Legislation Details (With Text)

File #:	Int 0886-2018 **Version:** A	**Name:**	Pilot program for allowing pet harbors to be placed on sidewalks adjacent to commercial establishments.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Transportation
On agenda:	5/9/2018		
Enactment date:	8/23/2019	**Enactment #:**	2019/150

Title: A Local Law in relation to a pilot program for allowing pet harbors to be placed on sidewalks adjacent to commercial establishments

Sponsors: Rafael L. Espinal, Jr., Stephen T. Levin, Robert E. Cornegy, Jr., Ritchie J. Torres, Francisco P. Moya, Costa G. Constantinides, Mark Levine, Antonio Reynoso, Diana I. Ayala, Keith Powers, Robert F. Holden, Barry S. Grodenchik, Karen Koslowitz, I. Daneek Miller, Donovan J. Richards, Justin L. Brannan, Alan N. Maisel, Helen K. Rosenthal, Paul A. Vallone, Eric A. Ulrich

Indexes: Agency Rule-making Required, Report Required

Attachments: 1. Summary of Int. No. 886-A, 2. Summary of Int. No. 886, 3. Int. No. 886, 4. May 9, 2018 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 05-09-18, 6. Minutes of the Stated Meeting - May 9, 2018, 7. Committee Report 10/29/18, 8. Hearing Testimony 10/29/18, 9. Hearing Transcript 10/29/18, 10. Proposed Int. No. 886-A - 8/2/19, 11. Committee Report 7/22/19, 12. Hearing Transcript 7/22/19, 13. July 23, 2019 - Stated Meeting Agenda with Links to Files, 14. Hearing Transcript - Stated Meeting 7-23-19, 15. Minutes of the Stated Meeting - July 23, 2019, 16. Int. No. 886-A (FINAL), 17. Fiscal Impact Statement, 18. Legislative Documents - Letter to the Mayor, 19. Local Law 150

Date	Ver.	Action By	Action	Result
5/9/2018	*	City Council	Introduced by Council	
5/9/2018	*	City Council	Referred to Comm by Council	
10/29/2018	*	Committee on Transportation	Hearing Held by Committee	
10/29/2018	*	Committee on Transportation	Laid Over by Committee	
7/22/2019	*	Committee on Transportation	Hearing Held by Committee	
7/22/2019	*	Committee on Transportation	Amendment Proposed by Comm	
7/22/2019	*	Committee on Transportation	Amended by Committee	
7/22/2019	A	Committee on Transportation	Approved by Committee	Pass
7/23/2019	A	City Council	Approved by Council	Pass
7/23/2019	A	City Council	Sent to Mayor by Council	
8/23/2019	A	Administration	City Charter Rule Adopted	
8/27/2019	A	City Council	Returned Unsigned by Mayor	

Int. No. 886-A

By Council Members Espinal, Levin, Cornegy, Torres, Moya, Constantinides, Levine, Reynoso, Ayala, Powers, Holden, Grodenchik, Koslowitz, Miller, Richards, Brannan, Maisel, Rosenthal, Vallone and Ulrich

A Local Law in relation to a pilot program for allowing pet harbors to be placed on sidewalks adjacent to

commercial establishments

Be it enacted by the Council as follows:

Section 1. a. Definitions. As used in this section, the following terms have the following meanings:

Companion animal. The term "companion animal" has the same meaning as set forth in section 17-199.5 of the administrative code.

Pet harbor. The term "pet harbor" means an enclosed stationary self-service container that allows an owner to leave their companion animals unattended in an enclosure for no longer than one hour, or for a length of time as established by rule by the agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law.

Service animal. The term "service animal" means an animal that performs a task or a specific set of tasks to assist a person with a disability.

b. An agency or office designated by the mayor shall establish a pilot program for the placement of pet harbors on sidewalks adjacent to commercial establishments, provided that (i) no portion of a pet harbor shall extend further than 3 feet from the building line; (ii) a width of at least nine and one-half feet is maintained on the sidewalk in front of a pet harbor without obstructing pedestrian movement; (iii) a pet harbor shall not block the accessible path of travel, entrance, or egress to and from a building and shall not impact the ability of properties or commercial establishments to add accessibility features in accordance with chapter 11 of the building code; (iv) a pet harbor shall not be bolted to the sidewalk or chained to a lamppost or other street furniture; (v) a pet harbor may only be placed on a sidewalk adjacent to a commercial establishment, and may only be available for use during the hours of operation of such establishment; (vi) no more than two pet harbors may be placed in front of any commercial establishment; (vii) the operator of the pet harbor shall receive permission from the owner of the property or commercial establishment adjacent to which it is placed; and (viii) a pet harbor is in compliance with any other law or rules promulgated by the agency or office designated by the mayor pursuant to this subdivision for the purposes of protecting the health, safety, convenience and

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welfare of the public, the companion animals, and to safeguard the interests of the city.

c. The agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law shall by rule (i) determine the geographic boundaries of the pilot program established by section 1 of this local law, which shall constitute a geographically contiguous area within the borough of Brooklyn, in consultation with any affected community board and council member; (ii) establish requirements regarding the placement of pet harbors relating to matters including but not limited to public safety, design, consideration of the rights of adjacent property owners, and street congestion; (iii) educate property owners and commercial establishments about companion animals and service animals, using materials approved by such agency or office, to ensure that they are aware of the obligation to permit customers with disabilities to be accompanied by service animals; (iv) if appropriate, adopt an application and permit process governing the participation of an entity in the pilot program, including standards for revoking such permit in the event that a pet harbor is found to have malfunctions in design or operation or is found to be a danger to animal welfare or public safety; and (v) if appropriate, establish insurance and indemnification requirements governing participation in the pilot program.

d. (i) The pilot program established pursuant to subdivision b of section 1 of this local law shall exist for no less than one year; provided, however, that if prior to the end of the pilot program the agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law determines that the pilot program is harmful to animal welfare or the public safety, or unreasonably interferes with pedestrian traffic, the mayor shall notify the speaker of the council that the pilot program is being terminated, and the reasons therefor.

(ii) No later than March 31, 2020, such agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law shall submit a report to the speaker of the council regarding the results of the pilot program. Such report shall include, but need not be limited to, recommendations regarding changes in existing laws or rules that pertain to the viability of establishing a pet harbor program in the city of New York.

e. If a pet harbor is operated or placed on the sidewalk in violation of the provisions of this local law or the rules promulgated pursuant thereto, any authorized officer or employee of the department of transportation or the department of consumer affairs, or member of the police department, is authorized to provide for the removal of such pet harbor to any garage, automobile pound or other place of safety, and such pet harbor may be subject to forfeiture upon notice and judicial determination. If a forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such pet harbor may be charged with reasonable costs for removal and storage payable prior to the release of such pet harbor; provided, however, that a pet harbor that is not claimed within 30 days after its removal shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund or such unclaimed pet harbor may be used or converted for use by the department or by another city agency or by a not-for-profit corporation.

f. Any person who violates any of the provisions of this local law or any order issued by or rule promulgated by an agency or office designated by the mayor pursuant thereto or the terms or conditions of any permit issued pursuant thereto, or who causes, authorizes or permits such violation shall be liable for a civil penalty for each violation. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense. Such civil penalty shall be no more than $500 for each violation.

§ 2. This local law takes effect 120 days after it becomes law.

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