

## NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

### NOTICE OF ADOPTION

**NOTICE IS HEREBY GIVEN** that in accordance with Sections 533(a)(9), 389(b), and 1043 of the New York City Charter, the New York City Department of Parks & Recreation ("Parks") hereby amends Section 1-04(i) and 1-05(s) of Title 56 of the Official Compilation of Rules of the City of New York. The amendment as set forth herein shall take effect thirty (30) days after its publication in the City Record.

Parks received and accepted written comments concerning these amendments. Parks also held a hearing for public comment on February 22, 2007, at the Chelsea Recreation Center. All comments were made available for public inspection between the hours of 9:00 A.M. and 5:00 P.M. at the New York City Department of Parks & Recreation, Office of the General Counsel, The Arsenal, Central Park, New York, New York 10021.

Section 1. Section 1-04(i) of Title 56 of the Rules of the City of New York is amended to read as follows (Underlining indicates new material. Brackets indicate deletions):

(i) Failure to control animals. (1) Except as specified in §1-05(s)(3) or in paragraph two of this subdivision, no person owning, possessing or controlling any animal shall cause or allow such animal to be unleashed or [out of control] unrestrained in any park [except as] unless permitted by the Commissioner in accordance with these rules. No person owning, possessing or controlling any animal shall cause or allow such animal to be out of control in any park under any circumstances. [Any such animal found at large] Animals that are unleashed or unrestrained, except as permitted by these rules, or out of control may be seized and impounded. Properly licensed dogs [and cats], wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York and restrained by a leash or other restraint not exceeding six feet in length, may be brought into [the] a park, except in no event shall dogs or other animals be allowed to enter any playground, zoo, [bathing facilities] swimming pool and swimming pool facility, bathing area and adjacent bathing beach (unless otherwise permitted by the Commissioner and not during the designated bathing season), bridle path (unless leashed dogs are permitted therein by the Commissioner), fountain, ballfield, basketball court, handball court, tennis court, or other area prohibited by the Commissioner. Nothing in this subdivision (i) shall be construed to prohibit persons with disabilities from bringing seeing eye dogs, [hearing ear dogs] or other service dogs trained to assist such persons into these areas. Nothing herein shall prohibit horses from entering or being within a park as provided in § 1-05(q).

(2) Unless specifically prohibited herein or by the Department of Health and Mental Hygiene ("DOHMH"), properly licensed dogs wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York may be unleashed within a designated park or designated portions of a park between the hours of 9:00 p.m. and 9:00 a.m. under the following conditions: (i) such dogs shall, except for being unleashed, be kept under the control of their owner and shall not at any time harass

or injure any park patron and/or, harass, injure, damage, sever, mutilate, or kill any animal, tree, planting, flower, shrub or other vegetation; (ii) such dogs shall not at any time enter any playground, zoo, swimming pool and swimming pool facility, bathing area and adjacent bathing beach (unless otherwise permitted by the Commissioner and not during the designated bathing season), bridle path (unless leashed dogs are permitted therein by the Commissioner), fountain, ballfield, basketball court, handball court, tennis court, or other area prohibited by the Commissioner; (iii) such dogs shall be immediately leashed by their owners upon any direction or command of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which direction or command shall constitute a violation of § 1-03(c); (iv) owners of such dogs shall provide proof of current vaccination against rabies and proof of current licensing upon the request of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which shall constitute a violation of § 1-03(c), § 1-05(s)(3) and of this subdivision.

Section 2. Paragraph (3) of subdivision (s) of section 1-05 of Title 56 of the Rules of the City of New York is amended to read as follows (Underlining indicates new material):

(3) Dog Runs: Certain fenced park areas may be designated by the Commissioner as dog runs, and persons owning or possessing dogs that are wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York are permitted to allow such animals to remain unleashed in these areas. Users of dog runs shall obey posted rules. Users of such dog runs shall provide proof of current vaccination against rabies and proof of current licensing upon the request of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which shall constitute a violation of § 1-03(c), § 1-04(i) and of this paragraph. All exclusive areas will be specifically designated as such and signs will be posted informing the public of this designation.

#### STATEMENT OF BASIS AND PURPOSE

This amendment is promulgated pursuant to the authority of the Commissioner of Parks (the “Commissioner”) under Sections 389(b), 533(a)(9) and 1043 of the New York City Charter. The Commissioner is authorized to establish and enforce rules for the use, government and protection of all property under the charge or control of Parks.

Parks strives to accommodate the interests of all its patrons, including both dog owners and other visitors. Because dog owners have few places to exercise their dogs off-leash in the City’s urban environment, and dogs tend to become better socialized when they are allowed to recreate off-leash, Parks has been following a limited policy for the last twenty (20) years that allows dogs to be unleashed in certain portions of parks between 9:00 p.m. and 9:00 a.m. (“Courtesy Hours”). The proposed amendment to Section 1-

04(i) will codify the Courtesy Hours by converting this policy into a rule. To more effectively safeguard public health, the amended rule will also require all dogs that use the park to be licensed and for persons owning or in control of such dogs to have proof that they have been vaccinated against rabies, as required by New York State and City law.

Parks is also amending section 1-05(s)(3), which allows unleashed dogs within discrete and enclosed areas (“Dog Runs”). The proposed amendment will simply ensure that Parks rules and regulations mesh neatly with the rules and requirements of other state and local agencies regarding dogs.

Public comments submitted to Parks indicated that further changes were necessary both to avoid any public confusion regarding the off-leash rules and to ensure the proper administration of such rules.

The prohibition against dogs in handball courts was made explicit as it may be unclear to some whether or not such courts come under the definition of “playground”.

The term “disturb” has been eliminated from the proposed amendment due to its ambiguity. The term “beach” was changed to “bathing area and adjacent bathing beach” so as not to exclude dogs from certain water bodies that exist within the parks system. The same concern prompted Parks to change the term “bathing facility” to “swimming pool facility”.

Moreover, in recognition of the fact that dogs have in the past been allowed to enter certain beach areas during the fall and winter months, Parks inserted language that will give the Commissioner the power to permit dogs therein if such action is deemed appropriate and if the beach area in question is closed to swimmers.

Finally, in recognition of the fact that dogs have in the past been allowed to enter certain bridle paths, Parks inserted language that will give the Commissioner the power to permit leashed dogs therein if such action is deemed appropriate.

Before the amended rules go into effect, Parks will begin to notify the public of their provisions and where they will apply. For further information, please visit our website at [www.nyc.gov/parks](http://www.nyc.gov/parks).