

## Standards for the Care of Seized Dogs

New York Codes Rules & Regulations, Title I, Chapter II, Subchapter C

Part 77 Standards for the Care of Seized Dogs

Part 78 Records

Part 79 Accounting

### 77.1 Definitions.

For the purpose of this Part, the following terms shall have the following meanings:

(a) *Properly sheltered* means the provision of shelter suitable to the breed and age of the dog. Said shelter shall be structurally sound, clean, and sufficient to protect the dog from detriment to its well-being, and shall provide adequate space to allow the dog to move about in a natural manner, light, air and temperature sufficient to protect the animal.

(b) *Properly fed* means the provision, at suitable intervals, of wholesome food appropriate for the breed and age of the dog and sufficient to maintain a reasonable level of nutrition in each dog. Such food shall be served in a receptacle, dish or container that has been physically cleaned so that agents injurious to the health of the dog have been removed and destroyed to a practical minimum.

(c) *Properly watered* means the provision of constant access to a supply of clean, fresh, potable water in a sanitary manner, or the provision of such access at intervals suitable for the breed and age of the dog.

### 77.2 Standards for the care of seized dogs.

Every dog seized pursuant to article 7 of the Agriculture and Markets Law, or any local law, ordinance, or order adopted or issued pursuant thereto, shall be properly cared for, sheltered, fed and watered for the redemption period provided by said article or for the period established by local law or ordinance as authorized by said article.

### 77.3 Euthanasia and disposal.

(a) Humane methods of euthanasia shall be those designated as acceptable (approved) by the American Veterinary Medical Association.

(b) Disposal of such euthanized animals shall be consistent with laws and regulations of the New York State Departments of Environmental Conservation and Health.

### 77.4 Access and inspection.

In order to supervise the enforcement of the provisions of article 7 of the Agriculture and Markets Law and any rules or regulations adopted pursuant thereto, the commissioner or his duly authorized agents may, at any reasonable time, including but not limited to normal business hours, enter and inspect any municipal shelter or pound or any establishment under contract with a municipality to provide pound or shelter services.

**77.5 Dog dealer prohibited from appointment as dog control officer.**

A dog dealer shall neither be appointed as a dog control officer by a municipality, nor provide dog control officer services pursuant to a contract between a municipality and an incorporated humane society or similar incorporated dog protective association. For the purposes of this section, the term *dog dealer* shall mean any person who buys, sells, leases, or otherwise deals in dogs as a business enterprise.

**78.1 Inspection of records.**

Any records required to be maintained by any municipality pursuant to the provisions of article 7 of the Agriculture and Markets Law, or any rules or regulations adopted pursuant thereto, shall be open to inspection by the commissioner or his duly authorized agents at any reasonable time, including but not limited to normal business hours.

**78.2 Notification of commissioner: dog control officer and pound or shelter services.**

On or before March 1, 1980, the governing body of each municipality required to provide dog control officer and pound or shelter services, pursuant to Agriculture and Markets Law, sections 114 and 115, shall notify the commissioner in writing of the name and address of the person or persons providing the municipality with such services. Such notification shall specify whether the municipality has appointed a dog control officer or officers and established a pound or shelter, contracted for such services with another municipality, duly incorporated humane society or similar dog protective association, or has, jointly with one or more other municipalities, appointed a dog control officer or officers and established a pound or shelter. Said governing body shall report any change in the personnel or method used to provide the required services within 30 days of said change.

**79.1 Accounting.**

The accounting for all money collected and distributed pursuant to the provisions of article 7 of the Agriculture and Markets Law or any local law or ordinance enacted pursuant thereto shall be in accordance with the accounting system prescribed by the State Comptroller.

**79.2 Disposition of fines, penalties and bail forfeitures.**

(a) All money collected by any town or village court as a fine, penalty or bail forfeiture, in actions brought pursuant to the provisions of article 7 of the Agriculture and Markets Law or any local law or ordinance enacted pursuant thereto, shall be the property of the municipality in which said money is collected, but it shall first be reported and remitted to the State Comptroller in the same manner as other fines, penalties and bail forfeitures.

(b) The State Comptroller shall return all money remitted pursuant to this Part to the town or village remitting it and said money shall be identified as “fines and penalties—dog cases.”