



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 425-A

COMMITTEE: Health

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting restraining animals outdoors for longer than three continuous hours in any continuous twelve-hour period.

SPONSORS: By Council Members Vallone Jr., Brewer, Cabrera, Dromm, Ferreras, Foster, Gentile, Koppell, James, Mark-Viverito, Mendez, Vacca and Lappin

SUMMARY OF LEGISLATION: Proposed Int. No. 425-A would prohibit a person from tethering an animal for more than three continuous hours in a twelve-hour period. Any person that tethers an animal would be required to provide adequate food, shelter and water and use a tether that has swivels at both ends and is of an adequate length for the type and size of animal restrained. The law would prohibit use of a tether that is a choke collar or pinch collar, has weights attached or has links that are more than one-quarter inch thick, is likely to be entangled, is long enough to allow the animal to move outside of its owner's property and would allow the restrained animal to move over an object or edge that could result in the strangulation or injury of such animal.

First time violators would be given a written warning or a fine of up to \$250 if the animal is injured as a result of the prohibited tethering. A person who commits a repeat offense within a year would be guilty of a class b misdemeanor carrying a fine of up to \$500 or by imprisonment of up to three months or both. Any person violating this law would also be liable for a civil penalty of between \$250 and \$500.

This bill would empower authorized officers, veterinarians and employees of the Department of Health and Mental Hygiene, agents of the American Society for the Prevention of Cruelty to Animals (ASPCA), and any other person designated by the Commissioner of Health to enforce it and allow evidence, such as time-stamped photos and videos, records of complaints and sworn witness statements.

This bill does not prohibit enforcement officers from enforcing any other laws regarding the humane treatment of animals and the anti-tethering prohibition would not apply to law enforcement officials.

EFFECTIVE DATE: This legislation would take effect 90 days after enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2012

FISCAL IMPACT STATEMENT:

	Effective FY11	FY Succeeding Effective FY12	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There is no fiscal impact because the fee is a penalty that will be used to enforce compliance, not to generate revenue.

IMPACT ON EXPENDITURES: There is no impact on expenditures in Fiscal 2011 resulting from the enactment of this legislation. The ASPCA will take the lead in enforcing this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not Applicable

SOURCES OF INFORMATION: Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Pamela Corbett, Legislative Financial Analyst
Latonia Mckinney, Deputy Director
City Council Finance Division

HISTORY: Int. 425 was introduced on November 17, 2010, and referred to the Committee on Health. On December 17, 2010, the Committee on Health held a hearing on Int. 425, which was laid over. On January 18, 2011, the Committee on Health will consider an amended version, Proposed Int. 425-A, and the legislation will be vote on by the Full Council on January 18, 2011.