

LOCAL LAW FILING

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Division of Corporations, State Records and Uniform Commercial Code
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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 Torrey
Village

Local Law No. 4 of the year **2021**

A Local Law to Amend the Town of Torrey Zoning Law

(Insert Title)

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

County
City
Town of Torrey
Village as follows:

Section 1: The adoption of this Local Law is in accordance with Section 10 of New York's Municipal Home Rule Law and §265 of the New York State Town Law.

Section 2. The definition of "KENNEL" contained in Section 98.10 of the Town of Torrey Zoning Law is hereby repealed and a new definition of "KENNEL" is hereby inserted in its place to read as follows:

KENNEL - Any premise, activity or service, including structures, cages and runs harboring four or more dogs that are least four months old that is operated for commercial purposes. A kennel includes boarding kennels where four or more dogs are temporarily housed and maintained for compensation and animal rescue facilities. A kennel does not include a licensed veterinarian facility.

Section 3. Subparagraph e. (Abandonment) of subsection 4. of paragraph D. (Solar Collectors and Installations for Major Systems or Solar Farms) of Section 98.98 (Solar Energy System Regulations) of the Town of Torrey Zoning Law is hereby amended as follows:

A. Subparagraph e. (3) is amended with the insertion of a new sub-item (e) to read as follows:

- (e) The decommissioning plan shall include an estimated cost of executing the plan. The cost estimate shall be prepared and certified by a professional engineer.
- B. Subparagraph e. is amended with the insertion of new sub-items (7) and (8) to read as follows:
 - (7) The site developer shall deposit with the Town Clerk a bond or other form of security acceptable to the Town equal 125% of the estimated decommissioning cost with an escalation of 2% annually for the life of the facility prior to permits being issued for any solar project. The bond shall be in place for the life of the facility and shall be used to fund the decommissioning of the facility in the event it is abandoned.
 - (8) Any solar farm developed prior to adoption of this revision that deposited a bond or other security with a value greater than 125% of the estimated decommissioning cost shall be able to replace the original bond or security with one that complies with this current revision.

Section 4. Section 98.120 (Kennels) of the Town of Torrey Zoning Law is hereby repealed and a new Section 98.120 is hereby inserted in its place to read as follows:

Section 98.120 Kennels

- A. Purpose: The purpose of this section is to set forth regulations for dog kennels and to identify the location where kennels will be allowed.
- B. Special Use Permit Required: Prior to the establishment of any kennel the landowner is required to:
 - 1. Obtain a Special Use Permit from the Town of Torrey.
 - 2. Obtain any license required by New York State and comply with Section 26A of the New York Agriculture and Markets Law.
 - 3. Obtain any licensed required by the US Department of Agriculture.
- C. Location: Kennels are allowed in the Agricultural District and Agricultural/Residential District.
- D. Kennel Standards:

In addition to the requirements of Article XVI, Special Use Permits, the applicant shall also provide proof of compliance with the following conditions:

- 1. A kennel facility can only be established on at least five acres of property

and must be located at least 100 feet from any adjoining property lines and 300 feet from any existing neighboring residence.

2. Facilities shall be provided so all dogs can be kept in a clean and sanitary environment.

3. A shelter shall be provided for each animal either as a pen or cage within a building or as standalone “dog house.”

a) The shelter shall be designed to provide ambient temperature consistent with the requirements of the specific breed. Heating shall be provided to maintain an inside ambient temperature of at least 50° F. Cooling shall be provided to maintain an inside ambient temperature of not more than 85° F.

b) All shelters shall be ventilated with fresh or filtered air. The ventilation system shall minimize drafts, odors and moisture condensation to provide an environment that sustains the health and comfort of the animals.

c) Lighting shall be provided to facilitate routine inspection of the facility and the animals and routine cleaning of the facility and care of the animals.

d) One shelter shall be provided for each adult dog (more than 3 months old) boarded or kept.

i. For dogs weighing 70 pounds or less, the shelter shall have a minimum dimension of four feet by four feet. For dogs weighing more than 70 pounds, the shelter shall have dimensions of six feet by six feet. All shelters shall be of sufficient height for the dog to stand fully erect on all four legs with at least six inches of head room.

ii. Cages or pens shall not be stacked one on top of the other.

iii. All shelters, cages, or pens shall have solid flooring.

4. An outdoor exercise area or run shall be provided for each dog.

a) The exercise area shall be at least 4.5 feet wide and 12 feet long.

b) The exercise area shall be enclosed with an opaque fence high enough to preclude the dogs jumping out.

5. The facility must be designed to provide potable water to the dogs at all times both indoors and outdoors.

6. A plan for sewage and waste disposal shall be submitted with the permit application. The Town's review of the application will consider the number of dogs, the acreage of the facility, and proximity to neighbors.

a) No excrement, manure or other odor or dust producing substance shall be stored or disposed of within 100 feet of any lot line or within 200 feet of any water well, waterway, stream, pond, ditch or lake.

7. A plan for the disposal of the remains of dead animals shall be submitted with the permit application.

a) Humane euthanasia shall be carried out by a licensed veterinarian.

E. Veterinarian requirement:

1. The applicant for a kennel shall provide the name of a fully certified veterinarian who has agreed to attend the animals that are to be housed at the facility and submit a letter from that veterinarian containing the following:

a) Confidence in the applicant's ability to properly care for the number of breeding dogs requested in the facility as designed.

b) Instructions for the breeder in proper techniques and equipment for any medical procedures that the breeder is allowed to perform by law.

F. Inspection requirement:

1. Prior to any use or upon transfer of ownership or control for a kennel facility, the premises must be inspected by the Town Code Enforcement Officer and found to be compliant with all applicable local and state regulation.

2. The owner/operator of the kennel shall allow unannounced inspections by the Town of Torrey Code Enforcement Officer to ensure compliance with all conditions and requirements set forth by the Town of Torrey.

3. The Town Zoning Officer shall complete certification process within 20 days of the inspection and notify the owner of the results.

4. The owner/operator shall provide copies of all state and federal inspection reports to the Town of Torrey Code Enforcement Officer. Failure to do so will result in the revocation of the special use permit.

G. Continuation of existing kennels:

1. Permitted preexisting facilities which do not comply to this code shall be

considered non-conforming structures and must follow the regulations defined in Article XX of the Town of Torrey Zoning Code.

2. No modification or expansion shall be allowed to nonconforming facilities without a variance or without first being brought into compliance with this Section.

Section 5. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, 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, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

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