

Model Animal Control Law

Presented by NAIA

Preamble

This model law is compatible with the *NAIA Guide to Pet Friendly Ordinances* but is more detailed and is written in more formal language. Like the guidelines, it can be adjusted to meet the needs of individual communities and states.

Section I: Definitions

Abuse – An overt act that continually causes an animal to be overloaded or forced to work in a manner unsuitable to its species, breed, condition or health.

Adequate care – Care of an animal to include, but not be limited to, a clean, safe shelter that provides protection from the weather, sufficient heat and ventilation, wholesome food and water, and exercise consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Animal—For the purpose of this ordinance, animal shall mean all vertebrates of species kept as household pets and all individual animals kept as household pets regardless of whether the species has been domesticated or is generally kept as livestock, except that animal shall not include tropical fish, wildlife that is under the control of the state fish and wildlife agency, animals kept in licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

Animal control authority – The person or persons designated by the local government to enforce this ordinance.

Animal control advisory board – A seven-member board set up to handle minor animal control problems, hear and arbitrate neighborhood disputes involving animals, and otherwise assist the animal control agency.

Animal facility – Any pet shop, grooming shop, animal auction, performing animal exhibition, private kennel, boarding kennel, or public or private animal shelter, except veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

Animal shelter – A public or private facility designated or recognized by the [jurisdiction]* for the purpose of impounding and caring for animals.

At large – An animal shall be deemed to be at large when off the property of the owner and not under restraint or control.

“At-risk” animal – An animal that

- i. is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.
- ii. causes physical injury to any domestic animal while at large
- iii. repeatedly runs at large.

Breed-specific legislation: No part of this ordinance shall be used to target dogs by specific breed or mix.

Cattery – an establishment maintained for the purpose of breeding and selling domestic cats.

Cruelty – An overt act committed with the intent to harm or needlessly kill an animal or committed out of depraved indifference for the animal’s well-being, including but not limited to torture, maiming, beating, or otherwise committing violence that causes injury or death.

“Dangerous” animal – A dog or cat that

- iv. without justification attacks a person or domestic animal causing physical injury or death,
- v. behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals
- vi. is used for dog fighting or other illegal activity, or
- vii. escalates behavior that caused it to be adjudicated as an at-risk animal..

Enclosure - A fence or structure suitable to prevent the escape of the animal or the entry of young children.

Exotic animal – an animal of a non-domesticated species not commonly kept as a household pet or for food and fiber production. Exotic animals may or may not be native to the area and may or may not be governed by existing wildlife regulations.

Feral animal – Any domestic animal, which has escaped for a substantial period of time from the care of an owner or custodian and is existing in a wild state.

Homestead – A small farm where livestock is kept. (Size of the homestead should be set in conjunction with local zoning regulations for agriculture and residential zones of large acreage.)

Household – A property where animals are kept, including buildings used as residences, kennels, barns, sheds, and other structures and pens, corrals, or other enclosures.

Kennel – A facility serving as temporary or permanent housing for dogs and maintained for the purpose of breeding, selling, training or boarding dogs. A kennel can be maintained within a household premises or may occupy a different property and may be operated as a hobby or a business.

Licensing authority – The agency or department of [jurisdiction] or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

Neglect – An overt act involving failure to provide for animal health or safety, including but not limited to failure to provide adequate food, water, shelter, exercise, or necessary veterinary care to an animal or to adequately confine an animal in a manner appropriate to its species, breed, age, and condition.

Neutered – Rendered permanently incapable of reproduction.

Nuisance – A nuisance animal is one that:

- i. frequently runs at large;
- ii. damages, soils, or defecates on private property other than property possessed or controlled by the animal owner or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the animal owner or handler;
- iii. causes unsanitary or dangerous conditions;
- iv. causes a disturbance by excessive barking or other noise making; or
- v. chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner – A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied, owned, or controlled by that person.

Person – Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet shop – An establishment engaged in the business of buying or selling animals at retail for profit.

Restraint – An animal shall be considered under restraint if it is confined within the real property limits of its owner, is secured by a leash or lead or is otherwise under the control of a responsible person, or is confined within a vehicle in a manner that prevents escape.

