



Legislation Text

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Int. No. 1202-A

By Council Members Rivera, Brannan, Cohen, Dromm, Maisel, Powers, Richards, Chin, Kallos, Lander, Vallone, Ayala, 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, including a pigeon, that lives in the wild or in an undomesticated state.

b. Prohibited acts. No person other than an exempt person may take or attempt to take, or possess or attempt to possess, any wild bird. Provided, however, that this subdivision shall not apply to the persons and entities specified in subdivision d of this section.

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:

1. To an employee of a law enforcement agency or of the department of parks and recreation when such employee is acting within the scope of their duties; or

2. To any person authorized by law, or by permit, license, or privilege issued or granted by the department of environmental conservation or by the department; or

3. To any other agency or person authorized to take, possess, receive, transport, buy or sell any wild bird, provided that such agency or person has not violated the terms of the provision of law or permit, license, or privilege which authorized such person to take, possess, receive, transport, buy or sell such wild bird; or

4. To any person attempting to rescue a wild bird that appears to be injured or endangered with the intention of transporting it to a place where it can be treated, provided that such attempt is not otherwise prohibited by law.

§ 2. This local law takes effect 60 days after it becomes law, except that the department 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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