

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2011**

No. 59

Introduced by Council Members Lappin, Brewer, Williams, Mark-Viverito, Vacca, Mendez, Chin, James, Koslowitz, Garodnick, Gonzalez, Dickens, Dromm, Jackson, Weprin, Palma, Barron, Gennaro and Reyna

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to animal shelters in the city of New York, to repeal section 17-801 in relation thereto, and to repeal and re-enact section 17-809.

Be it enacted by the Council as follows:

Section 1. Section 17-801 of the administrative code of the city of New York is hereby REPEALED.

§ 2. Section 17-802 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, subdivision c as amended by local law number 12 for the year 2002, is amended to read as follows:

§ 17-802 Definitions. For the purposes of this chapter, the following terms shall be defined as follows:

a. "Adoption" means the delivery of a dog or cat deemed appropriate and suitable [as a companion animal] by an animal shelter to an individual at least eighteen years of age who has been approved to own, care and provide for the animal by the animal shelter.

b. "Consumer" means any individual purchasing an animal from a pet shop. A pet shop shall not be considered a consumer.

c. "*Feral cat*" shall mean an animal of the species *felis catus* who has no owner, is

unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

d. "Full-service shelter" shall mean a facility required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York city health code that houses lost, stray or homeless animals and:

(1) accepts dogs and cats [pursuant to section 17-809 of this chapter] twelve hours per day, seven days per week;

(2) has an adoption program available seven days per week [pursuant to such section 17-809]; and

(3) provides sterilization services for dogs and cats and any other veterinary services deemed necessary by a licensed veterinarian at such shelter or at a veterinary facility.

[d.] e. "Pet shop" means a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. Such definition shall not include full-service shelters or other animal shelters that make dogs and cats available for adoption whether or not a fee for such adoption is charged.

[e.] f. "Sterilization" means rendering a dog or cat, who is at least eight weeks of age, unable to reproduce, by surgically altering the dog's or cat's reproductive organs or by non-surgical methods or technologies approved by the United States food and drug administration or the United States department of agriculture and acceptable to the department. Such definition shall include the spaying of a female dog or cat or the neutering of a male dog or cat.

g. "Trap-neuter-return" means a program to trap, vaccinate for rabies, sterilize and identify feral cats and return them to the locations where they were found.

§ 3. Section 17-803 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

§ 17-803 Animal shelters. [The department shall ensure that a full-service shelter is maintained in each borough of the city of New York.]

a. A full-service shelter shall be maintained and operated in each of three boroughs of the city of New York. At least one of the full-service shelters shall be open to the public for the purpose of receiving animals twenty-four hours per day, seven days per week.

b. Facilities to receive lost, stray or homeless dogs and cats from the public shall be maintained seven days per week, twelve hours per day in those boroughs of the city in which there is not a full-service shelter.

c. Field services having the capacity to pick up and bring to a shelter lost, stray, homeless or injured dogs and cats from all five boroughs shall be maintained and operated seven days per week, twelve hours per day. Where public health and safety is threatened, they shall have the capacity to pick up such animals twenty-four hours per day.

§ 4. Section 17-804 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Every owner of a cat who permits such cat to roam outside the interior of the owner's dwelling shall have such cat sterilized. At the request of employees or authorized agents of the department, owners shall provide proof satisfactory to the department that a cat found roaming has been sterilized. The Department shall not seize a cat solely on the ground that the cat has not been sterilized.

§ 5. Section 17-805 of the administrative code of the city of New York, as added by local law number 26 for the year 2000 is amended to read as follows:

§ 17-805 Reporting [requirement] *requirements*. The department shall provide the mayor and the city council with a report by February twenty-eight of each year which shall set forth information regarding the management and operation of all full-service shelters performing services pursuant to a contract with the city of New York, including but not limited to:

a. *The following information with respect to the previous calendar year:*

[a.] (1) the *total* number of animals accepted by each full-service shelter [during the previous calendar year];

[b.] (2) the *total* number of animals that were sterilized at each full-service shelter [during the previous calendar year];

[c.] (3) the *total* number of animals that were humanely euthanized at each full-service shelter [during the previous calendar year];

[d.] (4) the *total* number of healthy animals that were humanely euthanized at each full-service shelter [during the previous calendar year];

[e.] (5) the *total* number of animals that were adopted at each full-service shelter [during the previous calendar year];

[f.] (6) the *total* number of animals at each full-service shelter that were returned to their owner [during the previous calendar year]; and

[g.] (7) the number of animals at each full-service shelter that were provided to other shelters for adoption [during the previous calendar year].

b. *The following information for each month of the previous calendar year:*

(1) *the total number of animals, disaggregated by borough, picked up by field services during regular business hours and delivered to (A) receiving facilities and (B) full-service shelters;*

(2) *the total number of animals, disaggregated by borough, picked up by field services during off hours and delivered to (A) receiving facilities and (B) full-service shelters;*

(3) *the total number of animals taken in and transferred to a full-service shelter from each receiving facility; and*

(4) *the staffing levels at all full-service shelters and receiving facilities.*

[h. Provided, however, that the] *c.* The department shall report to the mayor and the council each month the *total* number of healthy animals that were humanely euthanized at each [full service] *full-service* shelter during the previous month.

d. No later than twenty-four months after the effective date of the local law that added this subdivision, the department shall provide to the mayor and the council a report that summarizes and describes trends in the reporting requirements provided annually in accordance with this section.

§ 6. Section 17-806 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

§ 17-806 Violations. Any person found to be in violation of subdivision (b), [or] (c) *or* (d) of section 17-804 of this chapter or any of the rules promulgated thereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for each violation. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation which shall be returnable to the administrative tribunal [established by the department] *authorized to adjudicate violations of the health code.*

§ 7. Section 17-807 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

§ 17-807 Rules. The commissioner shall promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this chapter, *including rules providing for the registration of individuals or groups conducting trap-neuter-return activities, and the establishment of criteria for such registration.*

§ 8. Section 17-809 of the administrative code of the city of New York is hereby REPEALED and RE-ENACTED to read as follows:

§17-809 No limitation on additional services. Nothing contained in this chapter shall be deemed to limit the department's authority to offer additional services or facilities to facilitate the decline in numbers of unwanted and uncared for animals in New York city.

§ 9. Section 17-810 of the administrative code of the city of New York, as added by local law number 12 for the year 2002, is amended to read as follows:

§17-810 Euthanizing animals; time frame for making such determination. In determining when a full-service shelter may euthanize a lost, stray or homeless animal held by it, such shelter shall exclude from the calculation of the number of hours that such shelter is required by law to hold such animal before euthanizing such animal those hours when such shelter is not required to accept dogs and cats pursuant to [sections] *paragraph one of subdivision d of section 17-802 [and 17-809]* of this chapter. *Such calculation of the number of hours shall not take into consideration the full-service shelter required to accept dogs and cats twenty-four hours per day pursuant to subdivision a of section 17-803 of this chapter.*

§ 10. This local law shall become effective immediately; provided, however, that the commissioner shall promulgate the rules required by section 17-807 of the administrative code of the city of New York, as amended by section 7 of this local law, within 180 days after its enactment into law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,
passed by the Council onSeptember 21, 2011..... and approved by the Mayor
onSeptember 27, 2011.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 59 of 2011, Council Int. No. 655-A) contains the correct text and was passed by the New York City Council on September 21, 2011 approved by the Mayor on September 27, 2011 and returned to the City Clerk on September 28, 2011.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.