



Legislation Text

File #: Res 0168-2010, **Version:** *

Res. No. 168

Resolution calling upon the New York State Legislature to repeal state law which currently bans the passage of local dangerous dog legislation that is specific as to breed, so that New York City may determine for itself whether or not certain breeds of dangerous dogs, such as pit bulls, should be banned, require insurance, be muzzled, or require any other safety precautions within the City.

By Council Members Vallone, Jr., Chin, Koppell, Williams and Nelson

Whereas, On May 19, 2004, a six-year old Brooklyn girl was savagely attacked by a pit bull as she stood with her mother on a City street near her home, suffering a broken leg and lacerations; and

Whereas, While her injuries were serious, the brutal attack was interrupted by quick-thinking neighbors whose intervention likely spared the young girl from life-threatening harm; and

Whereas, More recently, on July 1, 2008, a 90-year old Staten Island man was viciously mauled by two pit bulls, resulting in his left leg being amputated; and

Whereas, According to the Staten Island Advance, this individual died as a result of the attack and the owner of the pit bulls was charged and eventually plead guilty to assault in the second-degree; and

Whereas, Tragically, many recent victims of dangerous dog attacks, particularly small children and older adults, have succumbed to substantial injuries and in some instances permanent handicap or even death; and

Whereas, These maulings are among the many unprovoked attacks by dangerous dogs upon City residents in recent years, many of which resulted in serious physical injury; and

Whereas, Among the victims of these attacks was Elijah Torres, a three year-old Bronx boy whose mauling and brave recovery inspired the introduction of Elijah's Law, one of a number of state bills introduced in response to the rash of dog attacks; and

Whereas, While various state legislative efforts are being debated, localities such as New York City remain powerless to enact breed specific local dangerous dog legislation to protect their residents from dangerous dog attacks; and

Whereas, Like New York City, many communities nationwide have reported increased incidents of attacks by dangerous dogs, especially attacks on children; however, unlike New York, these cities, including Denver and Cincinnati, have been able to take decisive legislative action to protect their citizens by enacting bans on pit bulls, the breed determined to be most frequently responsible for attacks; and

Whereas, In contrast, New York City is currently unable to enact such legislation; under Section 107 of the New York State Agriculture and Markets Law, municipalities, including New York City, are prohibited from passing any laws which would regulate dangerous dogs in a manner which is specific as to breed; and

Whereas, In most cases of vicious dog attacks, certain specific breeds are consistently implicated, most notably, pit bulls and Rottweilers; and

Whereas, While there may be exceptions, evidence strongly suggests that these breeds have aggressive and violent tendencies which can easily be provoked and, when they are provoked, such dogs have the potential to inflict serious bodily harm to their victims, including death; and

Whereas, In densely populated urban environments like New York City, the potential for owner negligence and disregard for leash laws poses a very high public health and safety hazard, one which can be minimized with the enactment of restrictions on the ownership, possession, or sale of dogs deemed dangerous; and

Whereas, In a city like New York, where the inappropriate actions of one person can have severe consequences for many, and where dogs are often the weapon of choice of drug dealers and gangs seeking to intimidate and terrorize neighborhoods, the potential harm of dangerous dogs to the community warrants effective and meaningful legislative action; and

Whereas, In order to properly protect the health and safety of all individuals living and working in New

York City, the City must have the ability to restrict the ownership, possession and sale of breeds of dogs deemed dangerous; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to repeal state law which currently bans the passage of local dangerous dog legislation that is specific as to breed, so that New York City may determine for itself whether or not certain breeds of dangerous dogs, such as pit bulls, should be banned, require insurance, be muzzled, or require any other safety precautions within the City.

Res. No. 156/2006
JM
LS # 822