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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH, GLICK, MCENENY, MAGEE, ENGLEBRIGHT --
Multi-Sponsored by -- M. of A. BING, BRENNAN, COOK, DINOWITZ, GALEF,
MAYERSOHN, MILLMAN, ORTIZ, PHEFFER, WEISENBERG -- read once and
referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the
licensing of dogs, to repeal certain provisions of chapter 115 of the
laws of 1894, relating to the better protection of lost and strayed
animals and for securing the rights of owners thereof, in relation to
licensing of dogs in certain cities and to amend the administrative
code of the city of New York, in relation to establishing an animal
population control fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Sections 1 through 13 of chapter 115 of the laws of 1894,
2 relating to the better protection of lost and strayed animals and for
3 securing the rights of owners thereof, are REPEALED.

4 S 2. The agriculture and markets law is amended by adding a new arti-
5 cle 26-C to read as follows:

6 ARTICLE 26-C

7 DOG LICENSING IN CITIES WITH A POPULATION OVER TWO MILLION

8 SECTION 420. APPLICATION.

9 421. DEFINITIONS.

10 422. DOG LICENSING.

11 423. STUDY OF DISEASES.

12 424. DOG LICENSING RENEWALS.

13 425. FAILURE TO LICENSE AND LATE RENEWAL OF LICENSE.

14 426. EXEMPTIONS FROM DOG LICENSING.

15 427. ISSUANCE OF APPLICATION FOR LICENSE PRIOR TO SALE OR
16 ADOPTION.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00481-01-9

- 1 428. ISSUANCE OF CERTIFICATES OF LICENSE AND TAGS BEARING
2 LICENSE NUMBER.
3 429. SEIZURE AND DISPOSITION OF DOGS.
4 430. SEIZURE AND DISPOSITION OF CATS.
5 431. REDEMPTION OF DOGS AND CATS.
6 432. POWER TO ISSUE LICENSES AND ENFORCE ARTICLE.
7 433. DOG ENUMERATION AND WAIVER OF FINES.
8 434. ENFORCEMENT AND PENALTIES.
9 435. POUND SEIZURE PROHIBITED.
10 436. STANDARDS FOR HUMANE TREATMENT.
11 437. COMPANION ANIMALS.
12 438. USE OF DOG RUNS.

13 S 420. APPLICATION. THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO ANY
14 CITY WITH A POPULATION OVER TWO MILLION.

15 S 421. DEFINITIONS. AS USED IN THIS ARTICLE:

16 1. "DEPARTMENT OF HEALTH" SHALL MEAN THE DEPARTMENT OF HEALTH AND
17 MENTAL HYGIENE OF A CITY TO WHICH THIS ARTICLE APPLIES.

18 2. "ANIMAL SHELTER" OR "SHELTER FOR HOMELESS ANIMALS" SHALL MEAN A
19 FACILITY LICENSED OR PERMITTED TO OPERATE IN A CITY WHERE HOMELESS,
20 STRAYED, ABANDONED OR UNWANTED ANIMALS ARE RECEIVED, HARBORED, MAIN-
21 TAINED OR MADE AVAILABLE FOR ADOPTION TO THE GENERAL PUBLIC AND WHICH IS
22 OWNED, OPERATED OR MAINTAINED BY A DULY INCORPORATED HUMANE SOCIETY,
23 ANIMAL WELFARE SOCIETY, SOCIETY FOR THE PREVENTION OF CRUELTY TO
24 ANIMALS, OTHER ORGANIZATION DEVOTED TO THE WELFARE, PROTECTION, CARE,
25 CONTROL OR HUMANE TREATMENT OF ANIMALS OR BY A CITY.

26 3. "PET SHOP" SHALL MEAN A FACILITY LICENSED OR PERMITTED TO OPERATE
27 IN A CITY OTHER THAN AN ANIMAL SHELTER WHERE LIVE ANIMALS ARE SOLD,
28 EXCHANGED, BARTERED OR OFFERED FOR SALE AS PET ANIMALS TO THE GENERAL
29 PUBLIC AT RETAIL FOR PROFIT.

30 4. "GROOMING PARLOR, SALON, BUSINESS OR ESTABLISHMENT" SHALL MEAN A
31 FACILITY LICENSED OR PERMITTED TO OPERATE IN A CITY WHERE ANIMALS ARE
32 PRESENTED BY THEIR OWNERS FOR BATHING, CLIPPING, DIPPING, COMBING OR
33 CLEANING FOR THE PURPOSE OF IMPROVEMENT OF THE ANIMAL'S APPEARANCE
34 AND/OR WELL-BEING IN RETURN FOR A FEE.

35 5. "BOARDING KENNEL, BUSINESS OR ESTABLISHMENT" SHALL MEAN A FACILITY
36 LICENSED OR PERMITTED TO OPERATE IN A CITY OTHER THAN AN ANIMAL SHELTER
37 WHERE ANIMALS NOT OWNED BY THE PROPRIETOR ARE SHELTERED, HARBORED, MAIN-
38 TAINED, GROOMED, FED OR WATERED IN RETURN FOR A FEE.

39 6. "TRAINING ESTABLISHMENT FOR SMALL ANIMALS" SHALL MEAN A FACILITY
40 LICENSED OR PERMITTED TO OPERATE IN A CITY WHERE SMALL ANIMALS, WHETHER
41 BELONGING TO THE OWNER OR EMPLOYEE OF SUCH FACILITY, ARE TRAINED FOR ANY
42 PURPOSE IN RETURN FOR A FEE.

