

# NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

## NOTICE OF ADOPTION

### Revision of New York City Department of Park & Recreation's Rules

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the Department of Parks & Recreation (“the Department”) by Sections 389 and 533(a)(9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, the Department hereby revises Chapter 1 to Title 56 of the Official Compilation of the Rules of the City of New York to amend sections 1-04 and 1-05 and to add rows to the table in section 1-07.

Four written comments regarding the rules were received in accordance with the notice published in the City Record or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) and a public hearing was held on October 9, 2024 at Chelsea Recreation Center, 430 West 25th Street, New York, NY 10001.

### Statement of Basis and Purpose

The Department is amending sections 1-04, 1-05 and 1-07 of chapter 1 of title 56 of the Rules of the City of New York. The amendments expand the categories of illegal behavior for which the Department's Enforcement Officers can issue a notice of violation (sometimes called a summons) in order to protect the natural environments under the jurisdiction of the Department and increase the penalties associated with certain violations.

Specifically, the new rules:

**Amend section 1-04 of the Department's rules to prohibit the abandonment of animals.** Early in 2023, the Parks Department made national and international news when employees rescued an abandoned alligator from a lake in Prospect Park. Although the Department brought the wild animal to receive medical care, the alligator did not survive. Unfortunately, this was an example of behavior that happens all too often: pet owners, other individuals (including well-meaning individuals), pest control companies, and other companies release or relocate unwanted animals—exotic or otherwise—into parks. Many of these animals do not survive as they do not know where to find food, water, den sites, or other resources, and have no cognitive map of escape routes to flee from predators. Some of these animals are invasive and may permanently disrupt natural ecosystems. Abandoning animals is already prohibited by New York State Law, but the amended city rule prohibiting such abandonment now authorizes Department officers to write summonses for such behavior and ultimately help decrease the number of animals abandoned in parks. The amended rule falls under the Department's existing authority under NYC Administrative Code section 18-146(c)(7) to issue violations for “Failure to control animals.” Specifically, this provision states that “No person owning, possessing or controlling any animal shall cause or allow such animal to be unleashed or out of control in a manner prohibited by the rules of the department.”

The Department understands that there are limited circumstances where an animal might be responsibly released into New York City's natural areas, including parks. Therefore, the amended rule includes exceptions for licensed New York State wildlife rehabilitators and Department employees who have received express written permission from the Commissioner.

**Amend section 1-05 of the Department rules relating to fishing to explicitly prohibit the collection of bivalves.** Bivalves (such as oysters, clams, mussels, and scallops) serve as natural water filters, and are therefore active contributors to the health of New York City's waterways. Although in other regions bivalves are harvested for food, the New York State Department of Environmental Conservation Rules prohibit the collection of bivalves for food within the waters in and surrounding the five boroughs of New York City. Nevertheless, the collection of these animals happens with some regularity. Ingestion of bivalves taken from New York City waters may carry health risks. In addition, removal of bivalves slows down the restoration of the City's waterways. Such removal also reduces water clarity, which results in a reduction of the amount of light that penetrates the water. This reduction can have a significant impact on other marine creatures.

This amended rule prohibits the collection of bivalves from waters under the jurisdiction of the Department, using access points under the jurisdiction of the Department, and using vessels launched from an access point under the jurisdiction of the Department. The rule contains an exception for sample collecting as part of a scientific study, with the express approval of the Commissioner.

**Amend section 1-07 of the Department's rules to add a penalty for abandonment of animals, increase the penalties for illegal dumping and add a penalty for subsequent instances of illegal dumping.** Illegal dumping is rampant in every borough of New York City and the Department uses a great amount of staff time to address and correct these conditions. The Department's previous penalty for illegal dumping was \$1,000, which was substantially less than the \$4,000 penalty for illegal dumping assessed by the Department of Sanitation ("DSNY"). The amendment to the rule increases the amount of the penalty for violations issued by the Department to make them comparable to the violations assessed by DSNY. The Department believes that these increased penalties will help to deter illegal dumping. The new civil penalty is \$5,000 for the first dumping offense. The Department is also adding a penalty of \$10,000 for each subsequent offense within 12 months of the first offense in the hopes of deterring repeat offenders.

The Department's authority for these rules is found in sections 389, 533(a)(9), and 1043 of the New York City Charter.

"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.

**New text is underlined and deleted text is in brackets:**

**Section 1. Subdivision (i) of section 1-04 of chapter 1 of title 56 of the Rules of the City of New York is amended by adding a new paragraph (4) to read as follows:**

(4) Except for Department employees or licensed wildlife professionals authorized in writing by the Commissioner, no person owning, possessing, or controlling any animal shall knowingly cause or allow such animal to be abandoned or relocated into any park or onto any property under the jurisdiction of the Department under any circumstances. This paragraph shall not prohibit any individual from releasing wildlife that was accidentally trapped on, under, or inside of any building or structure under the jurisdiction of the Department.

**Section 2. Subdivision (h) of section 1-05 of chapter 1 of title 56 of the Rules of the City of New York is amended by adding a new paragraph (6), to read as follows:**

(6) Except for collections for scientific purposes expressly approved by the Commissioner, no bivalves (e.g., oysters, clams, mussels, and scallops) may be removed or harvested (i) from waters under the jurisdiction of the Department, (ii) utilizing an access point under the jurisdiction of the Department, or (iii) utilizing a vessel launched from an access point under the jurisdiction of the Department.

**Section 3. The table set forth in section 1-07 of chapter 1 of title 56 of the Rules of the City of New York is amended by adding a new row, to be placed in the table in alphanumeric order, to read as follows:**

<u>Section/Rule</u>	<u>Description</u>	<u>Penalty</u>	<u>Default Penalty</u>
<u>56 RCNY § 1-04(i)(4)*; Admin. Code § 18-146(c)(7)</u>	<u>Uncontrolled animal-animal abandonment</u>	<u>\$1,000</u>	<u>\$1,500</u>

**Section 4. The table set forth in section 1-07 of chapter 1 of title 56 of the Rules of the City of New York is amended by amending the row relating to the violation described as Unlawful dumping and by adding a new row immediately following that row, to read as follows:**

<u>Section/Rule</u>	<u>Description</u>	<u>Penalty</u>	<u>Default Penalty</u>
<u>56 RCNY § 1-04(c)(3)*; Admin. Code § 18-146(c)(3)</u>	<u>Unlawful dumping</u>	<u>[\$1,000]\$5,000</u>	<u>[\$1,500]\$5000</u>
<u>56 RCNY § 1-04(c)(3)*; Admin. Code § 18-146(c)(3)</u>	<u>Unlawful dumping-2<sup>nd</sup> or subsequent violation within 12 month period.</u>	<u>\$10,000</u>	<u>\$10,000</u>