

Chapter 115 of the laws of 1894

AN ACT FOR THE BETTER PROTECTION OF LOST AND STRAYED ANIMALS, AND FOR SECURING THE RIGHTS OF THE OWNERS THEREOF

Section 1. The provisions of this act shall apply in the city of New York.

§ 2. (1) Every person who owns or harbors one or more dogs within the corporate limits of such city, shall procure a license for each dog as provided in this act. In applying for such license to be issued or renewed, the applicant shall provide in writing the name, sex, breed, age, color and markings of the dog for which the license is to be procured or renewed and such information that the commissioner of health and mental hygiene of such city deems necessary to notify the applicant when the license is due to be renewed or to contact the applicant in the event the dog is found after becoming lost or strayed. Such commissioner may issue rules requiring proof of rabies vaccination, or an affirmation that such vaccine has been administered, as part of the application for such license to be issued or renewed.

(2) Licenses issued or renewed under this act shall be valid for a term of one year or, pursuant to rules issued by such commissioner, for a period greater than one year.

(3) The fees for a license issued or renewed under this act shall be set by local law, subject to the provisions of this subdivision. There shall be a base fee for a license to be issued or renewed for any dog. There shall be an additional fee for a license to be issued or renewed for a non-sterilized dog. The amount of such additional fee shall be at least eighty-five percent of the amount of the base fee. Applicants shall pay the additional fee unless their application is accompanied by: (i) a statement signed by a licensed veterinarian providing that the dog has been sterilized or that such veterinarian has examined the dog and found that because of old age or other permanent medical condition, the life of the dog would be endangered by sterilization, or (ii) a statement, approved as to form by such commissioner and affirmed by the

applicant, that the dog has been sterilized.

(4) The amount collected for the additional fee charged for a license to be issued or renewed for an unsterilized dog as provided in subdivision three of this section shall be forwarded to the city comptroller for deposit in the animal population control fund created pursuant to section 17-812 of the administrative code of the city of New York.

(5) When a license is issued or renewed for a term other than one year, the fees shall be a prorated amount of the fees per year set as provided in subdivision three of this section.

(6) Any person who fails to renew a license prior to its date of expiration may be required to pay a late fee upon renewal of a license, with the amount of such late fee set by local law. Such amount shall be no more than twenty percent of the amount of the base fee for a license to be issued or renewed as provided in subdivision three of this section.

(7) The application for a license to be issued or renewed shall be accompanied by a statement as prescribed by such commissioner, notifying the applicant that he or she may submit, along with the fees required by this section, an additional amount to be utilized for the purpose of funding low-cost sterilization services from the animal population control fund created pursuant to section 17-812 of the administrative code of the city of New York. Any additional amount submitted pursuant to this subdivision shall be deposited in such fund.

(8) From the fees collected pursuant to this act for each dog license issued or renewed, the sum of ten cents annually for the term of such license shall be remitted by such city to the commissioner of agriculture and markets on or before the fifteenth day of each month, with such sum to be used to fund research into diseases of dogs and the search for and the study of viruses that affect people and animals.

(9) The amount of any fee charged pursuant to this act shall not be based in whole or part on the breed of the dog.

* § 2-a. Any person who was required to but failed to obtain a license or renewal thereof on or before the date prescribed by section two of this act or within ten days thereafter, shall pay, in addition to the

fee prescribed by this act for such license or renewal, a late registration fee of two dollars.

* NB Repealed February 15, 2015

§ 3. (1) Any person who is required to obtain or renew a dog license pursuant to this act but fails to do so may be issued a notice of violation, returnable to the environmental control board or health tribunal of the office of administrative trials and hearings of the city of New York, and may be subject to a civil penalty of not more than seventy-five dollars for the first violation and no more than one hundred dollars when such person was found to have violated this section within the preceding five years. Such notice of violation may be issued by any officer or agent of the department of health and mental hygiene of such city, or any other agency or entity designated by the commissioner of health and mental hygiene or such city, when such officer or agent observes the dog for which such license has not been obtained or renewed.

(2) Notwithstanding subdivision one of this section, such notice of violation may not be issued to a person when such person is in the course of obtaining or renewing a license for the dog for which the notice of violation would be issued. It shall be an affirmative defense to any such violation that: (i) the person required to obtain or renew a dog license duly applied for such license or renewal prior to the date of the violation but the department of health and mental hygiene of such city had not issued or renewed such license; or (ii) such person had previously procured a license that was valid for a term that ended not more than thirty days before such notice of violation was issued and such person duly applied for renewal of such license subsequent to such notice of violation being issued.