Stable – A facility maintained for the purpose of keeping, boarding, training, or selling horses, donkeys, or mules.

Vaccination – The inoculation of an animal against rabies in accordance with state law and the “Compendium of Animal Rabies Prevention and Control” published by the National Association of State Public Health Veterinarians and published annually in the *Journal of the American Veterinary Medical Association*.

Working dogs – Dogs kept for the primary purpose of hunting, herding, search and rescue, livestock protection, or other jobs.

Section 2: Administration

A] Administration of this law shall be coordinated by the dog warden of this jurisdiction with oversight by the (county/township/city) administrator.

B] The jurisdiction shall provide a facility and equipment for impounding stray animals and housing animals confiscated in cruelty or neglect cases. The facility can be owned or leased by the jurisdiction or provided by contract with a private corporation.

Section 3: Animal control: Dogs

I. Dog licensing and rabies vaccination

A] All dogs over the age of three months must be individually licensed unless they are

1. residents of the jurisdiction for less than 60 days;
2. residents of a veterinary clinic, research facility, animal shelter or impoundment facility;
3. residents of a licensed kennel.

B] All dogs over the age of three months must be vaccinated for rabies and a copy of the vaccination certificate must be presented with the license application.

C] Rabies vaccinations must be given by a licensed veterinarian in accordance with state law and the Compendium of Animal Rabies Prevention and Control.

D] Dog license fees will be set by the jurisdiction and will be discounted in recognition of practices that demonstrate responsible ownership. In no case will a discount bring the cost of the license below a base established by the jurisdiction. Discounts will be applied for the following practices:

1. completion of an AKC Canine Good Citizen course and test;
2. proof of an obedience title awarded by a nationally respected organization such as the American Kennel Club;
3. permanent identification of the dog by microchip or tattoo;
4. confinement of the dog behind a secure fence;

5. membership in an obedience club, kennel club, or other dog organization that promotes responsible ownership;
6. active participation in dog sports, search and rescue activities, therapy dog visits; or
7. participation in a dog rescue program certified by the jurisdiction.

E] Facility licenses are available for those who own or keep multiple dogs. The annual license fee will be set by the jurisdiction and may be discounted in recognition of responsible ownership practices. Facilities may be inspected annually. All dogs in a licensed kennel are considered to be licensed as individuals.

F] Multiple year licenses are available and may be tied to the current rabies vaccination.

G] Licensed dogs must wear tags when in public. Owners of licensed facilities can obtain individual license tags for each dog.

H] License fees are waived for:

- 1) any dog used primarily as a service animal when the owner or keeper establishes the service animal's function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 et seq.
- 2) any dog in training as a service animal when the owner or keeper establishes the service animal's function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 et seq.
- 3) any dog used by a public agency or a private organization under contract to a public agency as a police dog, tracking dog, search and rescue dog, arson or drug sniffing dog, or for any other job that furthers the mission of the agency to protect and serve the public interest.

I] License fees must be set aside in a fund specifically for animal control programs, including impoundment of uncontrolled dogs, administration of the county animal control program, and annual public education events to encourage the responsible dog ownership necessary for a viable animal control program.

J] The animal control agency shall conduct at least one clinic each year at which rabies vaccinations, individual dog licenses, facility licenses, and microchips will be offered at a price that encourages pet owners to bring their pets.

K] A licensed or microchipped pet picked up at-large shall get one free ride home. The animal control officer will return the dog to the owners without taking it to the shelter. If the pet has a microchip but is not licensed, the officer will sell a license to the owner at a cost that includes a penalty. If the pet is picked up running at large on a second occasion, it will be taken to the shelter and a citation for violation will be issued to the owner. Penalties will be increased for subsequent violations.

II. Confinement

A] Dogs must be securely confined, leashed, or under the control of a competent person over the age of 16 at all times.

B] Fences for all dogs must be of sufficient height, strength, and repair to safely contain the dogs on the premises and prevent children from entering the yard or enclosure. Fences to confine dogs adjudicated as "at risk" or "dangerous" must adhere to additional requirements as specified in those sections of the laws.

