

AVMA MODEL DOG AND CAT CONTROL ORDINANCE

Section I—Definitions

For the purposes of this ordinance, the following definitions shall prevail:

Animal—Dog or cat.

Animal Control Authority—The person or persons designated to enforce this ordinance.

Animal establishment—Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel, or animal shelter. This term shall not include 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—Facility designated or recognized by the _____ [jurisdiction] for the purpose of impounding and caring for animals.

At large—A dog or cat off the property of the owner and not under restraint.

Humane manner—Care of an animal including, but not limited to, adequate heat, ventilation, sanitary shelter, wholesome food, and water consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Kennel—An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.

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

Livestock guarding dogs—Dogs kept for the primary purpose of protecting livestock from predatory attacks.

Neutered—Rendered permanently incapable of reproduction.

Nuisance—A dog or cat that damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or 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 a dog or cat who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied 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 at retail dogs or cats or other animals for profit-making purposes.

Under restraint—A dog or cat within the real property limits of its owner, secured by a leash or lead, or under the control of a responsible person.

Dangerous—A dog or cat that without justification attacks a person or domestic animal causing physical injury or death or that 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.

Section II—Licensing and Rabies Vaccination

A. Except as provided in Section III, no person shall own, keep, or harbor any dog or cat over 4 months of age within _____ [jurisdiction] unless such dog or cat is vaccinated and licensed. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government-operated or licensed animal shelter.

B. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the most recent version of the Compendium of Animal Rabies Prevention and Control, authored by the National Association of State Public Health Veterinarians.

C. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.*

D. Application for a license must be made within 30 days after obtaining a dog or cat over 4 months of age. This requirement will not apply to a nonresident keeping a dog or cat within the _____ [jurisdiction] for no longer than 60 days.

Written application for a dog or cat license shall be made to the _____ [Licensing Authority] and shall include the name and address of the owner and the name, breed, color, age, and sex of the dog or cat. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

E. The licensing period shall be for _____ years. License renewal may be applied for within 60 days prior to the expiration date. New residents must apply for a license within 30 days of establishing residence.

F. A license shall be issued after payment of a fee of \$ _____ for each unneutered dog or cat and \$ _____ for each neutered dog or cat.† Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a delinquent fee of \$ _____.

G. License fees shall be waived for dogs serving the blind or deaf or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

H. Upon acceptance of the license application and fee, the _____ [Licensing Authority] shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the dog or cat.‡ Tags must be worn at all times and are not transferable. _____ [Licensing Authority] shall maintain a record of all licenses issued, and such records shall be available to the _____ [Animal Control Authority].

Section III—Permits

A. No person shall operate an animal establishment without first obtaining a permit in compliance with this section.

B. The permit period shall begin with the first day of the fiscal year and shall run for one year. Renewal applications for permits may be made within 60 days prior to the expiration date. Application for a permit to establish a new breeding animal establishment under the provisions of this ordinance may be made at any time.

C. Annual permits shall be issued upon payment of the applicable fee:

- For each kennel authorized to house less than six dogs or cats \$ _____
- For each kennel authorized to house more than six but not more than 49 dogs and cats \$ _____
- For each kennel authorized to house 50 or more dogs and cats \$ _____
- For each pet shop \$ _____
- For other animal establishments \$ _____

D. A person who maintains a kennel of six or more dogs or cats for breeding purposes may pay an annual permit fee or may elect to license individual dogs or cats as provided under Section II. Every facility regulated by this ordinance shall be considered a separate enterprise, requiring an individual permit.

E. Under the provisions of this ordinance, no permit fee shall be required of any animal shelter. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the _____ [Licensing Authority] within 60 days, whereupon reclassification and appropriate adjustment of the permit fee shall be made.

F. Persons who fail to comply with the provisions of this section are subject to a fine of \$ _____.

Section IV—Issuance and Revocation of Permits and Licenses

A. The _____ [appropriate authority] may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the _____ [appropriate authority], or any other law governing the protection and keeping of animals.

B. If an applicant is shown to have withheld or falsified any material information on the application, the _____ [Licensing Authority] may refuse to issue or may revoke a permit or license.

C. It shall be a condition of issuance of any permit for an animal establishment that the _____ [appropriate authority] shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit is revoked for any cause or pending appeal of any such action, the _____ [appropriate authority] shall have power of entry on the premises and into all areas where animals are being kept. A person denied a permit may not reapply for a period of at least 30 days. Each reapplication shall disclose any previous denial or revocation and shall be accompanied by a \$ _____ fee.

Section V—Owner Responsibility

A. All dogs and cats shall be kept under restraint.

B. Every dangerous dog or cat, as determined by the _____ [appropriate authority], shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

C. No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this ordinance.

D. Persons who fail to comply with the provisions of this section shall be subject to a fine of \$ _____.

E. Dog and cat owners shall ensure that their dog or cat carries identification at all times in the form of microchip, tag, or other means to allow easy determination of the owners.

F. Livestock guarding dogs shall be exempt from nuisance regulations when performing duties protecting livestock on premises owned or controlled by the owner.

Section VI—Impoundment

A. Any dog or cat found at large shall be impounded by the _____ [Animal Control Authority] in an animal shelter and confined in a humane manner. Immediately upon impounding a dog or cat, the _____ [Animal Control Authority] shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not claimed by their owners within a period of _____ full days in which the shelter is open to the public shall become the property of the _____ [jurisdiction].

B. When a dog or cat is found running at large and its ownership is verified by the _____ [Animal Control Authority], the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

C. In the event that the _____ [appropriate authority] finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering. Return to the owner may be withheld until the owner has made full payment for all expenses so incurred.

D. Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

Section VII—Redemption

A. Any animal impounded may be redeemed by the owner thereof within five days upon payment of an impoundment fee of \$ _____; if any such animal has been previously impounded, the impoundment fee shall be \$ _____. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.

B. Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee of \$ _____.

C. No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled.

Section VIII—Adoption

An adoption fee of \$ _____ shall be assessed at the time of adoption. No dog or cat shall be released for adoption as a pet without being neutered or without a written agreement from the adopter guaranteeing that the animal will be neutered. Vaccination fees, licensing fees, and veterinary costs may be assessed above and beyond the adoption fee.

Section IX—Interference

No person shall interfere with, hinder, or molest any agent of the _____ [Animal Control Authority] in the performance of any duty as provided herein.

Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$ _____ or more than \$ _____.

Section X—Repeals (Conflicting Ordinances)

All other ordinances of the _____ [jurisdiction] that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section XI—Severability

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section XII—Applicability

This ordinance shall be in full force and effect upon the expiration of _____ days after its passage and publication.

Section XIII—Safety Clause

The _____ [jurisdiction] hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the _____ [jurisdiction] and the inhabitants thereof.

- * The organizations developing this model ordinance recommended that licensing tags show, in addition to the license number, the city or county and state in which the animal is registered. This helps to alleviate the problem of an animal being left unidentified or unclaimed because it has been transported from one state to another and has no reference to the issuing city or county on the license tag.
- † Differential license fees for neutered animals serve as an incentive for responsible pet ownership.
- ‡ Breakaway collars are recommended when tags are affixed to collars worn by cats.

It is recognized that holding periods will be determined to some degree by availability of facilities; however, it is important to ensure a reasonable opportunity for owners to reclaim their dog or cat.

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