(3) Three quarters of any amount paid as a penalty for a violation pursuant to this section shall be forwarded to the city comptroller for deposit in the animal population control fund created pursuant to section 17-812 of the administrative code of the city of New York, and the remainder shall be used solely for carrying out the provisions of this act, establishing, maintaining, or funding shelters for lost, strayed, or homeless animals, providing or funding public education

regarding responsible animal care and dog licensing requirements, and conducting other animal care and control activities.

* § 3-a. In addition to the fee charged pursuant to sections one and two of this chapter, any person applying for a dog license shall pay a fee of three dollars, or such greater amount as determined by the city council or the board of health in the code of such city, for any dog four months of age or older which has not been spayed or neutered unless an owner presents with the license application a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reasons, the life of the dog would be endangered by spaying or neutering. All fees collected pursuant to the provisions of this section shall be forwarded to the city comptroller for deposit in the animal population control fund created pursuant to section 17-812 of the administrative code of the city of New York.

* NB Repealed February 15, 2015

§ 4. (1) With each license issued or renewed under this act, the department of health and mental hygiene of such city shall supply the applicant with a certificate of license or renewal stating the name and address of the owner of the dog and the number of such license or renewal.

(2) Every dog licensed under this act shall, at all times, have a collar about its neck with a tag made of metal or other durable material attached thereto, bearing the number of the license. Such tag shall be supplied to the owner by such department. Such department shall provide notice with each such tag that anyone who shall use a license tag on a dog for which it was not issued shall be deemed guilty of a misdemeanor as provided in section nine of this act. Nothing in this act shall prevent such department from issuing specialty tags which, for an additional cost set by local law, owners may purchase in lieu of the standard tags issued pursuant to this section. The commissioner of health and mental hygiene of such city may issue rules requiring that dogs licensed under this act shall have attached to such collar a tag

indicating that a rabies vaccination has been administered.

(3) Such department may issue replacements for tags that are lost and may require reasonable proof of loss of the original and payment of a sum, set by local law, equal to the cost of replacement.

(4) On or about the thirtieth day before the end of the term for which a license issued or renewed under this act shall be valid, such department shall notify the licensee by mail or other means, using the contact information provided pursuant to subdivision one of section two of this act, of the date by which renewal is required, the manner in which the licensee may apply for renewal, the fees associated with on-time and late renewal respectively, and the penalties to which the licensee may be subject under section three of this act in the event he or she fails to renew such license.

§ 5. Dogs not licensed pursuant to the provisions of this act shall be seized, and if not redeemed within forty-eight hours, may be destroyed or otherwise disposed of, as hereinafter provided.

§ 6. It is further provided that any cat found within the corporate limits of any such city without a collar about its neck bearing the name and residence of the owner stamped thereon, may be seized and disposed of in like manner, as prescribed above for dogs.

§ 7. Any person claiming a dog or cat seized under the provisions of this act, and proving ownership thereof, shall be entitled to resume possession of the animal on payment of the sum of three dollars.

§ 8. The department of health and mental hygiene of such city is hereby empowered and authorized to carry out the provisions of this act, and such department is further authorized to issue and renew licenses, and to collect the fees set forth in this act or otherwise established as prescribed in this act. Such fees, excluding the additional fees charged for licenses to be issued or renewed for unsterilized dogs

pursuant to subdivision three of section two of this act and the amounts specified in subdivision eight of section two of this act, shall be used to defray such city's cost of carrying out the provisions of this act, establishing, maintaining, or funding shelters for lost, strayed or homeless animals, and providing or funding public education regarding responsible animal care and dog licensing requirements.

§ 8-a. (1) No person holding a permit issued pursuant to section 161.09 of the New York city health code or a license issued pursuant to article 26-A of the agriculture and markets law shall sell or transfer ownership of a dog in such city without first requiring the purchaser or other new owner to submit an application for a dog license and to pay all required fees, unless such purchaser or other new owner shall execute and submit to such seller or transferor a written statement that the dog to be purchased or transferred is to be harbored outside such city. Such applications and written statements shall be on forms furnished by the department of health and mental hygiene of such city and shall, within ten days after execution by a purchaser or other new owner, be forwarded by the seller or transferor to such department.

(2) Any seller or transferor processing an application pursuant to subdivision one or three of this section shall, on or before the tenth day of the month next succeeding the month in which collected, remit to such department the amount of fees collected less ten percent of the base fees set pursuant to subdivision three of section two of this act for each application processed.