43 7. "CITY" SHALL MEAN ANY CITY WITH A POPULATION OVER TWO MILLION.

44 S 422. DOG LICENSING. 1. EVERY PERSON WHO OWNS OR HARBORS ONE OR MORE
45 DOGS WITHIN THE CORPORATE LIMITS OF A CITY, SHALL PROCURE A YEARLY
46 LICENSE AND PAY THE SUM OF SEVEN DOLLARS AND FORTY CENTS, PLUS A TAG FEE
47 OF ONE DOLLAR, FOR EACH DOG AS HEREINAFTER PROVIDED; AND IN APPLYING FOR
48 SUCH LICENSE, OR ANY RENEWAL UNDER SECTION FOUR HUNDRED TWENTY-FOUR OF
49 THIS ARTICLE, THE OWNER SHALL STATE IN WRITING THE NAME, SEX, BREED,
50 AGE, COLOR AND MARKINGS OF THE DOG, FOR WHICH THE LICENSE IS TO BE
51 PROCURED.

52 2. THE FEES SET FORTH IN THIS SECTION, SECTION FOUR HUNDRED
53 TWENTY-FOUR, SECTION FOUR HUNDRED TWENTY-FIVE AND SECTION FOUR HUNDRED
54 TWENTY-SEVEN OF THIS ARTICLE MAY BE CHANGED BY LOCAL LAW OR ORDINANCE IN
55 ANY CITY TO WHICH THIS ARTICLE APPLIES, PROVIDED THAT THE TOTAL FEE FOR
56 AN UNSPAVED OR UNNEUTERED DOG SHALL BE AT LEAST FIVE DOLLARS MORE THAN

1 THE TOTAL FEE FOR A SPAYED OR NEUTERED DOG. NOTWITHSTANDING THE
2 PROVISIONS OF THIS SECTION, DOG LICENSE FEES SHALL NOT BE ESTABLISHED
3 BASED IN WHOLE OR PART ON THE BREED OF DOG OWNED.

4 3. IN ADDITION TO THE FEE CHARGED PURSUANT TO SUBDIVISION ONE OF THIS
5 SECTION, ANY PERSON APPLYING FOR A DOG LICENSE SHALL PAY AN ADDITIONAL
6 FEE OF THREE DOLLARS ANNUALLY FOR ANY DOG FOUR MONTHS OF AGE OR OLDER
7 WHICH HAS NOT BEEN SPAYED OR NEUTERED UNLESS AN OWNER PRESENTS WITH THE
8 LICENSE APPLICATION A CERTIFIED STATEMENT BY A LICENSED VETERINARIAN
9 THAT HE OR SHE HAS EXAMINED THE DOG AND FOUND THAT BECAUSE OF OLD AGE OR
10 OTHER FACTORS, THE LIFE OF THE DOG WOULD BE ENDANGERED BY SPAYING OR
11 NEUTERING. ALL FEES COLLECTED PURSUANT TO THE PROVISIONS OF THIS SUBDI-
12 VISION SHALL BE FORWARDED TO THE CITY COMPTROLLER FOR DEPOSIT IN THE
13 ANIMAL POPULATION CONTROL FUND CREATED PURSUANT TO SECTION 17-811 OF THE
14 ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

15 4. FOR DOGS THREE MONTHS OF AGE OR OLDER, OR IN ACCORDANCE WITH REGU-
16 LATIONS ESTABLISHED BY THE BOARD OF HEALTH OF THE CITY, THE LICENSE
17 APPLICATION SHALL BE ACCOMPANIED BY PROOF OF A CURRENT RABIES INOCU-
18 LATION AND, IN THE CASE OF A SPAYED OR NEUTERED DOG, A CERTIFICATE
19 SIGNED BY A LICENSED VETERINARIAN SHOWING THAT THE DOG HAS BEEN SPAYED
20 OR NEUTERED. IN LIEU OF THE SPAY OR NEUTER CERTIFICATE, THE OWNER MAY
21 PRESENT A CERTIFIED STATEMENT BY A LICENSED VETERINARIAN THAT HE OR SHE
22 HAS EXAMINED THE DOG AND FOUND THAT BECAUSE OF OLD AGE OR OTHER FACTORS,
23 THE LIFE OF THE DOG WOULD BE ENDANGERED BY SPAYING OR NEUTERING OR A
24 STATEMENT BY THE OWNER, IN ACCORDANCE WITH THE RULES OF THE DEPARTMENT
25 OF HEALTH, INDICATING THAT THE DOG HAS BEEN SPAYED OR NEUTERED, THE DATE
26 OF SUCH PROCEDURE AND THE NAME OF THE VETERINARIAN WHO PERFORMED THE
27 PROCEDURE.

