

THE COUNCIL

The City of New York

Int. No. 456

October 22, 1998

Introduced by Council Members Freed, Duane, Espada, Fisher, Lopez and Michels; also Council Members Cruz, Foster, Leffler, McCaffrey, O'Donovan 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 establishment of low-cost clinics for 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 over-
2 population of unwanted dogs and cats in New York City is a matter of vital concern
3 affecting the public health, safety and welfare of all New Yorkers. The regulation of the
4 spaying and neutering of dogs and cats is necessary in order to reduce the overpopula-
5 tion of unwanted dogs and cats which is creating a potentially unhealthy and dangerous
6 situation. It is estimated by advocates for the humane treatment of animals that between
7 forty and fifty thousand unwanted dogs and cats are euthanized each year at animal shel-
8 ters in New York City. Additionally, many thousands of dogs and cats, reproducing at
9 alarming rates, wander our city streets. Many of these animals are suffering from expo-
10 sure to the elements, lack of food and water, and injuries resulting from accidents and
11 mistreatment. Dog packs are threatening some of our neighborhoods, the incidence of
12 dog bites has increased, rabies is reportedly on the increase, and vehicular accidents in
13 which these animals are injured are frequent. Given the large number of unwanted dogs
14 and cats and the likelihood of an increase in their numbers absent a spay/neuter law, the

1 Council believes that this local law providing for the establishment of low-cost
2 spay/neuter clinics is necessary to protect the health, safety and welfare of City resi-
3 dents.

4 § 2. Chapter 3 of title 17 of the administrative code of the city of New York is
5 amended by adding thereto a new subchapter 7, to follow subchapter 6, to read as fol-
6 lows:

7 *SUBCHAPTER 7*

8 *DOG AND CAT OVERPOPULATION CONTROL LAW*

9 *§ 17-355 Short title*

10 *§ 17-356 Spaying and neutering requirements; unaltered animals permit required*

11 *§ 17-357 Unaltered animal permit fees*

12 *§ 17-358 Dog and cat overpopulation control fund*

13 *§ 17-359 Rules*

14 *§ 17-360 Enforcement*

15 *§ 17-361 Request for proposals; contracts to operate low-cost spay/neuter clinics*

16 *§ 17-355 Short title. This subchapter shall be known and may be cited as the "Dog*
17 *and Cat Overpopulation Control Law."*

18 *§ 17-356 Spaying and neutering requirements; unaltered animals permit required.*

19 *No person shall own or harbor any dog or cat over the age of six months that has not*
20 *been spayed or neutered unless such person holds an unaltered animal permit issued for*
21 *such animal by the department of health, or any successor agency authorized by law to*
22 *issue such a permit, except: (i) persons who own or harbor guide dogs, hearing dogs,*
23 *service dogs or police work dogs, as such terms are defined in section 108 of the agri-*
24 *culture and markets law; (ii) individuals who are non-residents of the city New York and*
25 *reside temporarily therein for a period not to exceed thirty days; (iii) animal shelters,*

1 *veterinary hospitals and colleges and research institutions that harbor dogs and cats for*
2 *the purpose of humane research; and (iv) persons who own or harbor a dog or cat and*
3 *who are in possession of a certification signed by a licensed veterinarian stating that*
4 *such animal is unfit to be spayed or neutered because such procedure would endanger*
5 *the life of such animal.*

6 *§ 17-357 Unaltered animal permit fees. The annual fee for an unaltered animal*
7 *permit shall be thirty-five dollars.*

8 *§ 17-358 Dog and cat overpopulation control fund. a. Permit fees and penalties*
9 *collected by the department of health pursuant to this subchapter shall be placed in a*
10 *special fund to be known as the dog and cat overpopulation control fund and used*
11 *exclusively for the administration and enforcement of this subchapter by the department*
12 *and its designees. Any penalties not used for these purposes shall be used for: (i) the*
13 *low-cost spaying and neutering of dogs and cats owned or harbored by low-income resi-*
14 *dents or senior citizens, (ii) for public education programs to prevent the overpopula-*
15 *tion of dogs and cats; and (iii) for public education programs to encourage licensing*
16 *and the responsible treatment of such animals. In addition, other tax levy funds may be*
17 *allocated in the expense budget of the city, and the city may accept funds from any pub-*
18 *lic or private source, for such low-cost spaying and neutering and public education pro-*
19 *grams.*

20 *b. For the purposes of subdivision a of this section: 1. the term "low income*
21 *residents" shall mean those persons and families whose incomes do not exceed eighty*
22 *percent of the median income for the New York city metropolitan statistical area; and*
23 *2. the term "senior citizens" shall mean persons 65 years of age or older.*

24 *§ 17-359 Rules. Within ninety days after the effective date of this section, the com-*
25 *missioner shall promulgate such rules and prescribe such forms as are necessary to*

1 *effectuate the purposes of this subchapter.*

2 § 17-360 *Enforcement.* a. *This subchapter shall be enforced by the department,*
3 *such other persons as may be designated by the commissioner, and by any other agency*
4 *as may be authorized by law.*

5 b. *Any person who violates section 17-356 of this subchapter shall be liable*
6 *for a civil penalty of not less than fifty dollars for a first violation and shall be liable for*
7 *a civil penalty of not less than one hundred dollars nor more than five hundred dollars*
8 *for each subsequent violation. Any proceeding brought under this subchapter to impose*
9 *a civil penalty shall be adjudicated before the administrative tribunal established by the*
10 *board of health.*

11 c. *The department may dismiss a violation of section 17-356 of this subchapter*
12 *where the person issued such violation demonstrates to the satisfaction of the commis-*
13 *sioner that the dog or cat which was the subject of the violation was spayed or neutered*
14 *within thirty days after the issuance of the violation or within ninety days after giving*
15 *birth for those dogs or cats which were pregnant when the violation was issued.*

16 § 17-361 *Request for proposals; contracts to operate low-cost spay/neuter clinics.*

17 a. *Within sixty days of the effective date of this section, the commissioner shall issue a*
18 *request for proposals soliciting proposals from organizations for the humane treatment*
19 *of animals and/or licensed veterinarians to operate one or more low-cost spay/neuter*
20 *clinics in each borough.*

21 b. *Within thirty days of the effective date of this section, the commissioner*
22 *shall appoint a spay/neuter advisory council and shall consult with such advisory coun-*
23 *cil in the preparation and dissemination of the request for proposals required by subdi-*
24 *vision a of this section and in the evaluation of responses to such request for proposals.*
25 *Such advisory council shall be composed of eleven members and shall represent advo-*

1 *cates for the humane treatment of animals and veterinarians from throughout the city.*

2 *Members of such advisory council shall not receive compensation for service thereon.*

3 *c. Within 120 days of the effective date of this section, the commissioner shall*

4 *select one or more organizations or veterinarians, evaluated as qualified from those*

5 *responding to such request for proposals, to operate low-cost spay neuter clinics. At*

6 *least one such clinic shall be located in each borough.*

7 § 3. This local law shall take effect 120 days after its enactment into law, except

8 that section 17-361 of the administrative code of the city of New York as added by sec-

9 tion two of this local law shall take effect immediately, but the commissioner shall take

10 such actions as are necessary for the implementation of this local law prior to such

11 effective dates.

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