

LAWS AND RULES THAT ARE VIOLATED:

In addition to causing a substantial public nuisance, the fifteen known laws and/or regulations that are violated by Kaporos are as follows:

VIOLATION OF NY AG & Mkts Law Section 5-A and 5-B

Prohibits the slaughtering of animals near residential neighborhoods, inter alia. Section 96-B makes obtaining a license to slaughter animals a requirement. No license is obtained.

VIOLATION OF NYC Administrative Code Section 18-112(d)

Prohibits the erection of a slaughterhouse on Eastern Parkway and on President Street at Kingston Avenue; provides for a prohibited zone as follows: It shall be unlawful to erect, establish or carry on, in any manner whatever, upon any lot fronting upon [locations involving the subject locations], any slaughter- house . . . or any other manufactory, trade, business or calling, which may be in anywise dangerous, obnoxious or offensive to the neighboring inhabitants. The term "slaughterhouse" is not limited to a building with walls; it includes the activity of carrying on the slaughter of animals "in any matter whatever." NYC Administrative Code § 18-112(d).

VIOLATION OF NYC Health Code section 153.09

No person shall throw or put any blood, swill, brine, offensive animal matter, noxious liquid, dead animals, offal, putrid or stinking vegetable or animal matter or other filthy matter of any kind, and no person shall allow any such matter to run or fall into any street, public place, sewer. . .

VIOLATION OF NYC Health Code section 153.21(a);

Every person who has contracted or undertaken to remove any diseased or dead animal . . . or who is engaged in such removal shall do so promptly. The operation shall be conducted in a clean and sanitary manner and shall not create any hazard to life or health. The offensive matter shall not lie piled up or partially raked together in any street or place before its removal . . .

VIOLATION OF NYC Health Code Section 161.09

Permits to keep certain animals: A permit shall not be issued for the sale or keeping for sale of live rabbits or poultry on the same lot as a multiple dwelling as defined in section 4 of the Multiple Dwelling Law or, unless the consent of the occupants is obtained, on the same lot as a two-family home. A permit shall not be issued unless the coops or runways are more than 25 feet from an inhabited building other than a one-family home occupied by the applicant and unless the applicant submits to the Department the written consent of the owner of the lot on which the poultry or rabbits are to be kept.

VIOLATION OF NYC Health Code § 161.11

Prevention of nuisances; cleaning. (a) A permit required by § 161.09 shall not be issued unless the applicant proves to the satisfaction of the Commissioner that the place for which the application is made does not constitute a nuisance because of its proximity to a residential, business, commercial or public building, and that the place will be maintained so as not to become a nuisance. (b) The

owner, lessee or person in charge of any place where animals are kept pursuant to a permit required by § 161.09, shall take all measures for insect and rodent control required by Article 151 and shall conduct such place so as not to create a nuisance by reason of the noise of the animals, the escape of offensive odors, or the maintenance of any condition dangerous or prejudicial to public health. (c) Every place where animals are kept pursuant to a permit required by § 161.09 shall have implements and materials, such as brooms, hoses, hose-connections, vacuum cleaners where dusty conditions are found, covered metal receptacles, brushes, disinfectants and detergents, as may be required to maintain sanitary conditions. Such places shall have regularly assigned personnel to maintain sanitary conditions

VIOLATION OF NYC Health Code § 161.19

Keeping of live poultry and rabbits. (a) No person shall keep a live rooster, duck, goose or turkey in a built-up portion of the City.

VIOLATION OF NYC Health Code section 161.19(b)

Sellers of live poultry must keep the areas of slaughter and the surrounding areas clean and free of animal nuisances: person who is authorized by applicable law to keep for sale or sell livestock, live rabbits or poultry shall keep the premises in which such animals are held and slaughtered and the surrounding areas clean and free of animal nuisances. [Note, the Kaporos practitioners are not authorized to keep for sale or sell livestock, live rabbits, or poultry, but even if they were, they are violating this statute.]

VIOLATION OF 24 RCNY Section 161.03(a)

Blood and feces from animals and animal parts are prohibited on a public sidewalk and "pervasive odors" from animals are prohibited; a person who owns, possesses or controls a dog, cat or other animal shall not permit the animal to commit a nuisance on a sidewalk of any public place, on a floor, wall, stairway or roof of any public or private premises used in common by the public, or on a fence, wall or stairway of a building abutting on a public place. (includes, but is not limited to "animal feces, urine, blood, body parts, carcasses, vomit and pervasive odors; animals that carry or are ill with contagious diseases communicable to persons or other animals.

VIOLATION OF 1 NYCRR 45.4;

All persons entering any premises containing live poultry within the State of New York with any poultry truck, feed delivery and/or other service vehicle shall take every sanitary precaution possible to prevent the introduction or spread of avian influenza into or within the State. Said precautions shall include the disinfecting of all footwear before entering and after leaving any premises containing live poultry. In addition, all markets, auctions, sales outlets and distribution facilities containing live poultry shall be maintained in a clean and sanitary manner.

VIOLATION OF N.Y.S. Labor Law section 133(2)(o)

It is illegal to employ a child under the age of 18 in any slaughterhouse in any position.

VIOLATION OF NYC DEPT. OF SANITATION RULES AND REGULATIONS SECTION 16B118(6)

No swill, brine, offensive animal matter, noxious liquid or other filthy matter of any kind shall be allowed by any person to fall upon or run into any street or public place, or be taken to or put therein.

VIOLATION OF Street Activity Permit Office (SAPO) Rules and Regulations

When conducting a street activity within the boundaries of the City of New York, a permit is required. Such a permit would be required for an activity as benign as a block party. This regulation is governed by the Street Activity Permit Office (hereinafter, "SAPO") on the New York City dot gov website. See <http://www.nyc.gov/html/cecm/html/office/office.shtml>.

"Religious events" are included in SAPO's definition for permitted-required events. There is a processing fee of \$25.75 and there is an insurance requirement, which gives the city an opportunity to verify that the applicant has appropriate insurance. "SAPO requires a minimum of \$1M certificate of liability insurance with the City of New York listed as an additional insured for all events..." Moreover, "All street events, including block parties and street fairs, are required to recycle."

VIOLATION OF Agriculture and Markets Law Art. 26, Section 353

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor and for purposes of paragraph (b) of subdivision one of section 160.10 of the criminal procedure law, shall be treated as a misdemeanor defined in the penal law.....

VIOLATION OF NY State Agriculture and Markets Law Art. 26, Section 350 (2)

Defines "torture or cruelty" as including "every unjustifiable act, omission or neglect causing pain, suffering or death." It also defines "animal" in section 350 (1) as including every living creature except a human being. The **only** statutory exemption is for use of animals in laboratories for "properly conducted scientific experiments," and even this is closely regulated by the NYS Commissioner of Health. There is no religious exemption or exception for abusing animals for religious rituals.