28 5. THE APPLICATION FOR A LICENSE SHALL BE ACCOMPANIED BY A STATEMENT
29 AS PRESCRIBED BY THE DEPARTMENT OF HEALTH, NOTIFYING THE APPLICANT THAT
30 HE OR SHE MAY SUBMIT, ALONG WITH THE LICENSE FEE REQUIRED BY THIS
31 SECTION, AN ADDITIONAL AMOUNT OF ANY DENOMINATION TO BE UTILIZED FOR THE
32 PURPOSE OF EITHER FUNDING LOW-COST SPAY AND NEUTER SERVICES UNDER THE
33 ANIMAL POPULATION CONTROL FUND CREATED PURSUANT TO SECTION 17-811 OF THE
34 ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR DEFRAYING THE COSTS OF
35 PROVIDING SHELTER AND MEDICAL CARE FOR HOMELESS, STRAY AND UNWANTED
36 ANIMALS IN THE CITY.

37 6. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE DEPARTMENT
38 OF HEALTH MAY, IN ORDER TO IMPLEMENT A SYSTEM BY WHICH LICENSES ARE
39 ISSUED FOR THE SAME CALENDAR PERIOD, ISSUE LICENSES OR RENEWALS THEREOF
40 FOR A PERIOD GREATER THAN TWELVE MONTHS AND LESS THAN TWENTY-FOUR
41 MONTHS. IN THAT EVENT, THE PARTIAL YEAR COST OF THE LICENSE FEE SHALL BE
42 COMPUTED BASED UPON A PRO-RATED MONTHLY VALUE OF THE AMOUNTS PURSUANT TO
43 THIS SECTION AND SECTIONS FOUR HUNDRED TWENTY-THREE AND FOUR HUNDRED
44 TWENTY-FOUR OF THIS ARTICLE. IN THE EVENT THAT SUCH LICENSE IS IN EFFECT
45 FOR ANY PARTIAL MONTH PERIOD, IT SHALL BE DEEMED TO HAVE BEEN IN EFFECT
46 FOR THE ENTIRE MONTH FOR PURPOSES OF COMPUTING SUCH MULTI-YEAR FEE.

47 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE DEPARTMENT
48 OF HEALTH MAY IMPLEMENT A SYSTEM BY WHICH LICENSES ARE ISSUED FOR A
49 PERIOD GREATER THAN TWELVE MONTHS AND NOT GREATER THAN THIRTY-SIX
50 MONTHS. THE FEES FOR SUCH LICENSES SHALL BE SET BY LOCAL LAW OR ORDI-
51 NANCE.

52 S 423. STUDY OF DISEASES. 1. THE LEGISLATURE FINDS AND DECLARES THAT
53 THE STUDY OF DISEASES OF DOGS IS OF VITAL IMPORTANCE TO HELP IN CURBING
54 THE SPREAD OF DISEASE AND IN PROMOTING THE HEALTH AND WELFARE OF THE
55 PEOPLE OF THE STATE; THAT THE RESEARCH INTO DISEASES OF DOGS AND THE
56 SEARCH FOR AND THE STUDY OF VIRUSES THAT AFFECT PEOPLE AND ANIMALS CAN

1 BE OF INVALUABLE ASSISTANCE IN PREVENTING AND CURING DISEASE GENERALLY;
2 AND THAT FUNDS FOR SUCH RESEARCH AND STUDIES SHOULD BE MADE AVAILABLE
3 FROM THE ANNUAL FEES FOR LICENSING OF DOGS.

4 2. FROM EACH DOG LICENSE FEE COLLECTED PURSUANT TO SUBDIVISION ONE OF
5 SECTION FOUR HUNDRED TWENTY-TWO OF THIS ARTICLE AND EACH RENEWAL FEE
6 PURSUANT TO SECTION FOUR HUNDRED TWENTY-FOUR OF THIS ARTICLE THERE SHALL
7 BE DEDUCTED THE SUM OF TEN CENTS ANNUALLY WHICH SHALL BE REMITTED BY THE
8 DEPARTMENT OF HEALTH TO THE COMMISSIONER ON OR BEFORE THE FIFTEENTH DAY
9 OF EACH MONTH.

10 S 424. DOG LICENSING RENEWALS. LICENSES AND RENEWALS ISSUED PURSUANT
11 TO SECTION FOUR HUNDRED TWENTY-TWO OF THIS ARTICLE, SHALL BE VALID FOR A
12 TERM OF ONE YEAR FROM THE DATE OF ISSUANCE, AND MUST BE RENEWED PRIOR TO
13 THE EXPIRATION OF THE TERM BY PAYMENT OF SEVEN DOLLARS AND FORTY CENTS,
14 PLUS A TAG FEE OF ONE DOLLAR, FOR EACH RENEWAL.

15 S 425. FAILURE TO LICENSE AND LATE RENEWAL OF LICENSE. ANY PERSON WHO
16 WAS REQUIRED BUT FAILED TO OBTAIN A LICENSE OR RENEWAL THEREOF ON OR
17 BEFORE THE DATE PRESCRIBED BY THIS ARTICLE OR WITHIN TEN DAYS THEREAFT-
18 ER, SHALL PAY, IN ADDITION TO THE FEE PRESCRIBED BY THIS ARTICLE FOR
19 SUCH LICENSE OR RENEWAL, A LATE REGISTRATION FEE OF TWO DOLLARS. SUCH
20 PAYMENT SHALL BE MADE TO THE DEPARTMENT OF HEALTH AND SHALL BE USED
21 SOLELY FOR THE PROVISION OF ANIMAL CONTROL SERVICES IN THE CITY IN WHICH
22 SUCH FEES WERE COLLECTED.

