

Bond Case Briefs

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MUNICIPAL ORDINANCE - NEW YORK

Panattieri v. City of New York

Supreme Court, New York County, New York - August 30, 2016 - N.Y.S.3d - 2016 WL 4691555 - 2016 N.Y. Slip Op. 26283

Dog owners, whose pet dog was seized after killing a dog and injuring its owner, brought article 78 proceeding challenging seizure, alleging that city code governing dangerous animals was preempted by state law, and seeking declaration that determination of city department of health and mental hygiene (DOHMH) to execute their dog was unconstitutional.

The Supreme Court, New York County, held that city code governing dangerous animals was not preempted by state statute governing dangerous dogs.

City code governing dangerous animals was not preempted by state statute governing dangerous dogs, since statute governing licensing, identification, and control of dogs expressly allowed municipalities to enact their own rules governing dangerous dogs provided their program was not less stringent than state program, and city's code incorporated standards that were as or more protective of public health and safety as those set forth in statute.