Legislation Details (With Text)

File #:	Int 0567-1999 **Version:** A	**Name:**	Animal Shelters, Borough Requirements
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Health
On agenda:	6/30/1999		
Enactment date:	5/12/2000	**Enactment #:**	2000/026

Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring an animal shelter in each borough and mandating the sterilization of dogs and cats adopted from animal shelters or purchased from pet shops.

Sponsors: Peter F. Vallone, Victor L. Robles, Kathryn E. Freed, Jose Rivera, Morton Povman, Una Clarke, June M. Eisland, Thomas White, Priscilla A. Wooten, Guillermo Linares, Alphonse Stabile, (in conjunction with the Mayor)

Indexes:

Attachments: 1. Committee Report, 2. Fiscal Impact Statement

Date	Ver.	Action By	Action	Result
6/30/1999	A	City Council	Introduced by Council	
6/30/1999	A	City Council	Referred to Comm by Council	
6/30/1999	A	Legislative Documents Unit	Printed Item Laid on Desk	
2/28/2000	A	Committee on Health	Hearing Held by Committee	
2/28/2000	A	Committee on Health	Laid Over by Committee	
4/13/2000	A	Committee on Health	Hearing Held by Committee	
4/13/2000	A	Committee on Health	Amendment Proposed by Comm	
4/13/2000	A	Committee on Health	Amended by Committee	
4/13/2000	A	Committee on Health	Approved by Committee	Pass
4/25/2000	A	City Council	Approved by Council	Pass
4/25/2000	A	City Council	Sent to Mayor by Council	
5/12/2000	A	Mayor	Hearing Held by Mayor	
5/12/2000	A	Mayor	Signed Into Law by Mayor	
5/15/2000	A	City Council	Recved from Mayor by Council	

Int. No. 567-A

By the Speaker (Council Member Vallone) and Council Members Robles, Freed, Rivera, Povman, Clarke, Eisland, White, Wooten, Linares and Stabile (in conjunction with the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to requiring an animal shelter in each borough and mandating the sterilization of dogs and cats adopted from animal shelters or purchased from pet shops.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding thereto a new chapter 8 to read as follows:

Chapter 8

Animal Shelters and Sterilization Act

§17-801 Legislative findings. The City Council hereby finds that New York City is experiencing a serious overpopulation of unwanted dogs and cats. This is a matter of serious concern affecting the public health, safety and welfare. The Center for Animal Care and Control, which operates animal shelters under contract with the City's Department of Health, estimates that 67,000 unwanted, stray or abandoned dogs and cats entered its facilities in 1998. Of these animals, approximately seventy percent were not spayed or neutered. While wandering the City's streets, homeless dogs and cats reproduce at alarming rates, exacerbating a potentially unhealthy and dangerous situation. As a result of this situation, dog packs have formed in some areas, increasing numbers of individuals and animals are at risk for rabies, and many homeless animals have become the victims of vehicular accidents. These animals also suffer from lack of food and water and exposure to the elements. Given the large and growing number of unwanted dogs and cats, the Council finds that a law providing for a full-service animal shelter in each borough and the spaying and neutering of animals adopted from animal shelters or purchased from pet shops is necessary to protect the health, safety and welfare of New York City residents. The Council also finds that with the advancement of medical knowledge over the past ten years, many veterinarians now advocate and practice early sterilization of pets, as early as eight weeks of age. Veterinarians at animal hospitals and humane shelters across the country, as well as the American Society for the Prevention of Cruelty to Animals, have performed thousands of early spay-neuter surgeries. Many veterinary associations now also agree that even though any surgery has inherent risks, kittens and puppies heal faster and are lower surgical risks than older animals who may be ill, in heat, or pregnant. If dogs or cats are spayed or neutered before adoption from a shelter or purchase from a pet shop, then the chance that they will add more unwanted offspring to the numbers that already exist will be eliminated.

§17-802 Definitions. For the purposes of this chapter, the following terms shall be defined as follows:

a. "Adoption" means the delivery of a dog or cat deemed appropriate and suitable as a companion animal by an animal shelter to an individual at least eighteen years of age who has been approved to own, care and provide for the animal by the animal shelter.

b. "Consumer" means any individual purchasing an animal from a pet shop. A pet shop shall not be considered a consumer.

c. "Full-service shelter" shall mean a facility required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York city health code that houses lost, stray or homeless animals and:

(1) accepts dogs and cats twenty-four hours per day, seven days per week;

(2) has an adoption program open seven days a week; and

(3) provides sterilization services for dogs and cats and any other veterinary services deemed necessary by a licensed veterinarian at such shelter or at a veterinary facility.

d. "Pet shop" means a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. Such definition shall not include full-service shelters or other animal shelters that make dogs and cats available for adoption whether or not a fee for such adoption is charged.

e. "Sterilization" means rendering a dog or cat, who is at least eight weeks of age, unable to reproduce by surgically altering the dog's or cat's reproductive organs. Such definition shall include the spaying of a female dog or cat or the neutering of a male dog or cat.