23 S 426. EXEMPTIONS FROM DOG LICENSING. 1. AN EXEMPTION FROM THE DOG
24 LICENSING REQUIREMENTS OF SECTION FOUR HUNDRED TWENTY-TWO OF THIS ARTI-
25 CLE SHALL BE PROVIDED FOR THE FOLLOWING PERSONS, ORGANIZATIONS AND BUSI-
26 NESSES:

27 (A) INDIVIDUALS WHO ARE NONRESIDENTS OF A CITY AND WHO ARE TEMPORARILY
28 RESIDING THEREIN FOR A PERIOD NOT TO EXCEED THIRTY DAYS; AND

29 (B) FOR DOGS IN THEIR TEMPORARY CUSTODY FOR THE PURPOSES OF REDEMPTION
30 BY AN OWNER, PLACEMENT FOR ADOPTION, BOARDING, GROOMING, TRAINING,
31 VETERINARY TREATMENT OR PROVISION OF OTHER SERVICES; ANIMAL SHELTERS,
32 DULY INCORPORATED HUMANE SOCIETIES, DULY INCORPORATED SOCIETIES FOR THE
33 PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED ANIMAL PROTECTIVE
34 ASSOCIATIONS, BOARDING KENNELS, GROOMING PARLORS, SALONS, PET SHOPS,
35 TRAINING ESTABLISHMENTS OR SIMILAR BUSINESSES OR ESTABLISHMENTS DEFINED
36 IN THIS ARTICLE; AND FOR LABORATORIES AND RESEARCH INSTITUTIONS APPROVED
37 BY THE STATE DEPARTMENT OF HEALTH THAT HARBOR DOGS.

38 2. AN EXEMPTION FROM THE DOG LICENSE FEES OF SECTION FOUR HUNDRED
39 TWENTY-TWO OF THIS ARTICLE SHALL BE PROVIDED FOR PERSONS WHO OWN OR
40 HARBOR GUIDE DOGS, HEARING DOGS, SERVICE DOGS OR POLICE WORK DOGS, AS
41 SUCH TERMS ARE DEFINED IN SECTION ONE HUNDRED EIGHT OF THIS CHAPTER.

42 S 427. ISSUANCE OF APPLICATION FOR LICENSE PRIOR TO SALE OR ADOPTION.
43 1. NO PERSON HOLDING A PERMIT PURSUANT TO SECTION 161.09 OF THE NEW YORK
44 CITY HEALTH CODE, A LICENSE ISSUED PURSUANT TO SECTION FOUR HUNDRED
45 THREE OF THIS CHAPTER, OR A DULY INCORPORATED HUMANE SOCIETY, DULY
46 INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, OR DULY
47 INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, SHALL SELL OR RELEASE FOR
48 ADOPTION A DOG WITHOUT FIRST REQUIRING THE PURCHASER OR ADOPTER TO
49 SUBMIT AN APPLICATION FOR A DOG LICENSE AND PAY ALL REQUIRED FEES,
50 UNLESS THE PURCHASER OR ADOPTER SHALL EXECUTE AND SUBMIT TO THE SELLER
51 OR ADOPTING AGENCY A WRITTEN STATEMENT THAT THE DOG TO BE PURCHASED OR
52 ADOPTED IS TO BE HARBORED OUTSIDE THE CITY. SUCH APPLICATION AND WRITTEN
53 STATEMENTS SHALL BE ON FORMS FURNISHED BY THE DEPARTMENT OF HEALTH.

54 2. ANY SELLER OR ADOPTING AGENCY PROCESSING AN APPLICATION PURSUANT TO
55 THIS SECTION SHALL, ON OR BEFORE THE TENTH DAY OF THE MONTH NEXT
56 SUCCEEDING THE MONTH IN WHICH COLLECTED, REMIT TO THE DEPARTMENT OF

HEALTH ALL APPLICATIONS FOR LICENSES AND FEES COLLECTED LESS AN AMOUNT NOT TO EXCEED ONE DOLLAR FOR EACH APPLICATION PROCESSED.

S 428. ISSUANCE OF CERTIFICATES OF LICENSE AND TAGS BEARING LICENSE NUMBER. 1. EACH CERTIFICATE OF LICENSE OR RENEWAL SHALL STATE THE NAME AND ADDRESS OF THE OWNER OF THE DOG, AND ALSO THE NUMBER OF SUCH LICENSE OR RENEWAL.

2. EVERY DOG SO LICENSED SHALL, AT ALL TIMES, HAVE A COLLAR ABOUT ITS NECK WITH A METAL TAG ATTACHED THERETO, BEARING THE NUMBER OF THE LICENSE. SUCH TAG SHALL BE SUPPLIED TO THE OWNER WITH THE CERTIFICATE OF LICENSE AND SHALL BE OF SUCH FORM AND DESIGN AS THE DEPARTMENT OF HEALTH OR ITS AUTHORIZED AGENT, SHALL DESIGNATE. DUPLICATE TAGS MAY BE ISSUED ONLY UPON REASONABLE PROOF OF LOSS OF THE ORIGINAL AND THE PAYMENT OF A SUM EQUAL TO THE COST OF A DUPLICATE.

