

THE COUNCIL

The City of New York

Int. No. 359

July 15, 1998

Introduced by Council Members Leffler, Dear and Marshall; also Council Members O'Donovan and Robinson—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 dangerous dog regulation and protection law.

Be it enacted by the Council as follows:

1 Section 1. Section 17-345 of the administrative code of the city of New York, as
2 added by local law number 2 for the year 1991, is amended to read as follows:

3 § 17-345 **Determination of a dangerous dog.** The commissioner shall have the
4 authority to make a determination that a dog is dangerous, as claimed in subdivision (c)
5 of section 17-342, upon the complaint of any person that a dog is dangerous. The com-
6 missioner shall make such determination after a hearing, written notice of which shall be
7 given to the complainant and to the owner of the dog, within fifteen days after seizure of
8 the dog has been ordered by the department, where the owner's address can be reason-
9 ably ascertained by the commissioner. The hearing shall be held no less than ten days
10 nor more than twenty days after such notice is mailed to the owner of the dog. At such
11 hearing all interested persons shall have the opportunity to present evidence on the issue
12 of the dog's dangerousness. In the event that the dog in question has caused severe
13 injury to any person, the commissioner may impound the dog, at the owner's expense,
14 pending the hearing and determination of the complaint. If, after the hearing, the com-
15 missioner determines that the dog is dangerous, he or she [may order the owner to com-

1 ply with one or more of the following requirements, in any combination thereof:

2 a. Registration. The commissioner may *shall* order the owner of [a] *the* dangerous
3 dog to register such dog with the department. The application for such registration shall
4 contain the name and address of the owner, the breed, age, sex, color, and any other
5 identifying marks of the dog, the location where the dog is to be kept if not at the
6 address of the owner and any other information which the commissioner may require.
7 The application to registration pursuant to this paragraph shall be accompanied by a reg-
8 istration fee of twenty-five dollars. Each dog registered pursuant hereto shall be
9 assigned an official registration number by the department. Such registration number
10 shall be inscribed on a metal tag which shall be attached to the dog's collar at all times.
11 The tag and a certificate of registration shall be of such form and design and shall con-
12 tain such information as the commissioner shall prescribe and shall be issued to the
13 owner upon payment of the registration fee and the presentment of sufficient evidence
14 that the owner has complied with all of the orders of the commissioner as prescribed at
15 the determination hearing. *In addition, if, after the hearing, the commissioner deter-*
16 *mines that the dog is dangerous, he or she may order the owner to comply with one or*
17 *more of the requirements set forth in subdivision (a), (b), (c), or (d) of this section, in*
18 *any combination thereof:*

19 [b.] a. Muzzling or confinement. The commissioner may order the owner of a dan-
20 gerous dog to muzzle the dog or confine the dog, at all times, indoors or in a proper
21 enclosure for a dangerous dog which shall consist of a securely enclosed and locked pen
22 or structure, suitable to prevent the entry of young children, or any part of their bodies
23 or other foreign objects, and designed to prevent the animal from escaping. Such pen or
24 structure shall have secure sides and prevent the dog from digging his way out through
25 the bottom. The pen or structure shall also provide the dog with protection from the ele-

1 ments. The owner shall also conspicuously display a sign designed with a warning sym-
2 bol approved by the commissioner which indicates to both children and adults the pres-
3 ence of a dangerous dog, on the pen or structure and on or near the entrance to the
4 residence where the dog is kept. At any time that the dog is not confined as required
5 herein, the dog shall be muzzled in such a manner as to prevent it from biting or injuring
6 any person, and kept on a leash no longer than six feet with the owner or some other
7 responsible person attending such dog.

8 [c.] b. Liability insurance. The commissioner may order the owner of a dangerous
9 dog to maintain, in full force and effect, a liability insurance policy of one hundred
10 thousand dollars for personal injury or death of any person, resulting from an attack of
11 such dangerous dog.

12 [d.] c. Humane destruction. The commissioner may order the humane destruction
13 of any dog that kills or causes severe injury to a human being, based upon the severity
14 of the injury and the circumstances of the injury.

15 [e.] d. Other remedies. The commissioner may order (i) that the dog be perma-
16 nently removed from the city; or (ii) that the owner and the dog complete a course of
17 obedience and/or anti-bite training approved by the commissioner.

18 § 2. Subdivision b of section 17-346 of such code, as added by local law number 2
19 for the year 1991, is amended to read as follows:

20 b. The owner of a dog determined to be dangerous by the commissioner, which has
21 been confiscated pursuant to subdivision (a) of this section, may request the commis-
22 sioner to conduct a hearing to determine if the dog should be returned to the owner.
23 Upon such request, the commissioner shall provide for a hearing within five days. *Such*
24 *dog shall not be returned in the event that the owner of the dog does not present suffi-*
25 *cient evidence at the hearing that returning such dog will not endanger the safety of*

1 *human beings or domestic animals and will not result in the participation of the dog in a*
2 *dog fight contest.*

3 3. Section 17-348 of such code, as added by local law number 2 for the year 1991,
4 is amended to read as follows:

5 § 17-348 Regulations. The commissioner, within ninety days of the effective date
6 of this subchapter and with the advice of the advisory board hereinafter established,
7 shall promulgate [such] regulations [as are necessary] to carry out the provisions of this
8 subchapter and to promote the health, safety and well-being of the public. *Such regula-*
9 *tions shall include but not be limited to regulations facilitating enforcement of the provi-*
10 *sions of this subchapter and any other rule or regulation promulgated hereunder.*

11 § 4. This local law shall take effect immediately upon its enactment.

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