

KENNEL PERMIT APPLICATION

TOWN OF MILO, NEW YORK

General Information:

A kennel permit is required in the Town of Milo, New York for the purpose of keeping a record and assuring the healthful and humane treatment of dogs pursuant to state and federal laws. This application shall be completed by the property owner and submitted to the Department of Buildings for its review and approval.

With this understood, the following terms shall have the meanings as indicated:

- Commercial kennel – Any use on a lot, whether such use is primary or otherwise, wherein five or more dogs, each of which is six months of age or older, are kept or maintained for sale, boarding, breeding, grooming, letting for hire, training or any other purpose involving compensation, whether monetary or otherwise, of any kind.
- Exempt kennel – Any use on a lot for a municipal animal shelter or veterinary facility, unless such use includes activities which would be defined herein as a commercial kennel. An exempt kennel is not required to obtain a kennel permit with the Town.
- Noncommercial kennel – Any use on a lot, whether such use is primary or otherwise, wherein five or more dogs are kept or maintained for a purpose other than compensation of any kind.

Permit Standards:

In accordance to the Town's Municipal Code, Chapter 59, the following standards shall be reviewed by the Town's code enforcement officer prior to the issuance of a kennel permit:

1. The applicant shall certify that their kennel is in compliance with all applicable local, state and federal laws.
2. The applicant shall disclose if their kennel has ever been convicted of a crime involving animal cruelty or animal torture or determined to have violated any section of Article 26-A of the Agriculture and Markets Law of the State of New York or any section of Article 35-D of the General Business Law of the State of New York.

State and Federal Licensing:

Every commercial and noncommercial kennel which is required to be licensed by either the New York State Department of Agriculture and Markets or the United States Department of Agriculture shall at all times be so licensed. The submission of this application is separate from such licensing regulations as well as permits issued pursuant to the Town's Municipal Code and the Uniform Fire Prevention and Building Codes of New York State.

KENNEL PERMIT APPLICATION FORM

TOWN OF MILO, NEW YORK

Date of Application: _____

Please type or print clearly.

Contact Information:

Property owner(s): _____

Property owner(s) telephone no.: _____

Property owner(s) email: _____

Mailing address of property owner: _____

Name of Veterinarian: _____

Veterinarian's email: _____

Mailing address of veterinarian: _____

Real Property Information:

Address of real property: _____

Current use of real property: _____

Type of Kennel:

- Commercial kennel
- Noncommercial kennel

Type of Activity (Please check all that apply.):

- All dogs are kept as family pets only.
- Kennel will board other people's dogs.
- Kennel will train other people's dogs.
- Kennel will breed dogs to be sold.
- Kennel will shelter surrendered dogs.
- Kennel will shelter and adopt surrendered dogs.
- Kennel is required to obtain a state license from the New York State Department of Agriculture and Markets. (Note: Please attach copies of such license for our records.)
- Kennel is required to obtain a federal license from the United States Department of Agriculture. (Note: Please attach copies of such license for our records.)

Self-Inspection:

The Town does not inspect kennels as part of the kennel permit application process. Yet, the Town is required to inspect kennels if a written complaint is received and obtain compliance with all applicable laws. With this in mind, the property owner(s) needs to assure the Town that such kennel is being operated in an approved, clean and safe manner in accordance to all applicable local, state and federal laws. For this reason, the property owner(s) ensures that the following self-inspection is true and accurate:

S = Satisfactory N/I = Needs Improvement N/A = Not Applicable

OUTDOOR FACILITIES	S	N/I	N/A
Shelter			
Drainage			
Bedding			
Cleanliness - property			
Cleanliness - dog runs			

INDOOR FACILITIES	S	N/I	N/A
Building maintenance			
Heating			
Lighting			
Drainage			
Ventilation			
Cleanliness - cages			

ANIMAL CARE	S	N/I	N/A
Feeding			
Watering			
Enclosures - quantity			
Enclosures - size			
Veterinary care			

MICELLANEOUS	S	N/I	N/A
Running water			
Food storage			
Waste disposal			
Pest control			
Disease control practices			

Miscellaneous:

1. All kennel licenses and permits shall be prominently displayed on the kennel premises.
2. A kennel permit shall be valid for a period of one year from the date of issuance and shall be subject to an annual renewal.
3. A kennel permit may be denied or revoked based upon clear and convincing evidence that false information has been supplied in the application for a kennel permit, that the kennel's license, if any is required, has been suspended, revoked or otherwise terminated by an agency of the federal or state government or the conviction of the kennel permit holder of a crime involving animal cruelty, or determined to have violated any section of Article 26-A of the Agriculture and Markets Law of the State of New York or any section of Article 35-D of the General Business Law of the State of New York.