S 429. SEIZURE AND DISPOSITION OF DOGS. 1. LOST, STRAY AND UNLICENSED DOGS MAY BE SEIZED. ANY SEIZED DOG THAT IS WITHOUT ANY FORM OF IDENTIFICATION AND THAT IS NOT REDEEMED WITHIN FORTY-EIGHT HOURS AFTER ADMISSION TO A SHELTER, MAY BE MADE AVAILABLE FOR ADOPTION OR HUMANELY EUTHANIZED PURSUANT TO THE PROVISIONS OF SECTION THREE HUNDRED SEVENTY-FOUR OF THIS CHAPTER.

2. UPON SEIZURE AND ADMISSION TO A SHELTER OF A LOST OR STRAY DOG WHICH BEARS A LICENSE TAG, IDENTIFICATION TAG, OR WHICH IS MICROCHIPPED OR TATTOOED OR WHICH OTHERWISE ENABLES IDENTIFICATION OF ITS OWNER, SUCH SHELTER SHALL ATTEMPT TO NOTIFY SUCH OWNER, AND SHALL HOLD SUCH DOG, IF NOT CLAIMED BY THE OWNER, FOR NOT LESS THAN THREE DAYS AFTER THE DAY OF A PERSONAL OR TELEPHONE NOTICE TO THE OWNER, AND NOT LESS THAN SEVEN DAYS AFTER THE DAY OF A NOTICE HAS BEEN MAILED TO THE OWNER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE MAILING ADDRESS OF THE OWNER PROVIDED BY THE OWNER ON HIS LICENSE APPLICATION, OR AS SUCH ADDRESS APPEARS ON OTHER RECORDS AS MAY BE AVAILABLE. THEREAFTER, SUCH DOG MAY BE MADE AVAILABLE FOR ADOPTION OR HUMANELY EUTHANIZED PURSUANT TO THE PROVISIONS OF SECTION THREE HUNDRED SEVENTY-FOUR OF THIS CHAPTER.

3. IN DETERMINING WHEN A DOG MAY BE MADE AVAILABLE FOR ADOPTION OR HUMANELY EUTHANIZED PURSUANT TO THIS SECTION: (A) ANY HOURS WHEN A SHELTER IS NOT REQUIRED BY LAW TO MAKE SUCH DOG AVAILABLE FOR REDEMPTION AND ANY ADDITIONAL HOURS WHEN A SHELTER DOES NOT ACTUALLY MAKE SUCH DOG AVAILABLE FOR REDEMPTION SHALL BE EXCLUDED FROM CALCULATION OF THE FORTY-EIGHT HOUR PERIOD IN SUBDIVISION ONE OF THIS SECTION; AND (B) ANY DAY DURING WHICH A SHELTER IS NOT REQUIRED BY LAW TO MAKE SUCH DOG AVAILABLE FOR AT LEAST FOUR HOURS OF SUCH DAY AND ANY ADDITIONAL DAY WHEN A SHELTER DOES NOT ACTUALLY MAKE SUCH DOG AVAILABLE FOR REDEMPTION DURING AT LEAST FOUR HOURS OF SUCH DAY SHALL BE EXCLUDED FROM CALCULATION OF THE THREE DAY AND THE SEVEN DAY PERIOD IN SUBDIVISION TWO OF THIS SECTION.

S 430. SEIZURE AND DISPOSITION OF CATS. 1. ANY CAT FOUND WITHIN THE CORPORATE LIMITS OF A CITY WITHOUT A COLLAR ABOUT ITS NECK BEARING THE NAME AND ADDRESS OF THE OWNER STAMPED THEREON, MAY BE SEIZED AND DISPOSED OF IN LIKE MANNER AS PRESCRIBED FOR DOGS IN SUBDIVISION ONE AND SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-NINE OF THIS ARTICLE.

2. UPON ADMISSION TO ANY SHELTER OF A CAT WHICH BEARS A COLLAR ABOUT ITS NECK BEARING THE NAME AND ADDRESS OF ITS OWNER STAMPED THEREON, WHICH IS MICROCHIPPED, TATTOOED OR OTHERWISE ENABLES IDENTIFICATION OF ITS OWNER, THE SHELTER SHALL HOLD SUCH CAT AND ATTEMPT TO NOTIFY ITS OWNER IN LIKE MANNER AS PRESCRIBED FOR DOGS IN SUBDIVISION TWO AND SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-NINE OF THIS ARTICLE.

S 431. REDEMPTION OF DOGS AND CATS. 1. ANY PERSON CLAIMING A DOG OR CAT SEIZED UNDER THE PROVISIONS OF THIS ARTICLE, AND PROVING OWNERSHIP

1 THEREOF, SHALL BE ENTITLED TO RESUME POSSESSION OF THE ANIMAL PROVIDED
2 THAT THE OWNER COMPLETES AN APPLICATION AND PAYS THE FEES FOR LICENSING
3 A DOG, IF THE DOG IS UNLICENSED, AND PAYS: THE REASONABLE COST OF MANDA-
4 TORY SPAYING OR NEUTERING OF THE DOG OR CAT, IF THE DOG OR CAT IS
5 UNSPAVED OR UNNEUTERED; THE REASONABLE COSTS OF ANY NECESSARY MEDICAL
6 TREATMENT FOR ANY ANIMAL; AND THE REASONABLE COST OF BOARDING THE
7 ANIMAL. FOR PURPOSES OF THIS SECTION, "REASONABLE COSTS" SHALL NOT
8 EXCEED THE PREVAILING AVERAGE COST OF SPAYING OR NEUTERING, MEDICAL
9 TREATMENT OR BOARDING IN THE CITY IN WHICH THE ANIMAL HAS BEEN SEIZED.
10 BOARDING COSTS SHALL NOT BE PAYABLE IF THE DOG OR CAT IS RECLAIMED WITH-
11 IN FORTY-EIGHT HOURS AFTER ADMISSION TO A SHELTER.

