

GENERAL ORDINANCE NO.8-2023

BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

A GENERAL ORDINANCE AMENDING CHAPTER 65 OF THE CODE OF THE CITY OF YONKERS ENTITLED “ANIMALS AND DOGS” IN RELATION TO THE REGISTRATION OF ANIMAL ABUSERS

Be it enacted by the City Council of the City of Yonkers as follows:

Section 1. Chapter 65 of the Code of the City of Yonkers, entitled “Animals and Dogs” is amended by adding a new Article III entitled “Registration of Animal Abusers”

Chapter 65. Animals and Dogs

Article III. Registration of Animal Abusers

§ 65-34. Definitions

As used in this chapter, “animal abuse crime” shall mean any crime or criminal offense defined in the New York Penal Law or Agriculture and Markets Law.

§ 65-35. Creation of animal abuser registry

- a. The mayor or his designee shall designate a department to implement the provisions of this chapter and shall report such designation to the city council.
- b. The department shall create, manage and maintain an electronic registry of individuals living in the City of Yonkers who have been convicted of an animal abuse crime and who have registered with the department pursuant to this chapter.

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- c. The information maintained in the registry created pursuant to this section shall only be made available to law enforcement agencies, district attorneys, animal welfare organizations approved by the agency, or when otherwise required by law, and shall otherwise be kept confidential, provided, however, that the department shall grant authorized entities the password-protected ability to electronically query the registry using a person's name, driver's license or non-driver photo ID card number, or other identifying information determined by the commissioner, and to receive in response to such query electronic notice of whether such person is prohibited from owning an animal under § 65-36 of this chapter.
- d. The Office of the Westchester County District Attorney shall promptly notify all persons convicted of an animal abuse crime in the City of Yonkers, or any resident of the City of Yonkers convicted of an animal abuse crime in Westchester County, that they must register with this registry within 30 days following their release from incarceration, or, if not incarcerated, from the date of conviction.
- e. Within 30 days from the date of conviction, the Office of the Westchester County District Attorney shall notify the implementing department designated by the mayor to maintain such registry of any person convicted of an animal abuse crime.
- f. Such registry shall be referred to and known as the MAXIMUS animal abuser registry.

§ 65-36. Animal abuser registration requirements

- a. Any person eighteen years of age or older who resides in the City of Yonkers and has been convicted of an animal abuse crime on or after the effective date of this law shall personally appear before the department designated by the mayor at a location determined by the department's commissioner to register, provided, however, no

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person shall be required to appear before the department to register pending resolution of an appeal of such conviction.

1. Such person shall appear and register within five days following such person's release from incarceration or if such person was not incarcerated within five days from the date of such person's sentencing.
  2. Notwithstanding the foregoing, a person convicted of an animal abuse crime on or after the effective date of this law who establishes residency in the City of Yonkers following such person's release from incarceration or if such person was not incarcerated following such person's sentencing, must, within five days of establishing such residency, personally appear before the department at a location determined by the commissioner to register.
- b. The department shall photograph the registrant at the time of registration.
- c. Any person required to register pursuant to this chapter shall submit to the department the following:
1. The registrant's name, all aliases used, date of birth, sex, complexion, race or ethnicity, height, weight, eye color, number of any driver's license or non-driver photo ID card, home address and/or expected place of residence.
  2. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed.
  3. Any other documentation as the commissioner deems acceptable to verify the information provided by the registrant.

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- d. Within twenty days of each one year anniversary of the registrant's initial registration date for so long as such registrant remains on the animal abuse registry pursuant to subdivision f of this section, such registrant shall personally appear at a location designated by the commissioner. At such appearance the department shall photograph the registrant and verify the continuing accuracy of the information provided by the registrant pursuant to subdivision c of this section.
- e. Within five days of any change in any of the information provided by a registrant pursuant to subdivision c of this section, such registrant shall personally appear before the department to submit updated information for the registry.
- f. Each registrant shall remain on the animal abuse registry for five years following his or her release from incarceration or the date sentencing was rendered, whichever is later, provided, however, that registrants who are convicted of any subsequent animal abuse crime shall remain on the animal abuse registry for ten years following the date of their most recent conviction.

§ 65-37 Prohibition on Ownership and Contact

A person who is registered or required to register pursuant to section § 65-37 shall not own, possess, reside with, have custody of, or intentionally engage in any physical contact with any animal.

§ 65-38 Fees

Every person required to register with this registry shall pay a fee of \$150 to the City of Yonkers at the time of registration, to be used to support area animal shelters and pay the administrative costs of maintaining the registry.

§ 65-39 Penalties for offenses

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Any person required to register with this registry who fails to so register shall be guilty of a violation punishable by a fine of not less than \$100 and not more than \$250; or imprisonment of not more than 15 days; or both. Violations of this article shall be prosecuted by the Office of the Corporation Counsel and adjudicated by a court of competent jurisdiction.

§ 65-40 Rules

The commissioner may promulgate rules necessary for the implementation of this chapter.

Section 2. This general ordinance shall take effect pursuant to law.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 25, 2023. BY A VOTE OF 7-0.

L. All-Bellamy  
COUNCIL PRESIDENT

5-2-2023  
DATE

SENT TO MAYOR 5-3-2023  
DATE

[Signature]  
MAYOR

APPROVED 5/8/23  
DATE

ATTEST:  
[Signature]  
CITY CLERK

5/9/23  
DATE