

HEALTH CODE OF THE CITY OF NEW YORK

TITLE 24 DEPARTMENT OF HEALTH

TITLE IV ENVIRONMENTAL SANITATION

ARTICLE 161 ANIMALS

24 RCNY Health Code § 161.01 (2000)

**Article 161. Animals**

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[Health Code § 161.01 Wild animals prohibited.](#)

(a) No person shall sell or give to another person, possess, harbor or keep wild animals identified in subsection (b) of this section or in regulations promulgated by the Commissioner pursuant to subsection (e) of this section other than in:

(1) A zoological park or aquarium operated by the Department of Parks, by the Wild Conservation Society, or by the Staten Island Zoological Society; or

(2) A laboratory operated pursuant to § 504 of the Public Health Law; or  
(3) A circus or native wildlife rehabilitator licensed by federal or state agencies; or  
(4) A place which has received the approval of the Department to exhibit or use such animals, and which has protective devices which are adequate to prevent such animal from escaping or injuring the public. The Department may impose reasonable conditions and time limits on the granting of such approval.

(b) For the purposes of this Code, wild animals are deemed to be any animals which are naturally inclined to do harm and capable of inflicting harm upon human beings and are hereby prohibited pursuant to subsection (a). Such animals shall include: (i) any animals specified by the Commissioner in regulations promulgated pursuant to this section; (ii) any native or exotic wildlife whose possession or sale is prohibited because they are designated as protected or endangered pursuant to any federal, state or local law, regulation, or rule; and (iii) any of the following animals:

(1) All dogs other than domesticated dogs (*Canis familiaris*), including, but not limited to, wolf, fox, coyote, hyena, dingo, jackal, dhole, fennec, raccoon dog, zorro, bush dog, aardwolf, cape hunting dog and any hybrid offspring of a wild dog and domesticated dog.

(2) All cats other than domesticated cats (*Felis catus*), including, but not limited to, lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, caracal, jaguarundi, margay and any hybrid offspring of a wild cat and domesticated cat.

(3) All bears, including polar, grizzly, brown and black bear.

(4) All fur bearing mammals of the family Mustelidae, including, but not limited to, weasel, marten, mink, badger, ermine, skunk, otter, pole cat, zorille, wolverine, stoat and ferret.

(5) All Procyonidae: All raccoon (eastern, desert, ring-tailed cat), kinkajou, cacomistle, cat-bear, panda and coatimundi.

(6) All carnivorous mammals of the family Viverridae, including, but not limited to, civet, mongoose, genet, binturong, fossa, linsang and suricate.

(7) All bats (Chiroptera).

(8) All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur.

(9) All squirrels (Sciuridae).

(10) Reptiles (Reptilia). All Helodermatidae (gila monster and Mexican beaded lizard); all

front-fanged venomous snakes, even if de venomized, including, but not limited to, all Viperidae (viper, pit viper), all Elapidae (cobra, mamba, krait, coral snake), all Atractaspididae (African burrowing asp), all Hydrophiidae (sea snake), all Laticaudidae (sea krait); all venomous, mid-or rear-fanged, Duvernoy-glanded members of the family Colubridae, even if de venomized; any member, or hybrid offspring of the family Boidae, including, but not limited to, the common or green anaconda and yellow anaconda; any member of the family Pythonidae, including but not limited to the African rock python, Indian or Burmese python, Amethystine or scrub python; any member of the family Varanidae, including the white throated monitor, Bosc's or African savannah monitor, Komodo monitor or dragon, Nile monitor, crocodile monitor, water monitor, Bornean earless monitor; any member of the family Iguanidae, including the green or common iguana; any member of the family Teiidae, including, but not limited to the golden, common, or black and white tegu; all members of the family Chelydridae, including snapping turtle and alligator snapping turtle; and all members of the order Crocodylia, including, but not limited to alligator, caiman and crocodile.

(11) Birds and Fowl (Aves): All predatory or large birds, including, but not limited to, eagle, hawk, falcon, owl, vulture, condor, emu, rhea and ostrich; roosters, geese, ducks and turkeys prohibited or otherwise regulated pursuant to § 161.19 of this Code, the Agriculture and Markets Law or applicable federal law.