12 2. IN DETERMINING WHETHER BOARDING COSTS SHALL BE PAYABLE PURSUANT TO
13 THIS SECTION UPON REDEMPTION OF A DOG OR CAT, ANY HOURS WHEN A SHELTER
14 IS NOT REQUIRED BY LAW TO MAKE SUCH DOG OR CAT AVAILABLE FOR REDEMPTION
15 AND ANY ADDITIONAL HOURS WHEN A SHELTER DOES NOT ACTUALLY MAKE SUCH DOG
16 OR CAT AVAILABLE FOR REDEMPTION SHALL BE EXCLUDED FROM CALCULATION OF
17 THE FORTY-EIGHT HOUR PERIOD IN SUBDIVISION ONE OF THIS SECTION.

18 S 432. POWER TO ISSUE LICENSES AND ENFORCE ARTICLE. 1. THE DEPARTMENT
19 OF HEALTH OR ITS AUTHORIZED AGENTS, IS HEREBY AUTHORIZED TO CARRY OUT
20 THE PROVISIONS OF THIS ARTICLE, AND SAID DEPARTMENT OR ITS AUTHORIZED
21 AGENTS, IS FURTHER AUTHORIZED TO ISSUE THE LICENSES AND RENEWALS, AND TO
22 COLLECT THE FEES THEREFOR, AS HEREIN PRESCRIBED. SUCH FEES, INCLUDING
23 ANY ADDITIONAL FEES IMPOSED PURSUANT TO A LOCAL LAW OR ORDINANCE PURSU-
24 ANT TO SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-TWO OF THIS ARTI-
25 CLE, WITH THE EXCEPTION OF THOSE COLLECTED PURSUANT TO SUBDIVISION THREE
26 OF SECTION FOUR HUNDRED TWENTY-TWO AND SECTION FOUR HUNDRED TWENTY-THREE
27 OF THIS ARTICLE, SHALL BE THE PROPERTY OF THE CITY AND SHALL BE USED AS
28 PROVIDED BY THE COMMISSIONER OF THE DEPARTMENT OF HEALTH, TO DEFRAY THE
29 COST OF CARRYING OUT THE PROVISIONS OF THIS ARTICLE AND PROVIDING FOR
30 ANIMAL CARE AND CONTROL IN THE CITY INCLUDING BUT NOT LIMITED TO THE
31 COSTS OF OPERATING ANIMAL SHELTERS BY THE CITY EITHER DIRECTLY OR
32 THROUGH CONTRACT, SUBSIDIZING THE SPAYING OR NEUTERING OF DOGS AND CATS
33 AND SUBSIDIZING PUBLIC HUMANE PROGRAMS IN RESPONSIBLE PET OWNERSHIP.

34 2. THE DEPARTMENT OF HEALTH MAY MAKE DOG LICENSES AVAILABLE FOR
35 PURCHASE THROUGH THE INTERNET. THE DEPARTMENT OF HEALTH MAY ALSO MAKE
36 DOG LICENSES AVAILABLE FOR PURCHASE THROUGH LICENSED VETERINARIANS,
37 SHELTERS, POUNDS, DULY INCORPORATED SOCIETIES FOR THE PREVENTION OF
38 CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETIES, DULY INCORPO-
39 RATED DOG PROTECTIVE ASSOCIATIONS, PET DEALERS LICENSED PURSUANT TO
40 SECTION FOUR HUNDRED THREE OF THIS CHAPTER, BUSINESSES LICENSED PURSUANT
41 TO SECTION 161.09 OF THE NEW YORK CITY HEALTH CODE, AND GOVERNMENT
42 OFFICES SUCH AS TOWN AND CITY HALLS, POST OFFICES AND PUBLIC LIBRARIES.
43 THE DEPARTMENT OF HEALTH SHALL EVALUATE THE FEASIBILITY OF INTERNET
44 LICENSING AND SHALL REPORT ITS FINDINGS TO THE LEGISLATURE NO LATER THAN
45 MAY FIRST, TWO THOUSAND TEN.

46 3. ANY PERSON WHO OWNS OR HARBORS IN A CITY A DOG OR CAT THREE MONTHS
47 OF AGE OR OLDER, OTHER THAN A DOG OR CAT EXEMPT FROM VACCINATION
48 REQUIREMENTS SHALL HAVE SUCH ANIMAL ACTIVELY IMMUNIZED AGAINST RABIES IN
49 ACCORDANCE WITH THE REQUIREMENTS OF THE CITY HEALTH CODE.

