



Legislation Text

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Int. No. 1497

By Council Members Brannan, Holden, Moya, Yeger and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to creating a penalty for leaving a companion animal outside during inclement weather conditions and subjecting violators to the registration requirements of the Animal Abuse Registry

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 17-199.9 to read as follows:

§ 17-199.9 Outdoor care of companion animals during inclement weather conditions. a. Definitions. For purposes of this section, the following terms have the following meanings:

Companion animal. The term “companion animal” has the same meaning as is provided in subdivision 5 of section 350 of the agriculture and markets law.

Inclement weather. The term “inclement weather” has the same meaning as is provided in paragraph (b) of subdivision 1 of section 353-B of the agriculture and markets law except that the term applies to all companion animals.

b. Prohibition. No person shall leave any companion animal unattended outdoors during inclement weather conditions.

c. Exception. It is not a violation of this section to leave a dog outdoors in accordance with the provisions of section 353-b of the agriculture and markets law.

d. Penalties. Any person who violates the provisions of this section or any of the rules promulgated hereunder is, for a first offense, guilty of a violation punishable by a fine not to exceed \$250, provided that such

person shall be issued a written warning instead of such fine for such first offense where such animal was not injured as a result of the violation. For any subsequent offense within a continuous 12-month period, such person is guilty of a class B misdemeanor punishable by a fine not to exceed \$500 or by imprisonment of not more than 3 months, or both. In addition to such penalties, any person who violates this section is liable for a civil penalty of not less than \$250 nor more than \$500.

§ 2. Subdivision a of section 17-1601 of the administrative code of the city of New York, as amended by local law 55 for the year 2015, is amended to read as follows:

a. “Animal abuse crime” [shall mean] means any of the following:

1. animal fighting, as defined in section three hundred fifty-one of the agriculture and markets law;
2. overdriving, torturing or injuring animals; failure to provide proper sustenance, as defined in section three hundred fifty-three of the agriculture and markets law;
3. aggravated cruelty to animals, as defined in section three hundred fifty-three-a of the agriculture and markets law;
4. electrocution of fur-bearing animals, as defined in section three hundred fifty-three-c of the agriculture and markets law;
5. abandonment of animals, as defined in section three hundred fifty-five of the agriculture and markets law;
6. failure to provide proper food and drink to an impounded animal, as defined in section three hundred fifty-six of the agriculture and markets law;
7. poisoning or attempting to poison animals, as defined in section three hundred sixty of the agriculture and markets law;
8. interference with or injury to certain domestic animals, as defined in section three hundred sixty-one of the agriculture and markets law;
9. harming a service animal in the first degree, as defined in section 242.15 of the penal code; [or]

10. a subsequent offense of leaving a companion animal unattended outdoors during inclement weather conditions, as defined in section 17-199.9 of this chapter; or

11. an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for in paragraph one, two, three, four, five, six, seven, eight,[ or] nine, or ten of this subdivision.

§ 3. This local law takes effect 180 days after it becomes law, except that the department may 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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