C] Underground fences are not sufficient to contain unsupervised dogs.

D] Dogs cannot be tethered as a primary method of confinement. Tethers can be used as a secondary control within an area fenced to prevent children from entering the yard or enclosure.

E] Dogs traveling in vehicles must be confined to prevent escape and to prevent children from placing fingers or hands in the dog's space.

F] Animal control personnel have the authority to remove a dog or cat from a vehicle if the animal's health is endangered by such confinement in hot weather.

III. Nuisances

A] Nuisances include but are not limited to frequent running at-large, excessive noise, soiling of public property and of private property not owned or rented by the pet owner, and noxious odors or unsanitary conditions caused by failure to clean the dog's resident property.

B] Dogs must be prevented from causing a nuisance by barking, howling, or yelping in a habitual, consistent, or persistent manner that continually disturbs the peace of the neighborhood.

C] Owners must remove feces deposited by their dogs on public property, public and private rights-of-way, and private property not owned or rented by the animal owner and prevent pets from continually spraying or depositing urine on lawns and landscaping that causes damage to grasses, flowers, shrubs, etc.

D] The animal control agency shall investigate each complaint and issue a warning letter to the dog owner on the first offense. A citation may be issued on subsequent offenses.

E] Dog owners who repeatedly violate nuisance laws will be subject to increased fines and to requirements that they provide a remedy for the offending behavior or activity. If the violation involves sanitation on the property, health inspectors may make periodic visits to assure that sanitation is maintained.

Section 4: Animal control: At-risk dogs

A] An at-risk dog is one that

- 1) menaces, chases, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person.
- 2) causes physical injury to any domestic animal while at large
- 3) repeatedly runs at large.

B] Procedure for classifying a dog as "at risk":

- 1) The animal control officer or his representative shall investigate the circumstances of any complaint filed against a dog alleged to be at risk and notify the dog owner of the charge. The results of the investigation will be reported to a magistrate or other court officer or to an appointed animal control board and to the dog owner. If the court officer deems the dog to be at risk, the dog owner has the option of filing an appeal with the animal control board or court or accepting the designation.
- 2) Notwithstanding the above, the dog warden or his representative shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was
 - (i) the result of the victim abusing or tormenting the dog;
 - (ii) was directed towards a trespasser or a person committing or attempting to commit a crime; or
 - (iii) involved other similar mitigating or extenuating circumstances.

C] Sanctions for owning an at-risk dog:

1) The owner must provide secure fencing to keep the dog confined on his own property. When off the owner's property, the dog must be kept on a secure leash of no more than four feet in length and under control of a legally responsible person. The owner must also place photos of the dog on file with the animal control agency, microchip the dog for identification, and provide proof of liability insurance that covers injuries. (Owners should have the option of self-insuring against an incident.)

2) The court may also assign the dog to private or group obedience classes or to evaluation by a behavior specialist and may require the owner to attend a responsible ownership class. These additional requirements will be at the expense of the owner.

D] Repeated violations

Repeated violations that would earn an at-risk designation will result in classification of the dog as dangerous.

E] Procedure for removal from the at-risk dog list:

If there have been no further incidents for a period of 18 months and the owner can provide proof of obedience training at a reputable club or business, he may appeal to the court or the animal control board for removal of the designation

Section 5: Animal control: dangerous dogs

A] A dangerous dog is one that

- 1) has previously been classified as at-risk and exhibits escalating aggressive behaviors that result in further complaints;
- 2) a dog that, without provocation, inflicts severe injury on a human being; or
- 3) menaces, maims, or kills domestic animals when off its owner's property
- 4) is used in the commission of a crime, including but not limited to animal fighting, menacing, or guarding illegal operations.
- 5) Notwithstanding the above, the dog warden or his representative shall have discretionary authority to refrain from filing charges against the dog or dog owner, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was
 - i. the result of the victim abusing or tormenting the dog;
 - ii. was directed toward a trespasser or a person committing or attempting to commit a crime; or
 - iii. involved other similar mitigating or extenuating circumstances.