50 4. THE DEPARTMENT OF HEALTH, IN CONSULTATION WITH THE VETERINARY
51 MEDICAL ASSOCIATION OF NEW YORK CITY SHALL MAKE AVAILABLE FOR DISTRIB-
52 UTION TO ALL VETERINARIAN OFFICES, POST OFFICES AND MUNICIPAL OFFICES A
53 PUBLIC INFORMATION POSTER CONTAINING, BUT NOT LIMITED TO, THE FOLLOWING
54 INFORMATION:

55 (I) THAT ALL DOGS AGED FOUR MONTHS OR OLDER MUST BE LICENSED;

56 (II) THE LICENSE FEE FOR ALTERED AND UNALTERED DOGS; AND

(III) THE PROGRAMS FUNDED BY THE LICENSE FEES.

S 433. DOG ENUMERATION AND WAIVER OF FINES. 1. THE DEPARTMENT OF HEALTH MAY BIENNIALLY ASCERTAIN AND LIST THE NAMES OF ALL PERSONS IN THE MUNICIPALITY OWNING OR HARBORING DOGS OR IN LIEU THEREOF, SUCH CITY MAY CONTRACT TO HAVE THE SAME DONE.

2. THE DEPARTMENT OF HEALTH MAY WAIVE THE APPLICABLE FINES PURSUANT TO THIS ARTICLE. ANY SUCH WAIVER SHALL BE PRECEDED BY A PUBLIC EDUCATION ANNOUNCEMENT, ADVERTISEMENT OR PROGRAM TO INFORM THE PUBLIC OF THE AMNESTY PERIOD AND TO PROVIDE THE REQUISITE INFORMATION FOR COMPLYING WITH THE LICENSING PROVISIONS OF THIS SECTION AS WELL AS INFORMATION CONCERNING APPLICABLE PENALTIES FOR VIOLATION OF THESE LAWS.

3. THE DEPARTMENT OF HEALTH MAY WAIVE APPLICABLE LICENSE FEES AND FINES PURSUANT TO THIS ARTICLE EXCEPT FOR FEES REQUIRED TO BE COLLECTED PURSUANT TO SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-TWO OF THIS ARTICLE IN CONNECTION WITH ANY EDUCATIONAL CAMPAIGN TO PROMOTE LICENSING AND SPAYING AND NEUTERING OF DOGS. ANY SUCH WAIVER SHALL BE PRECEDED BY A PUBLIC EDUCATION ANNOUNCEMENT, ADVERTISEMENT OR PROGRAM TO INFORM THE PUBLIC OF THE AMNESTY PERIOD AND PROVIDE THE REQUISITE INFORMATION FOR COMPLYING WITH THE LICENSING PROVISIONS OF SECTION FOUR HUNDRED TWENTY-TWO OF THIS ARTICLE AS WELL AS INFORMATION CONCERNING APPLICABLE PENALTIES FOR VIOLATION OF THESE LAWS.

S 434. ENFORCEMENT AND PENALTIES. ANY PERSON OR PERSONS WHO SHALL HINDER OR MOLEST OR INTERFERE WITH ANY OFFICER OR AGENT OF THE DEPARTMENT OF HEALTH IN THE PERFORMANCE OF ANY DUTY ENJOINED BY THIS ARTICLE, OR WHO SHALL USE A LICENSE TAG ON A DOG FOR WHICH IT WAS NOT ISSUED, SHALL BE DEEMED GUILTY OF A MISDEMEANOR. ANY PERSON WHO OWNS OR HARBORS A DOG WITHOUT COMPLYING WITH THE PROVISIONS OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN TWENTY-FIVE NOR MORE THAN FIFTY DOLLARS FOR A FIRST OFFENSE, A SUM OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS FOR A SECOND OFFENSE WITHIN A FIVE YEAR PERIOD, AND A SUM OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN TWO HUNDRED DOLLARS FOR A THIRD OR SUBSEQUENT OFFENSE WITHIN A FIVE YEAR PERIOD. ANY PERSON WHO SHALL FALSIFY ANY INFORMATION ON AN APPLICATION FOR A LICENSE OR A RENEWAL THEREOF PURSUANT TO THIS ARTICLE OR WHO, FOR PURPOSE OF PARTICIPATING IN THE "ANIMAL POPULATION CONTROL PROGRAM", SHALL FALSIFY PROOF OF ADOPTION FROM A POUND, SHELTER, DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY OR DULY INCORPORATED DOG OR CAT PROTECTIVE ASSOCIATION OR WHO SHALL FALSIFY PROOF OF PARTICIPATION IN ANY OF THE PROGRAMS ENUMERATED IN PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION ONE HUNDRED SEVENTEEN-A OF THIS CHAPTER, OR WHO SHALL KNOWINGLY FURNISH ANY LICENSED VETERINARIAN OF THIS STATE WITH INACCURATE INFORMATION CONCERNING HIS OR HER RESIDENCY OR THE OWNERSHIP OF AN ANIMAL OR SUCH PERSON'S AUTHORITY TO SUBMIT AN ANIMAL FOR A SPAYING OR NEUTERING PROCEDURE PURSUANT TO SECTION ONE HUNDRED SEVENTEEN-A OF THIS CHAPTER AND ANY VETERINARIAN WHO SHALL FURNISH THE COMMISSIONER WITH FALSE INFORMATION CONCERNING AN ANIMAL STERILIZATION FEE SCHEDULE OR AN ANIMAL STERILIZATION CERTIFICATE SUBMITTED PURSUANT TO SUBDIVISION FOUR OF SECTION ONE HUNDRED SEVENTEEN-A OF THIS CHAPTER SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS WHERE PROSECUTED PURSUANT TO THE PENAL LAW, OR WHERE SUBJECT TO A CIVIL ACTION, SUCH CIVIL PENALTY SHALL BE A SUM OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS. IN ADDITION TO EMPLOYEES, OFFICERS AND AGENTS OF THE DEPARTMENT OF HEALTH, THE PROVISIONS OF THIS ARTICLE MAY BE ENFORCED BY ANY EMPLOYEE, OFFICER OR AGENT OF THE CITY OF NEW YORK DEPARTMENT OF SANITATION, DEPARTMENT OF PARKS AND RECREATION, OR ANY OTHER AGENCY AUTHORIZED BY THE COMMISSIONER