AGREEMENT TO PAY FEES FOR CONSULTANT SERVICES INCURRED BY THE TOWN

When reviewing an application for, or when conducting inspections in relation to, an application, the Town of Milo, New York may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the application. Whenever possible, the Town of Milo, New York shall work cooperatively with the applicant to identify what scope of work shall require the employment of consultants. Additionally, the Town may require that an applicant deposit a lump sum in order to retain consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Town of Milo, New York may require additional deposits.

Let it be understood and the property owner agrees that:

1. In hiring outside consultants, the Town of Milo, New York may engage registered design professionals, financial analysts, planners, lawyers or other appropriate professionals who can assist the Town in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Town's decision or regulations, or inspecting a project during construction or implementation.
2. Funds received by the Town of Milo, New York pursuant to this section shall be deposited with the Town Clerk who shall establish a line item account for this purpose. Expenditures from this account may be made at the direction of the Town Clerk without further appropriation. Expenditures from this account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the property owner. Additionally, the failure of a property owner to pay any fee shall be grounds for denial of an application. Lastly, any outstanding fees incurred by the Town of Milo, New York shall be charged against the property, and shall constitute a lien thereon in favor of the municipality, and the amount of such costs shall be entered on the tax rolls as being due and payable. Such fees may also be recovered in any other lawful manner.
3. At the completion of the Town's review of a project, any excess amount in the line item account attributable to a specific project shall be repaid to the property owner. A final report of said account shall be made available to the property owner if requested.
4. Any property owner may take an administrative appeal from the selection of the outside consultant to the Town Board. Such appeal must be made in writing and may be taken only within 20 (twenty) days after the Town has mailed or hand-delivered notice to the property owner of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The required time limit for action upon an application by the Town Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Town Board within one month following the filing of the appeal, the selection made by the Town of Milo, New York shall stand.

CERTIFICATION PURSUANT TO SECTION 809 OF NEW YORK STATE'S GENERAL MUNICIPAL LAW

In accordance with Section 809 of the General Municipal Law of the State of New York, the undersigned certifies in submitting this application that no officer or employee of the Town of Milo, New York is interested in granting said application:

It is also understood that:

1. A person is "interested" in such an application when he or his spouse or their brothers, sisters, parents, children, grandchildren or spouse of any of them:
 - a. Is the applicant; or
 - b. Is an officer, director, partner or employee of the applicant; or
 - c. Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or a association applicant; or
 - d. Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered dependent or contingent upon the favorable approval of such application, petition or request.

2. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchange shall not constitute an interest for the purposes of this application.

3. Any person who knowingly and intentionally violates the provisions of Section 809 of said General Municipal Law shall be quality of a misdemeanor.

It is also understood that any applicant that cannot make the foregoing certification shall so state and furnish with the application a signed statement which sets forth in detail the reasons therefore.

The undersigned hereby applies for permission to operate a kennel in accordance with the Town's Municipal Code, provisions of this Town's Zoning Ordinance and any applicable codes, rules and regulations. The undersigned also affirms that all statements and information given herein are correct to the best of his/her knowledge and belief, and further affirms that all activity shall be performed in compliance with the Town of Milo's Municipal Code, the Uniform Fire Prevention and Building Codes of New York State and all other applicable codes, rules and regulations.

Therefore, the foregoing certification as well as the contents of this entire application is hereby subscribed by the property owner, all matters understood and agreed to, and is hereby affirmed by the applicant as true under the penalties for perjury.

Property Owner's signature

Date:

Property Owner's name:
