S T A T E O F N E W Y O R K

5615--A

2013-2014 Regular Sessions

I N S E N A T E

May 28, 2013

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to establishing the "pygmy pig regulation law"

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

Section 1. Chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new subchapter 9 to read as follows:

SUBCHAPTER 9

PYGMY PIG REGULATION LAW

SECTION 17-375 SHORT TITLE.
17-376 DEFINITION.
17-377 CUSTODY, CARE OR CONTROL OF PYGMY PIG; RESIDENTIAL ZONE.
17-378 LICENSE.
17-379 ADDITIONAL VACCINATIONS.
17-380 DUE CARE.
17-381 CONTROL OF ANIMALS AFFECTED WITH RABIES.
17-382 VIOLATIONS.
17-383 RULES AND REGULATIONS.
17-384 APPLICABILITY.

S 17-375 SHORT TITLE. THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE "PYGMY PIG REGULATION LAW".

S 17-376 DEFINITION. WHENEVER USED IN THIS SUBCHAPTER, THE FOLLOWING TERM SHALL HAVE THE FOLLOWING MEANING: "PYGMY PIG" MEANS A PIG OR HOG CLASSIFIED AS SUS SCROFA JUBATUS MULLER, OR SUS SCROFA (CRISTATUS) VITTATUS, AND COMMONLY REFERRED TO AS A VIETNAMESE POT-BELLIED PIG, PYGMY PIG OR MINI-PIG, WHICH STANDS NO HIGHER THAN 22 INCHES AT THE SHOULDER AND WEIGHS NO MORE THAN 200 POUNDS.

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

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S 17-377 CUSTODY, CARE OR CONTROL OF PYGMY PIG; RESIDENTIAL ZONE. NOT MORE THAN ONE PYGMY PIG SHALL BE PERMITTED PER DWELLING FOR ANY PERSON OWNING OR HAVING THE CUSTODY, CARE OR CONTROL OF ANY PYGMY PIG IN ANY RESIDENTIAL ZONE.

S 17-378 LICENSE. A PERSON OWNING OR HAVING THE CUSTODY, CARE OR CONTROL OF A PYGMY PIG SHALL FIRST PAY A FEE AND OBTAIN AN ANIMAL LICENSE FROM THE DEPARTMENT PURSUANT TO CHAPTER ONE HUNDRED FIFTEEN OF THE LAWS OF EIGHTEEN HUNDRED NINETY-FOUR, AS AMENDED. NO SUCH LICENSE SHALL BE ISSUED UNLESS THE PERSON KEEPING OR MAINTAINING A PYGMY PIG IN A RESIDENTIAL AREA AS A PET OR FOR PERSONAL USE HAS SUBMITTED: (1) THE PROOF FROM A LICENSED VETERINARIAN THAT THE PIG HAS BEEN NEUTERED OR SPAYED; AND (2) HAS BEEN VACCINATED AGAINST PSEUDO RABIES. BOARS, OR MALE PYGMY PIGS, ARE TO BE NEUTERED PRIOR TO NINE WEEKS. GILTS, OR FEMALE PYGMY PIGS, ARE TO BE SPAYED PRIOR TO SIX MONTHS.

S 17-379 ADDITIONAL VACCINATIONS. THE COMMISSIONER MAY PROMULGATE RULES AND REGULATIONS TO REQUIRE ADDITIONAL VACCINATIONS FOR PYGMY PIGS.

S 17-380 DUE CARE. EVERY PERSON OWNING OR HAVING CHARGE, CARE, CUSTODY OR CONTROL OF ANY PYGMY PIG SHALL EXERCISE DUE CARE TO PREVENT THE PIG FROM BEING STRAY OR ROAMING ON ANY HIGHWAY, STREET, AND ANY OTHER PUBLIC PLACE.

S 17-381 CONTROL OF ANIMALS AFFECTED WITH RABIES. A. IN ACCORDANCE WITH NEW YORK CITY HEALTH CODE SECTION 11.27, WHEN A PYGMY PIG IS EXPOSED TO THE RABIES VIRUS, THE PERSON WHO OWNS, POSSESSES OR CONTROLS THE PIG AND ANY OTHER PERSON HAVING KNOWLEDGE OF THE EXPOSURE SHALL IMMEDIATELY NOTIFY THE DEPARTMENT BY TELEPHONE.

B. SECTIONS 11.27 AND 11.31 OF THE NEW YORK CITY HEALTH CODE SHALL APPLY TO PYGMY PIGS. SPECIFICALLY, IF ANY PYGMY PIG IS EXPOSED TO THE RABIES VIRUS PER NEW YORK CITY HEALTH CODE SECTION 11.27, IT SHALL BE KEPT ISOLATED, AT THE OWNER'S EXPENSE, IN A MANNER PRESCRIBED BY THE DEPARTMENT IN A VETERINARY HOSPITAL OR OTHER PLACE APPROVED BY THE DEPARTMENT, UNDER DAILY VETERINARY SUPERVISION, FOR A PERIOD OF SIX MONTHS.

S 17-382 VIOLATIONS. ANY VIOLATION OF THIS SUBCHAPTER OR ANY OF THE RULES PROMULGATED HEREUNDER SHALL UPON CONVICTION THEREOF BE PUNISHABLE BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS. CIVIL VIOLATIONS UNDER THIS SECTION SHALL BE ADJUDICATED BEFORE THE DEPARTMENT'S ADMINISTRATIVE TRIBUNAL.

S 17-383 RULES AND REGULATIONS. THE COMMISSIONER OF HEALTH SHALL PROMULGATE RULES AND REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, AND SUCH OTHER RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE PURPOSE OF IMPLEMENTING AND CARRYING OUT THE PROVISIONS OF THIS SUBCHAPTER.

S 17-384 APPLICABILITY. THE PROVISIONS OF THIS SUBCHAPTER SHALL NOT SUPERSEDE ANY EXISTING LEASE OR RENTAL AGREEMENT FOR ANY COOPERATIVE, CONDOMINIUM OR HOMEOWNER ASSOCIATION WHICH CONTAINS A CLAUSE PROHIBITING PETS.

S 2. This act shall take effect immediately.