1 OF HEALTH AND MENTAL HYGIENE OF SUCH CITY OR THE BOARD OF HEALTH.
2 NOTICES OF VIOLATION ISSUED PURSUANT TO THIS ARTICLE SEEKING CIVIL
3 PENALTIES SHALL BE MADE RETURNABLE TO THE ADMINISTRATIVE TRIBUNAL OF THE
4 DEPARTMENT OF HEALTH OR TO THE ENVIRONMENTAL CONTROL BOARD OF THE CITY
5 OF NEW YORK.

6 S 435. POUND SEIZURE PROHIBITED. NO ANIMAL IMPOUNDED PURSUANT TO THE
7 PROVISIONS OF THIS ARTICLE OR IN THE CARE, CUSTODY OR CONTROL OF AN
8 ANIMAL SHELTER OR OTHER FACILITY FOR LOST, STRAYED AND HOMELESS ANIMALS
9 SHALL BE SOLD, TRANSFERRED OR OTHERWISE MADE AVAILABLE TO ANY PERSON FOR
10 THE PURPOSE OF RESEARCH, EXPERIMENTATION, TESTING, TEACHING OR DEMON-
11 STRATION. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL
12 BE SUBJECT TO A CIVIL PENALTY OF FIVE HUNDRED DOLLARS FOR EACH
13 VIOLATION.

14 S 436. STANDARDS FOR HUMANE TREATMENT. THE DEPARTMENT OF HEALTH IN A
15 CITY COVERED BY THIS ARTICLE, IN CONSULTATION WITH THE AMERICAN SOCIETY
16 FOR THE PREVENTION OF CRUELTY TO ANIMALS, SHALL PRESCRIBE STANDARDS FOR
17 SUCH CITY FOR THE HUMANE TREATMENT OF ANIMALS IMPOUNDED PURSUANT TO THIS
18 ARTICLE AND SHALL PROVIDE REGULAR INSPECTION TO ENSURE COMPLIANCE WITH
19 SUCH STANDARDS.

20 S 437. COMPANION ANIMALS. ANY ANIMAL IMPOUNDED PURSUANT TO THIS ARTI-
21 CLE WHICH IS UNCLAIMED MAY BE DELIVERED TO AN INDIVIDUAL EIGHTEEN YEARS
22 OF AGE OR OLDER FOR THE PURPOSE OF OWNING SUCH ANIMAL AS A COMPANION
23 ANIMAL.

24 S 438. USE OF DOG RUNS. ONLY DOGS DULY LICENSED PURSUANT TO THIS ARTI-
25 CLE SHALL BE PERMITTED TO USE DESIGNATED DOG RUNS IN A CITY SUBJECT TO
26 THE PROVISIONS OF THIS ARTICLE.

27 S 3. The administrative code of the city of New York is amended by
28 adding a new section 17-811 to read as follows:

29 S 17-811 ANIMAL POPULATION CONTROL FUND. 1. THERE IS HEREBY ESTAB-
30 LISHED IN THE JOINT CUSTODY OF THE CITY COMPTROLLER AND COMMISSIONER OF
31 FINANCE A FUND TO BE KNOWN AS THE "ANIMAL POPULATION CONTROL FUND".

32 2. SUCH A FUND SHALL CONSIST OF ALL MONEYS COLLECTED PURSUANT TO ARTI-
33 CLE TWENTY-SIX-C OF THE AGRICULTURE AND MARKETS LAW, AND ALL OTHER
34 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE
35 PURSUANT TO LAW.

36 3. MONEYS OF THE FUND SHALL BE MADE AVAILABLE TO THE DEPARTMENT OF
37 AGRICULTURE AND MARKETS AND SHALL BE EXPENDED FOR THE PURPOSES OF CARRY-
38 ING OUT ANIMAL POPULATION CONTROL PROGRAMS FOR THE GENERAL PUBLIC. ANY
39 INTEREST RECEIVED BY THE CITY COMPTROLLER ON MONEYS ON DEPOSIT IN THE
40 ANIMAL POPULATION CONTROL FUND SHALL BE RETAINED IN AND BECOME PART OF
41 SUCH FUND.

42 S 4. This act shall take effect on the ninetieth day after it shall
43 have become a law, provided that upon the repeal of sections 1 through
44 13 of chapter 115 of the laws of 1894, relating to the better protection
45 of lost and strayed animals and for securing the rights of owners there-
46 of, pursuant to section one of this act, any existing licenses or
47 renewals thereof issued under the provisions of such sections shall
48 continue to be valid for such terms as they were issued under such
49 provisions. Such licenses or renewals shall be renewable pursuant to the
50 provisions added by section two of this act.