



Legislation Text

File #: Int 0050-2006, Version: *

Int. No. 50

By Council Members Avella, Gentile, Gerson, Mendez, Nelson, Stewart, Vallone Jr, Weprin and Arroyo

A Local Law to amend the administrative code of the city of New York, in relation to the prohibition of inhumane activities and practices used in rodeos.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is hereby amended by adding a new chapter 13 to read as follows:

CHAPTER 13

PROHIBITION OF CRUEL RODEO EVENTS AND PRACTICES ACT

<u>§17-1301</u>	<u>Short title.</u>
<u>§17-1302</u>	<u>Definitions.</u>
<u>§17-1303</u>	<u>Prohibited activities and practices at rodeos.</u>
<u>§17-1304</u>	<u>Scheduling and notification of a rodeo.</u>
<u>§17-1305</u>	<u>Access to a rodeo.</u>
<u>§17-1306</u>	<u>Presence of an on-site veterinarian.</u>
<u>§17-1307</u>	<u>Care and treatment of animals.</u>
<u>§17-1308</u>	<u>Enforcement.</u>
<u>§17-1309</u>	<u>Violations and penalties.</u>
<u>§17-1310</u>	<u>Rules.</u>

§17-1301 Short title. This chapter shall be known and may be cited as the “Prohibition of Cruel Rodeo Events and Practices Act.”

§17-1302 Definitions. For purposes of this chapter only, the following terms shall have the following meanings:

- a. “ASPCA” means the American Society for the Prevention of Cruelty to Animals.
- b. “Bareback riding/bronc riding” means any event performed where a person mounts a horse with the

intention to ride, or attempt to ride, the horse, with or without use of a saddle and where the horse is wearing a bucking strap/flank strap.

c. “Bucking strap/flank strap” means any belt, rope, or other material fastened around an animal’s flank area that causes or encourages the animal to buck.

d. “Bull riding/bareback bull riding” means any event performed where a person mounts a bull with the intention to ride, or attempt to ride, the bull, with or without use of a saddle and where the bull is wearing a bucking strap/flank strap.

e. “Calf roping/tie-down roping” means any event where a person ropes and restrains a calf, with the intention to tie, or attempt to tie, some or all of the calf’s legs together.

f. “Caustic ointments” means any substance that causes inflammation, irritation, pain or discomfort when applied.

g. “Electric prods” means any device that administers volts of electricity to an animal.

h. “Goat tying” means any event where a person ties or secures a goat by any means with the intention to tie, or attempt to tie, some or all of the goat’s legs together.

i. “Horse tripping” means any event where a person causes, or attempts to cause, a horse to trip and fall to the ground.

j. “On-site veterinarian” means any person licensed to practice veterinary medicine in the state of New York, who shall have his or her primary practice experience in large animal medicine and surgery, and who is approved by the department and the ASPCA to be present at all times during a rodeo.

k. “Raking” means any act of moving spurs against and across an animal’s body.

l. “Rodeo” means any performance, competition, or exhibition featuring skills traditionally associated with hired hands in the western United States who tend cattle and perform many duties on horseback, and involving horses, cows, bulls, calves, steer and/or goats; provided, however, that such term shall not include such performances, competitions, or exhibitions that take place at equestrian events, theatrical performances,

fairs, carnivals, or circuses.

m. Sponsor” means any person, corporation, partnership, firm, agency, association, lessor, or organization which owns, leases, or is otherwise responsible for the operation of a rodeo.

n. “Spurs” means any spike or wheel with points attached to a person’s shoes, boots, or heels.

o. “Steer busting” means any event where a person ropes a steer’s horn, and causes, or attempts to cause, such animal to turn over and fall to the ground, with the intention to tie, or attempt to tie, some or all of such animal’s legs together.

p. “Steer wrestling” means any event where a person moves from a horse onto a steer, and twists the steer’s neck, with the intention to cause, or attempt to cause, the steer to fall to the ground.

q. “Tail raking” means any act of raking, sawing, and/or pulling an animal’s tail against a fence or other object.

r. “Tail twisting” means any act of twisting the tail of an animal.

s. “Team roping” means any event where a person, sometimes called the “header”, ropes a steer’s horns, neck or a combination of one horn and the neck, with the intention to turn over, or attempt to turn over, the steer, and another person, sometimes called the “heeler” ropes, or attempts to rope, the steer’s hind feet.

t. “Wire tie-down” means any cable, cord, or other material tied from the halter or bridle placed around a horse’s head and secured to the girth strap or saddle, and which causes the horse to point his/her nose down.

§17-1303 Prohibited activities and practices at rodeos. The following activities and practices shall be prohibited from taking place at or in conjunction with a rodeo:

a. Bareback riding/ bronc riding.

b. Bull riding/ bareback bull riding.

c. Calf roping/tie-down roping.

d. Goat tying.

e. Horse tripping.

f. Steer busting.

g. Steer wrestling.

h. Use of electric prods or other shocking devices.

i. Use of bucking strap/flank straps, sticks, whips, wire tie-downs or spurs.

j. Use of caustic ointments.

k. Use of forcible handling techniques, including, but not limited to, tail twisting, tail raking, raking, hitting, poking and kicking.

