1033

2015-2016 Regular Sessions

IN SENATE

January 8, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

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:

1 Section 1. Chapter 3 of title 17 of the administrative code of the 2 city of New York is amended by adding a new subchapter 9 to read as 3 follows:

SUBCHAPTER 9

PYGMY PIG REGULATION LAW

- 6 SECTION 17-375 SHORT TITLE.
- 7 17-376 DEFINITION.
- 8 17-377 CUSTODY, CARE OR CONTROL OF PYGMY PIG; RESIDENTIAL ZONE.
- 9 17-378 LICENSE.

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- 10 17-379 ADDITIONAL VACCINATIONS.
- 11 17-380 DUE CARE.
- 12 17-381 CONTROL OF ANIMALS AFFECTED WITH RABIES.
- 13 17-382 VIOLATIONS.
 - 17-383 RULES AND REGULATIONS.
 - 17-384 APPLICABILITY.

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

18 S 17-376 DEFINITION. WHENEVER USED IN THIS SUBCHAPTER, THE FOLLOWING 19 TERM SHALL HAVE THE FOLLOWING MEANING: "PYGMY PIG" MEANS A PIG OR HOG 20 CLASSIFIED AS SUS SCROFA JUBATUS MULLER, OR SUS SCROFA (CRISTATUS) 21 VITTATUS, AND COMMONLY REFERRED TO AS A VIETNAMESE POT-BELLIED PIG, 22 PYGMY PIG OR MINI-PIG, WHICH STANDS NO HIGHER THAN 22 INCHES AT THE 23 SHOULDER AND WEIGHS NO MORE THAN 200 POUNDS.

24 S 17-377 CUSTODY, CARE OR CONTROL OF PYGMY PIG; RESIDENTIAL ZONE. NOT 25 MORE THAN ONE PYGMY PIG SHALL BE PERMITTED PER DWELLING FOR ANY PERSON

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

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2 RESIDENTIAL ZONE. LICENSE. A PERSON OWNING OR HAVING THE CUSTODY, CARE OR 3 S 17-378 4 CONTROL OF A PYGMY PIG SHALL FIRST PAY A FEE AND OBTAIN AN ANIMAL 5 LICENSE FROM THE DEPARTMENT PURSUANT TO CHAPTER ONE HUNDRED FIFTEEN OF 6 THE LAWS OF EIGHTEEN HUNDRED NINETY-FOUR, AS AMENDED. NO SUCH LICENSE 7 SHALL BE ISSUED UNLESS THE PERSON KEEPING OR MAINTAINING A PYGMY PIG IN 8 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 9 10 SPAYED; AND (2) HAS BEEN VACCINATED AGAINST PSEUDO RABIES. BOARS, OR 11 PYGMY PIGS, ARE TO BE NEUTERED PRIOR TO NINE WEEKS. GILTS, OR MALE FEMALE PYGMY PIGS, ARE TO BE SPAYED PRIOR TO SIX MONTHS. 12

13 S 17-379 ADDITIONAL VACCINATIONS. THE COMMISSIONER MAY PROMULGATE 14 RULES AND REGULATIONS TO REQUIRE ADDITIONAL VACCINATIONS FOR PYGMY PIGS. 15 S 17-380 DUE CARE. EVERY PERSON OWNING OR HAVING CHARGE, CARE, CUSTODY 16 OR CONTROL OF ANY PYGMY PIG SHALL EXERCISE DUE CARE TO PREVENT THE PIG 17 FROM BEING STRAY OR ROAMING ON ANY HIGHWAY, STREET, AND ANY OTHER PUBLIC 18 PLACE.

19 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 20 21 EXPOSED TO THE RABIES VIRUS, THE PERSON WHO OWNS, POSSESSES OR CONTROLS 22 PIG AND ANY OTHER PERSON HAVING KNOWLEDGE OF THE EXPOSURE SHALL THE IMMEDIATELY NOTIFY THE DEPARTMENT BY TELEPHONE. 23

B. SECTIONS 11.27 AND 11.31 OF THE NEW YORK CITY HEALTH CODE SHALL 24 25 APPLY TO PYGMY PIGS. SPECIFICALLY, IF ANY PYGMY PIG IS EXPOSED TO THE 26 RABIES VIRUS PER NEW YORK CITY HEALTH CODE SECTION 11.27, IT SHALL BE27 KEPT ISOLATED, AT THE OWNER'S EXPENSE, IN A MANNER PRESCRIBED BY THE 28 DEPARTMENT IN A VETERINARY HOSPITAL OR OTHER PLACE APPROVED BY THE 29 DEPARTMENT, UNDER DAILY VETERINARY SUPERVISION, FOR A PERIOD OF SIX 30 MONTHS.

S 17-382 VIOLATIONS. ANY VIOLATION OF THIS SUBCHAPTER OR ANY OF 31 THE 32 RULES PROMULGATED HEREUNDER SHALL UPON CONVICTION THEREOF BE PUNISHABLE 33 BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE 34 HUNDRED DOLLARS. CIVIL VIOLATIONS UNDER THIS SECTION SHALL BE ADJUDI-35 CATED BEFORE THE DEPARTMENT'S ADMINISTRATIVE TRIBUNAL.

S 17-383 RULES AND REGULATIONS. THE COMMISSIONER OF HEALTH SHALL 36 37 PROMULGATE RULES AND REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF 38 THIS CHAPTER, AND SUCH OTHER RULES AND REGULATIONS AS MAY BE NECESSARY 39 FOR THE PURPOSE OF IMPLEMENTING AND CARRYING OUT THE PROVISIONS OF THIS 40 SUBCHAPTER.

S 17-384 APPLICABILITY. THE PROVISIONS OF THIS SUBCHAPTER SHALL NOT 41 SUPERSEDE ANY EXISTING LEASE OR RENTAL AGREEMENT FOR ANY COOPERATIVE, 42 43 CONDOMINIUM OR HOMEOWNER ASSOCIATION WHICH CONTAINS A CLAUSE PROHIBITING 44 PETS.

45 S 2. This act shall take effect immediately.