§17-803 Animal shelters. The department shall ensure that a full-service shelter is maintained in each borough of the city of New York.

§17-804 Sterilization required. a. No full-service shelter or other shelter for homeless animals required to have a permit issued pursuant to subdivision (b) of section 161.09 of the New York city health code shall

release a dog or cat to a person claiming ownership thereof, or to a person adopting such dog or cat, unless such dog or cat has been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply:

(1) if a licensed veterinarian certifies to such shelter that he or she has examined such dog or cat and found that because of a medical reason, the life of such dog or cat would be endangered by sterilization; provided, however, that such reason shall not consist solely of the youth of such dog or cat, if such dog or cat is at least eight weeks of age;

(2) in the case of a dog, if such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the shelter that such dog has a breed ring show record from American Kennel Club or United Kennel Club or other similar, registry association, dated no more than twelve months prior to the date such dog entered such shelter, or such person claiming ownership is able to provide proof that such dog has successfully completed the requirements of the American Kennel Club or United Kennel Club or other similar, registry association, for the title Champion or its equivalent, at any time prior to the arrival of the dog at the shelter;

(3) in the case of a dog, if such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the shelter that such dog is a guide dog, hearing dog, service dog or police work dog; or

(4) in the case of a cat, if such cat within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of such shelter that such cat has a breed show record from the Cat Fancier Association or other similar, registry association dated no more than twelve months prior to the date such cat entered such shelter or such person claiming ownership is able to provide proof that such cat has successfully completed the requirements of the Cat Fancier Association or other similar, registry association for the title Champion, Grand Champion or its equivalent, at any time prior to the arrival of the cat at the shelter.

powered by Legistar™

b. No pet shop shall release to a consumer a dog or cat that has not been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply to a consumer who presents to the pet shop a letter from such consumer's licensed veterinarian, dated within the immediately preceding ten days, stating the reason(s) why, in the opinion of such veterinarian, such dog or cat should not be sterilized until a later specified date, not to exceed four months following the date of such letter. Such letter shall state that such veterinarian will cause such dog or cat to be sterilized at the request of such consumer on or before such later specified date. Such veterinarian shall also provide to the pet shop a certificate, in such form and manner as determined by rules promulgated by the department, stating the date on which such sterilization was performed. Any consumer who provides a pet shop with a letter with respect to a later sterilization of a dog or cat must ensure that such animal is sterilized by the date indicated in the letter.

c. Every pet shop, in accordance with rules promulgated by the department, shall maintain records of dog and cat sales, sterilization procedures performed at the request of the pet shop, and veterinarian letters and certificates received, and shall retain such records, letters and certificates for a period of two years. Such records, letters and certificates shall be made available to the department according to rules promulgated by the department.

§17-805 Reporting requirement. The department shall provide the mayor and the city council with a report by February twenty-eighth of each year which shall set forth information regarding the management and operation of all full-service shelters performing services pursuant to a contract with the city of New York, including but not limited to:

a. the number of animals accepted by each full-service shelter during the previous calendar year;

b. the number of animals that were sterilized at each full-service shelter during the previous calendar year;

c. the number of animals that were humanely euthanized at each full-service shelter during the previous calendar year;

d. the number of adoptable animals that were humanely euthanized at each full-service shelter during the previous calendar year;

e. the number of animals that were adopted at each full-service shelter during the previous calendar year;

f. the number of animals at each full-service shelter that were returned to their owner during the previous calendar year; and

g. the number of animals at each full-service shelter that were provided to other shelters for adoption during the previous calendar year.

§17-806 Violations. Any person found to be in violation of subdivisions (b) or (c) of section 17-804 of this chapter or any of the rules promulgated thereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for each violation. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation which shall be returnable to the administrative tribunal established by the department.

§17-807 Rules. The commissioner shall promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this chapter.

§17-808 Severability. 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.

§2. This local law shall take effect one hundred eighty days after its enactment; provided, however, that Section 17-803 shall take effect January 1, 2001 with respect to the boroughs of Brooklyn, Manhattan and Staten Island; and provided further, that such section shall take effect July 1, 2002 with respect to the boroughs of the Bronx and Queens.

powered by Legistar™

Proposed Int. 567-A
Revised 4-12-00
JLO