§17-1304 Scheduling and notification of a rodeo. a. No sponsor of a rodeo to be held in the city of New York shall hold such rodeo without filing an application for a permit with the department, in such form and manner as determined by the department, and receiving such permit. Such application shall include, but not be limited to:

1. a description of the event to be held and the activities to be conducted;

2. a description of the kinds and numbers of animals to be used;

3. a description of the criteria and requirements of the animal health permit required pursuant to paragraph d of section 17-1007 with respect to each animal;

4. a description of the training and credentials of the rodeo personnel employed or retained;

5. a description of an emergency evacuation plan;

6. a description of the housing to be provided for the animals; and

7. any other information the commissioner deems appropriate.

b. The sponsors of any rodeo shall notify the department, the New York city police department and the ASPCA regarding the scheduling of any rodeo, no less than thirty (30) calendar days prior to the holding of such rodeo.

§17-1305 Access to a rodeo. The department, the New York city police department and ASPCA enforcement agents shall be provided access to the areas where animals have been present, are present, or will

be present, prior to, during and after a rodeo in order to inspect the facilities, the activities taking place and the animals.

§17-1306 Presence of an on-site veterinarian. a. An on-site veterinarian shall be present at all times during any rodeo. Such on-site veterinarian shall have access to all areas where animals have been present, are present, or will be present, prior to, during and after a rodeo, including, but not limited to, holding pens, chutes, injury pens and transport vehicles, in order to examine and otherwise observe the animals.

b. The on-site veterinarian shall have discretion regarding whether an animal shall be used in a rodeo. In the event that the on-site veterinarian determines that an animal is unfit to be used in a rodeo, he or she must immediately notify rodeo personnel. Nothing herein shall preclude the department, a veterinarian employed or retained by the ASPCA, the police department, or an ASPCA enforcement agent from determining that an animal is unfit to be used in a rodeo. The use of any animal deemed unfit to be used in a rodeo by any such persons or by the on-site veterinarian shall constitute a violation of this section.

c. Every animal used in a rodeo shall be examined by an on-site veterinarian within two (2) hours prior to the start of an event to ensure the animal's health and fitness and immediately after the end of an event to assess any injuries incurred by the animal. Every such animal may also be examined by such on-site veterinarian during the course of the rodeo.

d. Any animal injured during a rodeo shall be removed immediately from the rodeo by rodeo personnel, who shall report such injury promptly to the on-site veterinarian, who shall in turn provide any necessary veterinary care including, but not limited to, the administration of any required medications and/or injections.

e. All veterinary expenses of animals used or intended to be used in a rodeo shall be the responsibility of the sponsors.

§17-1307 Care and treatment of animals. a. Animals at a rodeo shall be provided with shade by natural or artificial means sufficient to protect them from direct sunlight when such exposure as determined by the on-site veterinarian is likely to jeopardize the health or well being of the animal.

b. All animals shall have access to clean, potable water at all times.

c. No stimulants, sedatives, or other drug shall be administered to any animal used in performances or exhibitions, except as determined by the on-site veterinarian.

d. Every sponsor shall have, for each animal intended to be used in a rodeo held in the city of New York, a valid health certificate signed by a licensed veterinarian and dated within one year of the first day on which such rodeo is to be held in the city. Every sponsor must provide a copy of such certificate upon request of the department, the on-site veterinarian or an ASPCA enforcement agent.

e. At no time shall sore, lame or ill animals, animals with poor eyesight, or animals who are exhibiting signs of distress, physical injury, suffering or pain be used in a rodeo.

f. The on-site veterinarian may, with respect to any animal require that such animal shall not be used in more than one rodeo performance, competition or exhibition event per day.

§17-1308 Enforcement. The department shall enforce the provisions of this chapter. In addition, designated enforcement employees of the New York city police department and the ASPCA shall have the power to enforce the provisions of this chapter.

§17-1309 Violations and penalties. a. The violation of any provision of this chapter or any of the rules promulgated hereunder shall, upon conviction thereof, constitute a misdemeanor, punishable by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars, or by imprisonment not to exceed one year or both. Each violation shall constitute a separate and distinct offense.

b. Any person violating any provision of this chapter shall be liable for a civil penalty of not less than two hundred and fifty dollars nor more than one thousand dollars, provided, however, that for a second or subsequent violation of any provision of this chapter such person shall be liable for a civil penalty of not less than five hundred dollars nor more than two thousand dollars. A proceeding to recover any civil penalty authorized pursuant to the provisions of this subdivision shall be commenced by service of notice of violation which shall be returnable to the administrative tribunal established by the board of health. Such tribunal shall

have the power to impose the civil penalties prescribed by this subdivision.

§17-1310 Rules. The commissioner shall promulgate rules in accordance with the provisions of this chapter, and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this chapter.

§2. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect one hundred and twenty days after its enactment into law. Actions necessary to prepare for the implementation of this local law may be taken prior to its effective date.

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Int. 472/2004