B] Procedure for classifying a dog as dangerous

The animal control officer or his representative shall investigate the circumstances of the complaint and notify the dog owner of the charge. The officer will then report the results of the investigation to a magistrate or other court officer or to an appointed animal control board and to the dog owner. If the court officer deems the dog to be potentially dangerous, the dog owner has the option of filing an appeal with the animal control board or accepting the designation. Depending on the circumstances, the dog may be impounded pending disposition of the case.

C] Sanctions for owning a dangerous dog

A dangerous dog may be returned to the owner or may be destroyed depending on the outcome of the investigation. If the dog is returned to the owner, it must be microchipped, confined in a locked pen with a top when not in a home or other building, and restricted by a sturdy leash no

longer than four feet long when in public. Photos of the dog must be filed with the animal control agency and the owner must provide proof of at least \$100,000 in liability insurance. Depending on the outcome of the investigation, the court may require a behavioral evaluation of the dog and sentence the owner to attend a responsible ownership class.

D] Confinement of dangerous dogs

Dogs that have been adjudicated as dangerous must be confined behind a locked fence of sufficient height and materials to securely contain the dog and prevent trespass. Confinement must be sufficient to prevent children from coming into contact with the dog. When off the owner's property, a dangerous dog must be restricted by a leash of no more than four feet in length, must be under the control of a legally responsible person, and may be required to wear a muzzle. Owners must also purchase liability insurance in an amount specified by law.

E] Transporting dangerous dogs

Dogs that have been adjudicated as dangerous must be confined in a crate in a closed, locked vehicle to prevent opportunities for escape and in a manner sufficient to prevent children from coming into contact with the dog through an open window in the vehicle.

F] Additional incidents

Additional incidents sufficient to identify the dog as dangerous will result in destruction of the dog and additional penalties for the owner.

E] Penalties for dangerous dogs running at large

A] Dangerous dogs that run at large and repeat the behavior that earned the designation will be impounded and euthanized.

B] Dangerous dogs that run at large without repeating that behavior may be returned to their owners at the discretion of the animal control agency after reviewing the case and inspection of the confinement facility.

C] Owners who fail to confine their dangerous dogs out of carelessness or neglect face high fines and possible jail time.

Section 6: Animal control: Cats

I. Cat licensing and rabies vaccination

A] Cat licensing is voluntary and is tied to the implantation of microchips for permanent identification.

B] All cats over the age of three months must be vaccinated for rabies and a copy of the vaccination certificate must be presented with the license application.

C] Rabies vaccinations must be given by a licensed veterinarian in accordance with state law and the Compendium of Animal Rabies Prevention and Control.

D] Facility licenses are available for those who own or keep multiple cats. All cats in a licensed facility are considered to be licensed as individuals if they are microchipped.

F] Multiple year licenses are available and may be tied to the current rabies vaccination.

G] License fees must be set aside in a fund specifically for animal control programs, including impoundment of uncontrolled cats, administration of the county animal control program, a plan for dealing with feral cat colonies, and annual public education events to encourage responsible cat ownership. Public education programs are essential to inform citizens about agency goals if public opinion about animal control is to change.

H] A licensed or microchipped pet picked up at-large shall get one free ride home. The animal control officer will return the cat to the owners without taking it to the shelter. If the pet is picked up running at large on a second occasion, it will be taken to the shelter and a citation for violation will be issued to the owner. Penalties will be increased for subsequent violations.

II: Feral cats

Feral cat communities may be licensed under a program that provides health checks and spay and neuter services for these animals. Cats in such a colony should be microchipped when they are captured for health checks.

III: Nuisances

A] Nuisances include but are not limited to excessive noise, soiling of public property and of private property not owned or rented by the pet owner, and noxious odors or unsanitary conditions caused by failure to clean the cat's resident property.

B] Cats must be prevented from causing a nuisance by howling in a habitual, consistent, or persistent manner that repeatedly disturbs the peace of the neighborhood.

C] Owners must take steps to prevent feces deposits by their cats on public property, public and private rights-of-way, and private property not owned or rented by the animal owner and prevent them from continually spraying or depositing urine on lawns and landscaping that causes damage to grasses, flowers, shrubs, etc.