(12) All venomous insects, including, but not limited to, bee, hornet and wasp.

(13) Arachnida and Chilopoda: All venomous spiders, including, but not limited to, tarantula, black widow and solifugid; scorpion; all venomous arthropods including, but not limited to, centipede.

(14) All large rodents (Rodentia), including, but not limited to, gopher, muskrat, paca, woodchuck, marmot, beaver, prairie dog, capybara, sewellel, viscacha, porcupine and hutia.

(15) All even-toed ungulates (Artiodactyla) including, but not limited to, deer, antelope, sheep, giraffe and hippopotamus.

(16) All odd-toed ungulates (Perissodactyla) other than domesticated horses (*Equus caballus*), including, but not limited to, zebra, rhinoceros and tapir.

(17) All marsupials, including, but not limited to, Tasmanian devil, dasyure, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, sugar and greater glider.

(18) Sea mammals (Cetacea, Pinnipedia and Sirenia), including, but not limited to, dolphin, whale, seal, sea lion and walrus.

(19) All elephants (Proboscidea)

(20) All hyrax (Hydracoidea).

(21) All pangolin (Pholidota).

(22) All sloth and armadillo (Edentata).

(23) Insectivorous mammals (Insectivora): All aardvark (Tubidentata), anteater, shrew, otter shrew, gymnure, desman, tenrec, mole and hedge hog.

(24) Gliding lemur (Dermoptera).

(c) In addition to domesticated dogs and cats, an animal may be kept, possessed, harbored or sold in the City of New York provided that possession of the animal is not otherwise prohibited by law, including federal, state and local laws regulating domestic animals and livestock or protecting wildlife and endangered species. Such animals include, but are not limited to, gerbil, hamster (*Mesocricetus auratus*), guinea pig, domesticated rabbit and fowl or small birds such as parakeet, parrot, canary and finch.

(d) An animal whose possession is prohibited pursuant to this section may be seized by any authorized employee, officer or agent of the Department or of any other agency of the City of New York, and the Commissioner shall provide for such animal's appropriate disposition.

(1) An order issued by the Commissioner pursuant to this section shall contain a notice that the owner of such animal may, within three business days of receipt of the order, request an opportunity to be heard with respect to whether the animal is a prohibited animal and its appropriate disposition. The Commissioner shall provide such an opportunity to be heard as soon as practicable, but no later than 15 days after receipt of such request.

(2) With the written consent of the Department, an owner of any animal whose possession is prohibited pursuant to this section may remove such animal to another jurisdiction where its possession is not prohibited pursuant to any local or other law.

(e) The Commissioner may promulgate such regulations as may be necessary to add to the list in subsection (b) any animal which the Commissioner determines is naturally inclined to do harm and capable of inflicting bodily harm upon human beings.

(f) If provision of this section is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this section.

### [Health Code § 161.02 Definitions.](#)

When used in this article:

(a) Animal Shelter or shelter for homeless animals means a facility where homeless, stray, abandoned or unwanted animals are received, harbored, maintained or made available for adoption to the general public 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.

(b) Pet shop means a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

(c) Grooming parlor, salon, business, or establishment means a facility where animals are presented by their owners for bathing, dipping, clipping, combing, or cleaning for the purpose of improvement of the animal's appearance and or well-being in return for a fee.

(d) Boarding kennel, business, or establishment means a facility other than an animal shelter where animals not owned by the proprietor are sheltered, harbored, maintained, groomed, fed, or watered in return for a fee.

(e) Training establishment for small animals means a facility where small animals, whether or not belonging to the owner or employee of such facility, are trained for any purpose in return for a fee.

(f) Stable for horses means a rental, boarding, racing, or private facility where one or more horses are housed and/or maintained.

(g) Pet animal or small animal means any bird, mammal, reptile, amphibian, fish, arthropod or other invertebrates kept as a pet for exhibit, work, companionship, or protection by a person, possession or which is not prohibited by the Commissioner or any Federal, State or local laws, rules or regulations.

