

5369

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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3 securing the rights of owners thereof, are REPEALED.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.
17 428. ISSUANCE OF CERTIFICATES OF LICENSE AND TAGS BEARING
18 LICENSE NUMBER.
19 429. SEIZURE AND DISPOSITION OF DOGS.
20 430. SEIZURE AND DISPOSITION OF CATS.

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

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431. REDEMPTION OF DOGS AND CATS.
432. POWER TO ISSUE LICENSES AND ENFORCE ARTICLE.
433. DOG ENUMERATION AND WAIVER OF FINES.
434. ENFORCEMENT AND PENALTIES.
435. POUND SEIZURE PROHIBITED.
436. STANDARDS FOR HUMANE TREATMENT.
437. COMPANION ANIMALS.
438. USE OF DOG RUNS.

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

S 421. DEFINITIONS. AS USED IN THIS ARTICLE:

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

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

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

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

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

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

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

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

2. THE FEES SET FORTH IN THIS SECTION, SECTION FOUR HUNDRED TWENTY-FOUR, SECTION FOUR HUNDRED TWENTY-FIVE AND SECTION FOUR HUNDRED TWENTY-SEVEN OF THIS ARTICLE MAY BE CHANGED BY LOCAL LAW OR ORDINANCE IN ANY CITY TO WHICH THIS ARTICLE APPLIES, PROVIDED THAT THE TOTAL FEE FOR AN UNSPAVED OR UNNEUTERED DOG SHALL BE AT LEAST FIVE DOLLARS MORE THAN THE TOTAL FEE FOR A SPAVED OR NEUTERED DOG. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, DOG LICENSE FEES SHALL NOT BE ESTABLISHED BASED IN WHOLE OR PART ON THE BREED OF DOG OWNED.

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

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

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

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

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

49 S 423. STUDY OF DISEASES. 1. THE LEGISLATURE FINDS AND DECLARES THAT
50 THE STUDY OF DISEASES OF DOGS IS OF VITAL IMPORTANCE TO HELP IN CURBING
51 THE SPREAD OF DISEASE AND IN PROMOTING THE HEALTH AND WELFARE OF THE
52 PEOPLE OF THE STATE; THAT THE RESEARCH INTO DISEASES OF DOGS AND THE
53 SEARCH FOR AND THE STUDY OF VIRUSES THAT AFFECT PEOPLE AND ANIMALS CAN
54 BE OF INVALUABLE ASSISTANCE IN PREVENTING AND CURING DISEASE GENERALLY;
55 AND THAT FUNDS FOR SUCH RESEARCH AND STUDIES SHOULD BE MADE AVAILABLE
56 FROM THE ANNUAL FEES FOR LICENSING OF DOGS.

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

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

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

S 426. EXEMPTIONS FROM DOG LICENSING. 1. AN EXEMPTION FROM THE DOG LICENSING REQUIREMENTS OF SECTION FOUR HUNDRED TWENTY-TWO OF THIS ARTICLE SHALL BE PROVIDED FOR THE FOLLOWING PERSONS, ORGANIZATIONS AND BUSINESSES:

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

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

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

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

2. ANY SELLER OR ADOPTING AGENCY PROCESSING AN APPLICATION PURSUANT TO THIS SECTION SHALL, ON OR BEFORE THE TENTH DAY OF THE MONTH NEXT 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.

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

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

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

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

30 3. IN DETERMINING WHEN A DOG MAY BE MADE AVAILABLE FOR ADOPTION OR
31 HUMANELY EUTHANIZED PURSUANT TO THIS SECTION: (A) ANY HOURS WHEN A SHEL-
32 TER IS NOT REQUIRED BY LAW TO MAKE SUCH DOG AVAILABLE FOR REDEMPTION AND
33 ANY ADDITIONAL HOURS WHEN A SHELTER DOES NOT ACTUALLY MAKE SUCH DOG
34 AVAILABLE FOR REDEMPTION SHALL BE EXCLUDED FROM CALCULATION OF THE
35 FORTY-EIGHT HOUR PERIOD IN SUBDIVISION ONE OF THIS SECTION; AND (B) ANY
36 DAY DURING WHICH A SHELTER IS NOT REQUIRED BY LAW TO MAKE SUCH DOG
37 AVAILABLE FOR AT LEAST FOUR HOURS OF SUCH DAY AND ANY ADDITIONAL DAY
38 WHEN A SHELTER DOES NOT ACTUALLY MAKE SUCH DOG AVAILABLE FOR REDEMPTION
39 DURING AT LEAST FOUR HOURS OF SUCH DAY SHALL BE EXCLUDED FROM CALCU-
40 LATION OF THE THREE DAY AND THE SEVEN DAY PERIOD IN SUBDIVISION TWO OF
41 THIS SECTION.

