local law, the registration information for that individual shall be removed from the Niagara County Animal Abuse Registry within five (5) days following the notification.

#### Section 5.      Registry Requirements:

- a) All Animal Abuse Offenders who reside in Niagara County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Niagara County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.
- b) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Sheriff's Office the name and address of the convicted person along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Sheriff's Office that the person is required to register with the Animal Abuser Registry.
- c) Each person required to register with the Animal Abuser Registry shall submit to the Niagara County Sheriff's Office:
  - i) Their name and any aliases they may be known by
  - ii) Their residence address
  - iii) Their date of birth, and
  - iv) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.
- d) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.
- e) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Niagara County Sheriff's Office at the time of Registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.



- f) The Niagara County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

Section 6. Animal Shelters and Pet Sellers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders

No Animal Shelter, Pet Seller, or other person or entity located in Niagara County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Niagara County and listed as an Animal Abuse Offender on the Animal Abuser Registry, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned animals. Prior to the sale, exchange or other transfer of ownership of any animal, the Animal Shelter, Pet Seller or other person or entity is required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the animal is not listed.

This section shall not apply to Farm Animals for farmers, nor to Service Animals for people with disabilities.

Section 7. Penalties

- a) Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand dollars (\$2,000.00).
- b) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting or purchasing an animal – except for Farm Animals for farmers and Service Animals for people with disabilities – shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand dollars (\$5,000.00).
- c) Any Animal Shelter, Pet Seller or other individual or entity that violates Section 6 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000.00). It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Niagara County Animal Abuser Registry and the name did not appear thereon.

Section 8. Severability:

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 9. Effective Date:

This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

(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. 5 of 2015 of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on October 20, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) 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) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

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) (Name of Legislative Body) (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.

*Mary J. Tamburleo*

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

Date: 10/27/15

(Seal)