(h) Attack or guard dog means a dog which is trained for personal protection, area protection, and/or the apprehension or warding off of an individual by means of barking, threatening gestures, biting, or restraining by the use of its teeth.

### [Health Code § 161.03 Control of dogs and other animals to prevent nuisance.](#)

A person who owns, possesses or controls a dog, cat or other animal shall not permit the animal to commit a nuisance on a sidewalk of any public place, on a floor, wall, stairway or roof of any public or private premises used in common by the public, or on a

fence, wall or stairway of a building abutting on a public place.

Notes to § 161.03

This section is derived from S.C. § 227. Specific reference is made to cats as well as dogs. The reference to walls within premises is new. Under New York City Criminal Courts Act § 102c a magistrate is empowered to try and punish a violation of this section as an offense punishable by a fine of \$25 or ten days imprisonment, or both.

[Health Code § 161.04 Dog Licenses.](#)

(a) A dog license obtained in accordance with Chapter 115 of the New York State Laws of 1894, as amended, shall be issued by the Department.

(b) Every person who owns, possesses or controls a dog shall not permit it to be in any public place, or in any open or unfenced area abutting on a public place, unless the dog has a collar about its neck with a currently valid metal tag attached thereto bearing the number of the license obtained for such dog in accordance with Chapter 115 of the Laws of 1894 of the State of New York, as amended, or 109 and 112 of the Agriculture and Markets Law.

Notes:

This section was amended by resolution adopted on June 26, 1990 to establish the Department's authority to issue dog licenses.

[Health Code § 161.05 Dogs to be restrained.](#)

A person who owns, possesses or controls a dog shall not permit it to be in any public place or in any open or unfenced area abutting on a public place unless the dog is effectively restrained by a leash or chain not more than six feet long.

[Health Code § 161.06 Dogs and cats to be vaccinated and treated prior to change in ownership.](#)

No person shall offer for sale, sell or give away any dog or cat unless such animal has been vaccinated against rabies in accordance with 11.65 of the Code and treated for parasites or certified in writing by a duly licensed veterinarian to have been tested and found to be free of parasites.

[Health Code § 161.07 Vicious or dangerous animals.](#)

(a) A "vicious or dangerous animal" shall mean any animal other than one properly registered pursuant to § 161.09(k) hereof, which menaces, threatens, attacks or bites a person. A Department record of a report made pursuant to § 11.03 shall be prima facie evidence that the animal is vicious or dangerous.

(b) The owner of a dog or other animal which is the subject of a report pursuant to § 11.03 or of a complaint of viciousness or dangerousness shall make such animal available for examination by the Department.

(c) If, upon examination of the animal, or consideration of its history of the circumstances of the report made pursuant to § 11.03, or the complaint concerning said animal, the Department finds the animal to be vicious or dangerous, it may order:

- (1) The animal to be surrendered for the purpose of humane destruction;
- (2) The animal to be permanently removed from the city;
- (3) The animal to be muzzled whenever the animal is in a public place or in any open or unfenced area abutting on a public place;
- (4) Such other action as the Department deems sufficient to insure control of the animal and protection of the public.

(d) Any dog owned, kept or trained for dog fighting, or any dog owned, kept or trained to attack persons and not properly registered pursuant to § 161.09(l), shall be surrendered to the Department by the person who owns, possesses or controls it for the purpose of performing an examination and for such other disposition as the Department may order in accordance with subsection (c) hereof.

(e) Whenever the Department finds a dog or other animal to be vicious or dangerous under subsection (c) hereof, it shall be presumed that the owner or keeper trained, caused or permitted such animal to be vicious or dangerous, so as to establish a prima facie maintenance of a nuisance in violation of § 3.11 of this Code.

(f) An animal which is vicious or uncontrolled may be impounded by a peace officer or killed if capture is dangerous.