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

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

53 S 431. REDEMPTION OF DOGS AND CATS. 1. ANY PERSON CLAIMING A DOG OR
54 CAT SEIZED UNDER THE PROVISIONS OF THIS ARTICLE, AND PROVING OWNERSHIP
55 THEREOF, SHALL BE ENTITLED TO RESUME POSSESSION OF THE ANIMAL PROVIDED
56 THAT THE OWNER COMPLETES AN APPLICATION AND PAYS THE FEES FOR LICENSING

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

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

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

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

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

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

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

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

55 (III) THE PROGRAMS FUNDED BY THE LICENSE FEES.

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

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

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

21 S 434. ENFORCEMENT AND PENALTIES. ANY PERSON OR PERSONS WHO SHALL
22 HINDER OR MOLEST OR INTERFERE WITH ANY OFFICER OR AGENT OF THE DEPART-
23 MENT OF HEALTH IN THE PERFORMANCE OF ANY DUTY ENJOINED BY THIS ARTICLE,
24 OR WHO SHALL USE A LICENSE TAG ON A DOG FOR WHICH IT WAS NOT ISSUED,
25 SHALL BE DEEMED GUILTY OF A MISDEMEANOR. ANY PERSON WHO OWNS OR HARBORS
26 A DOG WITHOUT COMPLYING WITH THE PROVISIONS OF THIS ARTICLE SHALL BE
27 SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN TWENTY-FIVE NOR MORE THAN
28 FIFTY DOLLARS FOR A FIRST OFFENSE, A SUM OF NOT LESS THAN FIFTY DOLLARS
29 NOR MORE THAN ONE HUNDRED DOLLARS FOR A SECOND OFFENSE WITHIN A FIVE
30 YEAR PERIOD, AND A SUM OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE
31 THAN TWO HUNDRED DOLLARS FOR A THIRD OR SUBSEQUENT OFFENSE WITHIN A FIVE
32 YEAR PERIOD. ANY PERSON WHO SHALL FALSIFY ANY INFORMATION ON AN APPLI-
33 CATION FOR A LICENSE OR A RENEWAL THEREOF PURSUANT TO THIS ARTICLE OR
34 WHO, FOR PURPOSE OF PARTICIPATING IN THE "ANIMAL POPULATION CONTROL
35 PROGRAM", SHALL FALSIFY PROOF OF ADOPTION FROM A POUND, SHELTER, DULY
36 INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE
37 SOCIETY OR DULY INCORPORATED DOG OR CAT PROTECTIVE ASSOCIATION OR WHO
38 SHALL FALSIFY PROOF OF PARTICIPATION IN ANY OF THE PROGRAMS ENUMERATED
39 IN PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION ONE HUNDRED SEVENTEEN-A
40 OF THIS CHAPTER, OR WHO SHALL KNOWINGLY FURNISH ANY LICENSED VETERINARI-
41 AN OF THIS STATE WITH INACCURATE INFORMATION CONCERNING HIS OR HER RESI-
42 DENCY OR THE OWNERSHIP OF AN ANIMAL OR SUCH PERSON'S AUTHORITY TO SUBMIT
43 AN ANIMAL FOR A SPAYING OR NEUTERING PROCEDURE PURSUANT TO SECTION ONE
44 HUNDRED SEVENTEEN-A OF THIS CHAPTER AND ANY VETERINARIAN WHO SHALL
45 FURNISH THE COMMISSIONER WITH FALSE INFORMATION CONCERNING AN ANIMAL
46 STERILIZATION FEE SCHEDULE OR AN ANIMAL STERILIZATION CERTIFICATE
47 SUBMITTED PURSUANT TO SUBDIVISION FOUR OF SECTION ONE HUNDRED SEVEN-
48 TEEN-A OF THIS CHAPTER SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A
49 FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS WHERE PROSECUTED PURSU-
50 ANT TO THE PENAL LAW, OR WHERE SUBJECT TO A CIVIL ACTION, SUCH CIVIL
51 PENALTY SHALL BE A SUM OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS. IN
52 ADDITION TO EMPLOYEES, OFFICERS AND AGENTS OF THE DEPARTMENT OF HEALTH,
53 THE PROVISIONS OF THIS ARTICLE MAY BE ENFORCED BY ANY EMPLOYEE, OFFICER
54 OR AGENT OF THE CITY OF NEW YORK DEPARTMENT OF SANITATION, DEPARTMENT OF
55 PARKS AND RECREATION, OR ANY OTHER AGENCY AUTHORIZED BY THE COMMISSIONER
56 OF HEALTH AND MENTAL HYGIENE OF SUCH CITY OR THE BOARD OF HEALTH.

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

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

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

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

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

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

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

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

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

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