

COUNTY OF ERIE**LOCAL LAW NO. ____ -2019****LOCAL LAW INTRO NO. 2-1 -2019****THE FELINE (CAT) ADOPTION PROMOTION ACT OF 2019**

Be it enacted by the Legislature of the County 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.

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