#### **Health Code 161.08 Repealed**

#### **[Health Code § 161.09 Permits to keep certain animals.](#)**

(a) No person shall operate a pet shop, grooming parlor, boarding kennel or training establishment for small animals without a permit issued by the Commissioner.

(b) No person shall construct or operate a shelter for homeless animals without a permit issued by the Commissioner.

(c) No person shall sell or keep for sale live rabbits or live poultry, including chickens, geese, ducks or other fowl, without a permit issued by the Commissioner. Such permit shall not include the right to slaughter rabbits or poultry for sale as food for human consumption for which a permit must be obtained pursuant to Article 93. A permit shall

not be issued for the sale or keeping for sale of live roosters, ducks, geese or turkeys in the built-up portions of the city. A permit shall not be issued for the sale or keeping for sale of live rabbits or poultry on the same lot as a multiple dwelling as defined in section 4 of the Multiple Dwelling Law or, unless the consent of the occupants is obtained, on the same lot as a two-family home. A permit shall not be issued unless the coops or runways are more than 25 feet from an inhabited building other than a one-family home occupied by the applicant and unless the applicant submits to the Department the written consent of the owner of the lot on which the poultry or rabbits are to be kept.

(d) Except on premises abutting upon a slaughter house no person shall yard horses or keep or yard cattle, swine, sheep or goats without a permit issued by the Commissioner. Such permit shall be issued only for unimproved areas of the Borough of Richmond used for farming purposes.

(e) No person shall maintain or operate a stable for horses without a permit issued by the Commissioner, except that no permit shall be required where a natural person or family owns a horse stable solely for housing and maintaining horses owned and used by the person or family for its exclusive recreational, non-commercial purposes.

(f) No person shall engage in the business of, or hold herself or himself out as, engaging in the business of importing, or selling, or offering for sale any animal of a species which is wild, ferocious, fierce, dangerous, or naturally inclined to do harm or any venomous snake, and no person shall operate a snake farm engaged in the preparation of anti-venom without a permit issued by the Commissioner.

(g) No person who is charged with the supervision of a pet shop or business for the sale or offer for sale of dogs, cats or other small animals, or the boarding or grooming of small animals, or animal training or similar type of operations, shall engage or be employed in such capacity unless he or she obtains a certificate indicating the successful completion of a course, acceptable to the Department, in the care and handling of such animals.

(h) Such certificate shall be placed in a clean, transparent cover or frame and displayed on the premises where the holder thereof is so engaged or employed in such a manner as to be clearly visible to the public. It shall be available for inspection at all times by the Department. No person shall mutilate, obstruct or tear down such certificate.

(i) The holder of such certificate shall successfully complete a refresher course in the care and handling of such animals when deemed necessary by the Department. The

Department may require the holder of such certificate to complete a refresher course acceptable to the Department when the Department finds continuing violations of the Code, or when a zoonotic outbreak implicates animals cared for, treated or held in the establishment he supervises, or when the Department requires such course to acquaint him or her with current developments in animal care and handling principles.

(j) The Department may conduct such courses or approve courses conducted by educational institutions. Persons electing to enroll in such courses conducted by the Department may be charged a reasonable enrollment fee to defray all or part of the costs incurred by the Department in their administration.

(k) No person shall own a trained guard or attack dog for use within the city unless she or he has registered such animal with the Department. Any case of loss, theft or transfer of ownership of a trained guard or attack dog shall be reported by the owner to the Department with five (5) days of any such loss, theft or transfer. The Department may charge a reasonable fee to defray all or part of the cost incurred by the Department in the administration of this subsection.

(l) The owner of a trained guard or attack dog shall provide and see to it that such animal wears at all times a tag issued by the Department. Such tag shall have printed or stamped thereon, in clear and legible type, the words: GUARD DOG or ATTACK DOG. Such tag shall be suspended at least three quarters of an inch and not more than one and one half inches from a collar worn by such animal. Lost, stolen or damaged tags shall be reported to the Department and may be replaced by the Department at reasonable cost.

