

## NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** NYC Parks proposes to amend § 1-04(g) of Chapter 1 of Title 56 of the Rules of the City of New York. Under the amended rule, individuals will be prohibited from feeding all animals, including squirrels, pigeons, and other birds, in areas under the jurisdiction of NYC Parks.

**When and where is the hearing?** NYC Parks will hold a public hearing on the proposed rule. The public hearing will take place at 12:00 p.m. on March 1, 2019. The hearing will be in the NYC Parks hearing room at the Pelham Fritz Recreation Center, 18 Mount Morris Park West New York, NY 10027.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to NYC Parks through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@parks.nyc.gov](mailto:rules@parks.nyc.gov).
- **Mail.** You can mail comments to:  
Darci Frinquelli, Assistant Counsel  
The New York City Department of Parks & Recreation  
The Arsenal, Central Park  
830 Fifth Avenue  
New York, NY 10065
- **Fax.** You can fax comments to 917-849-6742.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-360-1383 or emailing [rules@parks.nyc.gov](mailto:rules@parks.nyc.gov). You can also sign up in the hearing room before the hearing begins on March 1, 2019. You can speak for up to three minutes.

**Is there a deadline to submit comments?** You must submit written comments by March 1, 2019.

**What if I need assistance to participate in the hearing?** You must tell NYC Parks if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-360-1383 or email at [rules@parks.nyc.gov](mailto:rules@parks.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by February 26, 2019.

This location has the following accessibility option(s) available: wheelchair accessibility.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public. Please contact NYC Parks at [rules@parks.nyc.gov](mailto:rules@parks.nyc.gov) or 212-360-1383 to review comments.

**What authorizes NYC Parks to make this rule?** Sections 389, 533(a)(9), and 1043 and of the City Charter authorize NY Parks to make this proposed rule. This proposed rule was not included in the NYC Parks regulatory agenda for this Fiscal Year because it was not contemplated when NYC Parks published the agenda.

**Where can I find NYC Parks' rules?** The NYC Parks rules are in title 56 of the Rules of the City of New York.

**What laws govern the rulemaking process?** NYC Parks must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

## NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

### Statement of Basis and Purpose of Proposed Rule

NYC Parks proposes to amend § 1-04(g) of Chapter 1 of Title 56 of the Rules of the City of New York. Under the amended rule, individuals will be prohibited from feeding all animals, including squirrels, pigeons, and other birds, in areas under the jurisdiction of NYC Parks.

The purpose of this proposed rule is to:

- Reduce food sources available to rats and other rodents, which are attracted to all types of food in properties maintained by NYC Parks.
- Prevent harmful interactions with animals in NYC Parks properties. Wildlife accustomed to feeding lose their wariness of humans and may exhibit aggressive behavior. Animals exhibiting aggressive behavior may then have to be lethally removed and tested for disease.
- Support the efforts of New York City's WildlifeNYC campaign to raise public awareness about urban wildlife.
- Promote compliance with the New York State Department of Environmental Conservation's guidance, which advises that wildlife feeding disturbs the healthy balance between wildlife populations and their habitats.
- Prevent the transmission of disease that occurs when animals congregate around feeding areas. In these areas, food may be contaminated with feces, saliva, and urine, promoting the spread of diseases. These diseases are often fatal to animal populations and some may be spread to humans. For example, a canine distemper outbreak recently led to the deaths over 300 raccoons in New York City's parks.
- Support healthy wildlife nutrition and behavior. Food given to wildlife does not contain the nutrients needed by New York City's wildlife and deters them from seeking the natural foods—like insects and plants—with nutrients they need. Young animals fed by park patrons may not develop properly and may lose the instincts needed (such as hunting and foraging) to survive on their own.
- Reduce the maintenance burden on NYC Parks staff responsible for maintaining a safe and clean environment for park patrons.
- Promote compliance with existing prohibition on feeding in NYC Parks properties.
- Clarify § 1-04(g) of the NYC Parks rules.

The Department's authority for these rules is found in sections 389, 531 and 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subdivision g of Section 1-04 of Chapter 1 of Title 56 of the Rules of the City of New York is amended to read as follows:

(g) *Abuse of park animals.*

(1) Except, pursuant to a permit for trapping issued by the Department, no person shall molest, chase, harass, injure, wound, trap, hunt, shoot, throw missiles at, kill or remove any animal, any nest, or the eggs of any amphibian, reptile or bird, or otherwise harm or intentionally take actions that could reasonably harm any animal, nest, or such eggs. Further, no person shall knowingly buy, receive, have in his or her possession, sell or give away any such animal or egg taken from or killed within the jurisdiction of the Department, including any zoo area. Violation of this paragraph constitutes a misdemeanor.

(2) No person shall feed animals [in any park (including any zoo area) except unconfined squirrels and birds, and] except where specifically authorized by the Commissioner. [The Commissioner may also designate certain areas where all feeding of animals is prohibited. It shall be a violation of these rules to feed animals in any area where such feeding is prohibited.] This rule does not apply to feeding personal pets or service animals brought to an area under the Department’s jurisdiction in compliance with its rules.

**NEW YORK CITY LAW DEPARTMENT**

**DIVISION OF LEGAL COUNSEL**

**100 CHURCH STREET**

**NEW YORK, NY 10007**

**212-356-4028**

**CERTIFICATION PURSUANT TO**

**CHARTER §1043(d)**

**RULE TITLE:** Prohibition on Feeding Wildlife in Parks

**REFERENCE NUMBER:** RG 126

**RULEMAKING AGENCY:** New York City Department of Parks and Recreation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: 12/12/2018

Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**

**253 BROADWAY, 10<sup>th</sup> FLOOR**

**NEW YORK, NY 10007**

**212-788-1400**

**CERTIFICATION / ANALYSIS**

**PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Prohibition on Feeding Wildlife in Parks**

**REFERENCE NUMBER: DPR-14**

**RULEMAKING AGENCY: New York City Department of Parks and Recreation**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances. Educational language to be added to Parks signage and enforcement staff will be trained to educate patrons.

Mira Atherton

Mayor's Office of Operations

December 14, 2018

Date