



Legislation Text

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Int. No. 136-A

By Council Members Crowley, Johnson, Arroyo, Dickens, Koo, Levine, Palma, Rose, Vallone, Mendez, Koslowitz, Cornegy, Rosenthal, Levin, Rodriguez, Torres, Lander, Weprin, Espinal, Constantinides, Dromm, Van Bramer, Gentile, Vacca, Chin, Eugene, Kallos and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to the spaying, neutering and licensing of animals sold in pet shops.

Be it enacted by the Council as follows:

Section 1. The title of chapter 8 of title 17 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

Chapter 8 - ANIMAL SHELTERS, [AND] STERILIZATION, [ACT] AND LICENSING

§ 2. Section 17-802 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, and subdivision g, as added by chapter 59 of the laws of 2011, is amended to read as follows:

§ 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 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. "Animal rescue group" or "non-profit rescue group" means a not-for-profit organization, group or unincorporated entity that accepts unwanted animals from an animal shelter or other place and attempts to find homes for, and promote adoption of, such animals by the general public.

c. "Animal shelter" means a not-for-profit facility holding a permit in accordance with §161.09 of the

New York city health code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

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

[c]e. "Feral cat" [shall mean] means an animal of the species felis catus who has no owner, is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

[d]f. "Full-service shelter" [shall mean] means a [facility] person 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 twelve hours per day, seven days per week;

(2) has an adoption program available seven days per 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.

[e] g. "Person" means any individual, corporation, partnership, association, municipality, or other legal entity.

h. "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] has the same meaning as such term is defined in section 17-371 of this title.

[f] i. "Sterilization" means rendering a dog or cat[, who] that is at least eight weeks of age and that weighs at least two pounds[.] unable to reproduce, by surgically altering [the dog's or cat's] such animal's reproductive organs as set forth in the rules of the department or by non-surgical methods or technologies approved by the United States food and drug administration or the United States department of agriculture and acceptable to the department. Such definition shall include the spaying of a female dog or cat or the neutering of a male dog or cat.

[g] j. "Trap-neuter-return" means a program to trap, vaccinate for rabies, sterilize and identify feral cats and return them to the locations where they were found.

§3. Subdivisions b and c of section 17-804 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, are amended to read as follows:

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 all sales of dogs and cats, 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] five years. Such records, letters, and certificates shall be made available to the department according to rules

promulgated by the department. The department may require that such documents be submitted by electronic means.

§4. Section 17-804 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. A pet shop that allows an animal shelter or non-profit rescue group to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the requirements of subdivisions b and c of this section with respect to such animals, provided such pet shop does not have an ownership interest in any of the animals that are made available for adoption.

§ 5. Section 17-806 of the administrative code of the city of New York, as amended by chapter 59 of the laws of 2011, is amended to read as follows:

§ 17-806 Violations. Any person found to be in violation of subdivision (b), (c) or (d) of section 17-804, section 17-814, or section 17-815 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 authorized to adjudicate violations of the health code or the administrative code.

§ 6. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding new section 17-814 to read as follows:

§ 17-814 Licensing of dogs required. a. No pet shop or animal rescue group shall sell or release a dog to a purchaser or adopter unless such purchaser or adopter first completes an application for a license and tenders the license fees required by law. If such application is completed in connection with the purchase of a dog from a pet shop, such application shall include the following information: the date of purchase, the name and address of the pet shop, and if such pet shop has an operating permit issued by the department, such pet shop's permit number. Such pet shop or animal rescue group shall forward such completed application and

license fees to the department in such manner as may be specified by the department.

b. A pet shop or animal rescue group shall be exempt from the requirements of subdivision a of this section for any sale or adoption of a dog to a purchaser or adopter who executes and submits to such pet shop or animal rescue group a written statement that the dog to be purchased or adopted is to be harbored outside of the city and proof in a form determined by the department that the purchaser or adopter resides outside the city.

c. Every pet shop shall, on at least a monthly basis, report to the department on a form furnished by the department all dogs which have been sold and adopted, indicating for each such dog whether or not the pet shop submitted to the department a license application. Such form shall include the name and address of each such dog's purchaser or adopter, the license or license application number if known, as well as any other descriptive information regarding such dog as may be required by the department.

d. A pet shop that allows an animal shelter or non-profit rescue to use such pet shop's premises for the purpose of making animals available for adoption shall be exempt from the requirements of this section with respect to such animals, provided such pet shop does not have an ownership interest in any of the animals that are being made available for adoption, and the pet shop does not derive a fee for providing such adoption services.

§7. This local law shall take effect on June 1, 2015, except that the commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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