(m) All premises in which a trained guard or attack dog is kept shall be provided with a sign or notice, printed in clear and legible type and conspicuously displayed, warning the public of the presence of such trained guard or attack dog. All establishments used in the business of training, selling or renting guard or attack dogs shall be provided with a sign or notice, printed in clear and legible type and conspicuously displayed, advising the patrons or consumers of the requirements set forth in this section applicable to the use of such animals in the city, and the person engaged in such business shall provide a written copy of such notice to each of his or her patrons or consumers in a form deemed suitable by the Department.

#### [Health Code § 161.11 Prevention of nuisances; cleaning.](#)

(a) A permit required by § 161.09 shall not be issued unless the applicant proves to

the satisfaction of the Commissioner that the place for which the application is made does not constitute a nuisance because of its proximity to a residential, business, commercial or public building, and that the place will be maintained so as not to become a nuisance.

(b) The owner, lessee or person in charge of any place where animals are kept pursuant to a permit required by § 161.09, shall take all measures for insect and rodent control required by Article 151 and shall conduct such place so as not to create a nuisance by reason of the noise of the animals, the escape of offensive odors, or the maintenance of any condition dangerous or prejudicial to public health.

(c) Every place where animals are kept pursuant to a permit required by § 161.09 shall have implements and materials, such as brooms, hoses, hose-connections, vacuum cleaners where dusty conditions are found, covered metal receptacles, brushes, disinfectants and detergents, as may be required to maintain sanitary conditions. Such places shall have regularly assigned personnel to maintain sanitary conditions.

#### [Health Code § 161.13 Self-inspection.](#)

The holder of a permit issued pursuant to 161.09 or the person in charge of the place for which the permit is issued shall inspect or designate a qualified or trained employee to inspect the premises at least once every two months and record the results of the inspection on a form furnished by the Department. Such records shall be kept on file for one year. If an inspection shows a violation of any provisions of this Code, the permittee or person in charge shall promptly correct such condition. A record of self-inspection shall be available for inspection by the Department, but shall not be subject to inspection by others, or to subpoena, and shall not be used in, or as the basis for prosecution.

#### [Health Code § 161.15 Keeping of small animals for sale, boarding, grooming, or training.](#)

(a) Dogs, cats, birds or other small animals shall not be sold or held for sale, or boarded, groomed or trained in a room in which a person lives. Such animals shall not be sold or held for sale or kept in the same place where food or drink is sold for human consumption unless necessary precautions are taken to prevent contamination of the food or drink and the creation of a nuisance.

(b) The holder of a permit issued pursuant to § 161.09 or the person in charge of the place for which the permit is issued, shall provide any individual seeking to purchase, adopt, groom, train or board a dog, showing no evidence of licensure, with a dog license

application, furnished by the Department, which shall be completed by the individual. The holder of a permit to operate a pet shop or shelter or person in charge thereof, shall not transfer possession, title, ownership, control or custody of any dog to a prospective purchaser or adopter without first requiring the purchaser or adopter to submit a completed application for a dog license and to pay all required license fees unless such purchaser or adopter shall execute and submit to such permittee a written statement that the dog to be purchased or adopted is to be harbored outside the city. The operator of a shelter issued a permit by the Department shall not release an unlicensed dog to any person unless the person shall complete an application for a license and tender the license fees required by law. Such holder of a permit or person in charge shall forward such completed application and license fees to the Department in such manner as may be specified by the Department, consistent with the New York City Dog License Law enacted by the State Legislature (Chapter 115 of the Laws of 1894, as amended). The license shall be issued by the Department.

(c) A holder of a permit to keep small animals for sale or for boarding, grooming or training, or to shelter homeless animals, shall maintain and keep for one year a record of purchases and sales and/or a record of boarding, grooming, training, providing shelter for homeless animals, or adoption services rendered. When a dog or cat is purchased, sold, adopted or kept, the permittee shall make an entry in the record which shall contain the name and address of the person from whom it was purchased and of the person to whom it was sold or given for adoption or of the person who ordered boarding, grooming or training services for such animals, and a complete description of the animal, including its age, sex and breed. The permittee shall, on at least a monthly basis, report to the Department on a form furnished by the Department all licensed and unlicensed dogs which have been sold, adopted, groomed, trained, boarded, sheltered, or otherwise served. Such form shall include the name and address of the dog owner and license number of all licensed dogs as well as any other descriptive information regarding such dog as may be required by the Department.