(3) The commissioner of health and mental hygiene of such city may designate any other person or entity, including but not limited to a person or entity who provides care, treatment, services, or merchandise for animals, to process applications for dog licenses, collect fees, and remit the amount of fees collected less ten percent of such base fee in accordance with this section and otherwise consistent with the provisions of this act.

* § 8-b. No person holding a permit issued pursuant to section 161.09 of the New York city health code shall sell a dog without first

requiring the purchaser to submit an application for a dog license and to pay all required fees, unless such purchaser shall execute and submit to such seller a written statement that the dog to be purchased is to be harbored outside the city. Such applications and written statements shall be on forms furnished by the society and shall, within ten days after execution by a purchaser, be forwarded by the seller to the society.

Any seller 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 society the amount of fees collected less one dollar for each application processed.

* NB Repealed February 15, 2015

* § 8-c. Notwithstanding the provisions of section eight of this act, the power to issue licenses and renewals and to collect fees therefor, to maintain a shelter or other facility for lost, strayed and homeless animals in each borough and otherwise to carry out the provisions of this act may be transferred to any city having a population of over two million and exercised within such city by an agency designated by the mayor of such city. Such agency so designated shall be authorized to enter into a contract or contracts for the performance of some or all of the duties to be performed under this act with one or more organizations incorporated under the not-for-profit corporation law, except any such organization the corporate purposes of which include or which otherwise engages in the use of animals for research, experimentation, testing, teaching or demonstration, or any such organization, the directors, officers, employees or agents of which have been found to have engaged in any of the activities prohibited in section twelve of this act. The transfer of powers authorized by this section shall take effect:

(1) on the effective date of an agreement between such city, acting by its mayor, and the American society for the prevention of cruelty to animals providing for the orderly transfer of the performance of such duties to an agency of the city; or

(2) eighteen months after notice by such society to such city of such society's intention to relinquish the powers delegated to it by this act

or such later date as may be specified in such notice, provided, however, that such society shall continue to exercise the powers so delegated for such additional period of time as may be necessary to ensure an orderly transfer of the exercise of such powers to a city agency designated in accordance with this section; or

(3) no less than eighteen months after notice by such city to such society of the city's intention to assume such powers or such later date as may be specified in such notice.

* NB Repealed February 15, 2015

§ 9. Any person or persons, who shall hinder or molest or interfere with any officer or agent of the department of health and mental hygiene of such city in the performance of any duty enjoined by this act, 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 for the 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 dog or cat protective association or who shall 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 sterilization procedure established pursuant to section 17-812 of the administrative code of the city of New York and any veterinarian who shall furnish false information concerning an animal sterilization fee schedule or an animal sterilization certificate 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 prosecuted as an action to recover a civil penalty of not more than two hundred fifty dollars. Notices of violation may be issued pursuant to this act by any officer or agent of the department of health and mental hygiene of such city, or any other agency or entity designated by the commissioner of health and mental hygiene of such city, and such notices of violation shall be returnable to the environmental control board or to the health tribunal of the office of administrative trials and hearings of the city of New York.

§ 10. The department of health of any city having a population of over two million, in consultation with the American society for the prevention of cruelty to animals, shall prescribe standards for such city for the humane treatment of animals impounded pursuant to this act and shall provide for regular inspection to ensure compliance with such standards.

§ 11. Any animal impounded pursuant to this act which is unclaimed may be delivered to an individual eighteen years of age or older for the purpose of harboring such animal as a companion animal.

§ 12. No animal impounded pursuant to this act or in the care, custody or control of an animal shelter or other facility for lost, strayed and homeless animals shall be sold, transferred or otherwise made available to any person for the purpose of research, experimentation, testing, teaching or demonstration. Any person who violates the provisions of this section shall be subject to a civil penalty of five hundred dollars for each violation.

§ 13. (1) An exemption from the dog licensing requirements of this act shall be provided for the following persons, organizations, and businesses:

(a) individuals who are non-residents of such city, or who are temporarily residing in such city for a period not to exceed thirty days;

(b) individuals for the first thirty days after becoming a resident of such city; and

(c) 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.

(2) An exemption from the dog license fees of section two of this act shall be provided for guide dogs, hearing dogs, service dogs or police work dogs, as such terms are defined in section 108 of the agriculture and markets law.

§ 14. The thirtieth subdivision of section eighty-six of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 15. This act shall take effect immediately.