

THE COUNCIL

The City of New York

Int. No. 399

August 6, 1998

Introduced by Council Members Freed and Eristoff; also Council Members Rivera and Sabini—read and referred to the Committee on Health.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the spaying and neutering of dogs and cats.

Be it enacted by the Council as follows:

1 Section 1. Legislative findings. The Council hereby finds that the serious overpopu-
2 lation of unwanted dogs and cats in New York City is a matter of vital concern affecting
3 the public health, safety and welfare of all New Yorkers. The regulation of the spaying
4 and neutering of dogs and cats is necessary in order to reduce the overpopulation of
5 unwanted dogs and cats which is creating a potentially unhealthy and dangerous situa-
6 tion. It is estimated that between thirty and forty thousand unwanted dogs and cats are
7 euthanized each year at animal shelters in New York City. Additionally, many thou-
8 sands of dogs and cats, reproducing at alarming rates, wander our city streets. Many of
9 these animals are suffering from exposure to the elements, lack of food and water, acci-
10 dents and mistreatment. Dog packs are threatening some of our neighborhoods, the inci-
11 dent of rabies is on the increase, and vehicular accidents involving these animals are
12 frequent. Given the large number of unwanted dogs and cats and the overall population
13 of New York City, the Council believes that this local law is necessary to protect the
14 health, safety and welfare of its residents.

15 § 2. Chapter 3 of title 17 of the administrative code of the city of New York is here-

1 by amended a new subchapter 7, to follow subchapter 6, to read as follows:

2 SUBCHAPTER 7

3 DOG AND CAT OVERPOPULATION CONTROL LAW

4 § 17-355 Short Title. This subchapter shall be known and may be cited as the "Dog
5 and Cat Overpopulation Control Act."

6 § 17-356 Spaying and neutering requirements: unaltered animals permit required.
7 No person shall own or harbor any dog or cat over the age of six months that has not
8 been spayed or neutered unless such person holds an unaltered animal permit issued by
9 the department of health for such animal except: (i) persons who own or harbor guide
10 dogs, hearing does, seeing dogs or police work dogs. as such terms are defined in sec-
11 tion 108 of the agriculture and markets law; (ii) individuals who are non-residents of
12 the city New York and reside temporarily therein for a period not to exceed thirty days;
13 (iii) animal shelters, veterinary hospitals and college and research institutions that har-
14 bor does and cats; and (iv) persons who own or harbor a dog or cat and who are in pos-
15 session of a certification signed by a licensed veterinarian stating that such animal is
16 unfit to be spayed or neutered because such procedure would endanger the life of such
17 animal.

18 § 17-357 Unaltered animal permit fees. The annual fee for an unaltered animal per-
19 mit shall be thirty-five dollars.

20 § 17-358. Dog and cat overpopulation control fund. Permit fees and penalties col-
21 lected by the department of health pursuant to this subchapter shall be placed in a spe-
22 cial fund to be known as the dog and cat overpopulation control fund and used
23 exclusively for the administration and enforcement of this subchapter by the department
24 and its designees. Any penalties not used or these purposes shall be used for the low-
25 cost spaying and neutering of does and cats harbored by low-income residents and by

1 *senior citizens and public education programs to prevent the overpopulation of dogs*
2 *and cats and to encourage licensing and the responsible treatment of such animals. In*
3 *addition, other tax lewd funds may be allocated in the expense budget of the city, and*
4 *the city may accept fund from any public or private source, for such low-cost spaying*
5 *and neutering and public education programs.*

6 § 17-359 Rules. *The commissioner shall, within ninety day after the effective date of*
7 *the local law that enacted this section, promulgate such rules and prescribe such forms*
8 *as are necessary to effectuate the purpose of the subchapter.*

9 §17-360 Enforcement. *a. This subchapter shall be enforced by the department and*
10 *other persons as may be designated by the commissioner.*

11 *b. In lieu of criminal prosecution, violation of this subchapter, or any of the rules*
12 *promulgated hereunder, may be prosecuted as a civil violation subject to a civil penalty*
13 *of not less then twenty-five dollars nor more than five hundred dollars for each viola-*
14 *tion. Civil violations under this subchapter shall be adjudicated before the administra-*
15 *tive tribunal established by the board of health.*

16 *c. The department may dismiss a violation of this subchapter where the person*
17 *issued such violation demonstrates to the satisfaction of the commissioner that the dog*
18 *or cat which as the subject of the violation was spayed or neutered within thirty days*
19 *from the issuance of the finding of violation or within ninety days after giving birth for*
20 *dogs or eats which was the subject of the violation.*

21 § 3. This local law shall take effect sixty days after its enactment into law.

Note: Matter in *italics* is new; matter in brackets [] to be omitted.