(d) A holder of a permit to keep small animals for sale, boarding, grooming or training shall not sell or hold for sale, boarding, grooming or training a dog or cat which is affected with or which has been exposed to a disease which is communicable among such animals, and shall not keep such animals unless it is under the care of a licensed veterinarian.

[Health Code § 161.17 Small animals kept for sale, shelters, kennels and training establishments; physical facilities and maintenance.](#)

A place where small animals are kept for sale, a shelter for homeless animals or a kennel or other place where animals are boarded or trained shall meet the requirements of Article 135 governing walls, floors, ventilation, lighting and plumbing. An individual cage shall be provided for the use of each dog or cat three months of age or over, except when isolation in a separate cage is medically contra-indicated, or, as specified in individual cases, animals are caged together for a humane reason. A veterinarian shall provide a written statement and such documentation as the Department may require indicating the reason why more than one animal should be caged together. Such documentation shall be maintained on the premises and be made available for inspection. The Page 11119 RCNY 1-31-99 floors, walls, implements and cages in such place shall be kept clean and in good repair. Cages shall be disinfected when necessary. Nothing in this Code shall prohibit the establishment of canine congregate socialization or play areas in boarding facilities regulated by this Code provided that animals allowed in such areas are certified by a veterinarian as vaccinated against rabies and free of other diseases transmissible to humans or other animals.

[Health Code § 161.19 Keeping of live poultry and rabbits.](#)

(a) No person shall keep a live rooster, duck, goose or turkey in a built-up portion of the City.

(b) A person who holds a permit to keep for sale or sell live rabbits or poultry shall keep them in coops and runways and prevent them from being at large. Coops shall be whitewashed or otherwise treated in a manner approved by the Department at least once a year and at such other times as the Department may direct in order to keep them clean. Coops, runways and the surrounding area shall be kept clean.

[Health Code § 161.21 Yarding of horses, cattle, swine, sheep and goats.](#)

The yard in which horses, cattle, swine, sheep or goats are kept shall be fenced so as to prevent the animals from roaming. The yard shall be properly graded and drained and kept clean.

[Health Code § 161.23 Stables for horses; physical facilities and maintenance.](#)

(a) A stable for horses shall meet the requirements in Article 135 governing walls, floors, ventilation, lighting and plumbing and shall have rodent proofing when required by the Department because of evidence of rat infestation. The Department, under such

appropriate conditions as it may require, may allow a stable for racing horses to have in the stalls an impacted earth floor with straw, hay or similar material used for bedding.

(b) All exposed surfaces in a stable for horses shall be kept clean, and the walls, ceilings and exposed woodwork shall be whitewashed when necessary.

(c) Straw, hay or other material used as bedding shall not be placed upon a street, sidewalk or roof of a building.

(d) A horse-watering trough shall be maintained in a clean and sanitary condition and supplied with clean water.

(e) Except in unimproved areas, a stable shall not have or use a manure vault, pit or bin.

(f) All manure and other refuse shall be kept and treated within the stable in a manner satisfactory to the Department so as to minimize odors and prevent the breeding of flies or other annoying or unsanitary conditions. Manure shall either be removed daily or pressed into bales or barrels, adequately protected against flies and otherwise treated in a manner satisfactory to the Department. Manure or other stable refuse shall not be permitted to remain in a stable for more than four days.

(g) Unless special facilities satisfactory to the Department are provided for outside loading, the vehicle in which manure is to be removed shall be completely inside the stable and the stable doors shall be closed when manure is loaded. When barrels are unloaded they shall be cleaned and deodorized inside the stable in a manner satisfactory to the Department so as to prevent the creation of a nuisance.

(h) A stable yard or other area used by animals shall be kept clean, and the surface shall be graded so as to prevent the accumulation of liquids