D] The animal control agency shall investigate each complaint and issue a warning letter to the cat owner on the first offense. A citation may be issued on subsequent offenses.

E] Cat owners who repeatedly violate nuisance laws will be subject to increased fines and to requirements that they provide a remedy for the offending behavior or activity. If the violation involves sanitation on the property, health inspectors may make periodic visits to assure that sanitation is maintained.

Section 7: Animal Control: Exotic animals

I. Requirements:

A] The keeping of carnivores such as tigers, lions, cheetahs, leopards and other wild cats and other species such as snakes, alligators, bears, wolves, foxes, coyotes, or non-human primates shall require a permit. Annual inspection of the premises at which the animals are kept will be conducted at the discretion of the animal control agency. Permits will be issued for all or part of a calendar year and must be renewed at least 15 days prior to the expiration date

B] Certification of experience or proof of attendance at a recognized husbandry course covering the species involved and permanent identification of each animal by microchip are required to obtain a permit.

C] Housing, including perimeter fencing surrounding interior pens and buildings, shall provide a safe and secure environment appropriate to the species. Exotic animals that may pose a threat to humans or pets must be confined behind a locked fence of sufficient height and materials to securely contain the animal and prevent risk to the animal and public.

D] The keeping of poisonous snakes and rare or endangered species listed by the state is prohibited without a permit from the state department of wildlife and registration with the local jurisdiction.

E] The keeping of rare or endangered species listed by the federal government is regulated by federal law.

F] Exotic animals must be under the control of a legally competent person at all times.

G] The keeping of exotic animals for exhibit or educational purposes is governed by the US Department of Agriculture. Owners and exhibitors must also abide by state and local laws requiring permits, identification, and housing.

II. Transporting exotic animals

Exotic animals must be confined in a crate in a closed, locked vehicle to prevent opportunities for escape and in a manner sufficient to prevent children from coming into contact with the animal through an open window in the vehicle.

III: Procedure when exotic animals run at large

A] Owners must notify the authorities of the escape of an exotic animal that poses a threat to people, pets, or the environment immediately after the escape is discovered.

B] Depending on the circumstances of the escape and the threat posed, the exotic animal may be returned to the owner, held until the facility passes inspection, or confiscated or killed.

C] Owners who deliberately or negligently allow exotic animals to escape into the environment will be prosecuted.

Section 8: Animal control advisory board

A] The board shall consist of seven members, each serving for two years. Three members on the initial board will have one-year terms to stagger appointments. Depending on the type of incident involved, five of these members will be chosen to hear each case.

B] Board members will be appointed by the jurisdiction's governing board or administrator and will include:

- A representative from the animal control agency
- A dog breeder
- A cat breeder
- A dog trainer
- A veterinarian
- An exotic animal owner, breeder, or exhibitor
- A non pet owner from the community
- A medical professional specializing in emergency medicine

C] The board shall be considered to have the authority of a magistrate appointed to hear minor criminal and civil cases in regard to assigning fines or other penalties, requiring confiscation of animals and inspection of premises, arbitrating neighborhood disputes regarding animal nuisances, etc.

D] The board has the authority to assign animal owners to dog training classes, responsible ownership sessions, or animal husbandry classes conducted by the state department of agriculture or a local organization representing responsible animal owners.

D] The board may also recommend that a case be sent to court for adjudication.

E] Decisions of the board can be appealed.

Section 9: Cruelty, abuse and neglect

- A] Complaints of cruelty, abuse, or neglect will be investigated by an animal control officer trained in law enforcement and animal husbandry practices.
- B] Traditional animal husbandry practices such as tail-docking, declawing, dehorning, branding, and ear cropping are exempt from charges of cruelty, abuse, or neglect when humanely performed.
- C] Training methods using a broad spectrum of equipment and practices are exempt when used according to accepted practices.
- D] Animal husbandry training for animal control agents will be conducted by the state department of agriculture with input from the state veterinary association.
- E] Animal control agents must attend 40 hours of training before being hired and attend at least five hours of continuing education every two years.