



Legislation Text

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Int. No. 1202

By Council Members Rivera, Brannan, Cohen, Dromm, Maisel, Powers, Richards, Chin, Kallos, Ulrich and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the trafficking of wild birds

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-200 to read as follows:

§ 17-200 Prohibited acts with respect to wild birds. a. Definitions. For purposes of this section, the following terms have the following meanings:

Take. The term “take” means to harry, bait, net, snare, trap, capture, hunt, shoot, injure or kill.

Wild bird. The term “wild bird” means any bird that commonly lives in the wild or that lives in an undomesticated state.

b. Prohibited acts. No person other than an exempt person may:

1. Intentionally take or attempt to take any wild bird;

2. Knowingly possess, receive, transport, buy or sell, or attempt to possess, receive, transport, buy or sell, any wild bird, living or dead, taken in violation of paragraph 1 of this subdivision; or

3. Take or attempt to take, or possess or attempt to possess, any wild bird with the intent to take the bird by shooting or to use it for any unlawful purpose, or take, possess, receive, transport, buy or sell, or attempt to take, possess, receive, transport, buy or sell, any wild bird with the intent that another person may take the bird by shooting or use it for any unlawful purpose.

c. Penalty. 1. Any person convicted of any prohibited act set forth in subdivision b of this section is guilty of a misdemeanor and subject to a fine of no more than \$1,000, or imprisonment for no more than one year, or both, for each violation.

2. The penalties provided in this section shall not preclude the imposition of any other penalty provided for by law.

d. Exempt persons. The penalties provided for in this section shall not apply to any person authorized by law, or by permit, license, or privilege issued or granted by the department of environmental conservation, the department, or any other authorized agency or officer, to take, possess, receive, transport, buy or sell any wild bird, provided such person has not violated the terms of the provision of law or permit, license, or privilege which authorized the person to take, possess, receive, transport, buy or sell such wild bird.

§ 2. This local law takes effect 60 days after it becomes law, except that the department of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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