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## **Model Dog and Cat Control Ordinance**

### **Section I. Definitions**

As used in this ordinance the following terms mean:

*Animal*—Domesticated dog or cat, feral dog or cat, excluding hybrids thereof.

*Animal Auction*—An establishment or event kept for the purpose of selling or exchanging animals or the housing of such animals pending their sale or exchange.

*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 abandoned, stray, confiscated, or relinquished animals, as well as the reclaiming of stray animals and the placement of unowned adoptable animals with new owners.

*At large*—An animal off the property of the owner and not under restraint, except when on the private property of someone other than the owner who has permitted the owner to allow the animal to be unrestrained or in a dog park with the owner or the owner's agent present.

*Dangerous*—An animal that 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. Dangerous animals shall only be so classified on the basis of their past or current behavior and not based solely on the animal's physical appearance, apparent or verified breed, or other non-behavioral characteristics.

*Dog Park*—A public location that is designated by law or policy to be a place where dogs are permitted to be unrestrained and where a fence or other substantive barrier prevents dogs from leaving the designated area without being under restraint.

*Feral*—Existing in a state of nature: not domesticated or cultivated or having escaped from domestication and become wild.

*Grooming Shop*—An establishment kept for the purpose of providing nonmedical services such as bathing, trimming, shaving, or styling for animals for the purpose of cleanliness or the maintenance of the animal's coat or claws.

*Humane manner*—Care of an animal including, but not limited to, appropriate veterinary medical care, protection from extremes of heat or cold, ventilation, sanitary shelter, wholesome food, and water consistent with the normal requirements and feedings habits of the animal's size, species, and breed.

*Hybrid*—The offspring of wild animals cross-bred to domestic animals.

*Kennel*—An establishment kept for the purpose of breeding, training, selling, sheltering, or boarding animals including private owners or organizations that house unowned animals for the purpose of placing them in new homes.

*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.

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

*Neutered*—Rendered permanently incapable of reproduction.

*Nuisance*—An animal 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 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 by that person.

*Performing Animal Exhibition*—An establishment or event kept for the purpose of displaying animals for the entertainment or education of the public, or for housing such animals between such displays.

*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, animals or other animals for profit-making purposes.

*Under Restraint*—An animal within the real property limits of its owner or the real property limits of another person who has authorized the animal to be present or within the confines of a dog park or which is secured by a leash or lead held by a person who is capable of restraining the animal.

## **Section II. Licensing and rabies vaccination**

(a) Except as provided in Section 2, no person shall own, keep, or harbor any animal over four months of age within \_\_\_\_\_ [jurisdiction] unless such animal is vaccinated and licensed. The licensing provisions of this section do not apply to animals owned by a licensed research facility or held in a government operated or licensed animal shelter, although the rabies vaccination provisions of this section do apply unless rabies vaccination would interfere with the research being conducted.

(b) All animals shall be vaccinated against rabies in accordance with local laws, state statutes, or regulations and the most recent version of the “Compendium of Animal Rabies Prevention and Control”(hereafter referred to as Compendium), authored by the National Association of State Public Health Veterinarians and published in the *Journal of the American Veterinary Medical Association*.

(c) A certificate of vaccination, on a form recommended by the Compendium or containing the same information, shall be issued to the owner of each animal vaccinated for rabies. Each vaccinated animal should have a permanent means of identification. †

(d) Application for a license must be made within 30 days after obtaining an animal over four months of age. This requirement will not apply to a nonresident keeping an animal within the [jurisdiction] for no longer than 60 days.

Written application for an animal license shall be made to the [licensing authority] and shall include the name and address and telephone number of the owner and the name, species, breed, primary color, age, and sex of the animal. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

(e) The licensing period shall be for \_\_\_\_ ‡ year(s). 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 animal and \$ \_\_\_\_\_ for each neutered animal.§ 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) Upon acceptance of the license application and fee, the [licensing authority] shall issue a license document that the animal’s owner will be expected to produce upon demand of any animal control, law enforcement, or peace officer. The [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 [Animal Control Authority] 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 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 ten (10) animals \$ \_\_\_\_
- For each kennel authorized to house ten (10) but not more than forty-nine (49) animals \$ \_\_\_\_
- For each kennel authorized to house fifty (50) or more animals \$ \_\_\_\_
- For each pet shop \$ \_\_\_\_
- For other animal establishments \$ \_\_\_\_

(d) Failure to comply with the provisions of this section is subject to a fine of \$ \_\_\_\_\_.

#### **Section IV. Issuance and revocation of permits**

(a) The [appropriate authority] may revoke any permit if the person holding the permit 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, including but not limited to failure to disclose any previous denial or revocation of a permit, the [appropriate authority] may refuse to issue or may revoke a permit.

(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.

(d) Where a permit is revoked for any cause or pending an 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. Any animals found to have been kept not in a humane manner may be immediately impounded and removed by the [animal control authority]. A permit holder must resolve the cause for the permit revocation and apply for reinstatement of the permit within 30 days or all animals on the premises must be transferred to another permit holder, to private owners, relinquished to an animal shelter, or removed from the jurisdiction.

#### **Section V. Owner responsibility**

(a) All owned animals shall be kept under restraint.

(b) Every “dangerous” animal, 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. Dangerous animals who injure or pose a risk of injury to any person or animal despite these measures, or whose owners refuse to comply with these measures, may be immediately impounded and removed by the [Animal Control Authority].

(c) No animal shall be allowed to cause a nuisance. The owner of every animal shall be held responsible for every behavior of such animal 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) Animal owners shall ensure that their animal 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 animal found at large shall be impounded by the [animal control authority] in an animal shelter and confined in a humane manner. Immediately upon impounding an animal, 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. Animals not claimed by their owners within a period

of \_\_\_\_ full days<sup>¶</sup> in which the shelter is open to the public shall become the property of the [jurisdiction].

(b) When an animal 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 animals 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) Any animal that, following impoundment, is examined and deemed to be dangerous by a licensed veterinarian or other authority dictated by law, may be released to the original owner on the condition that the owner agrees in writing to adhere to the restrictions in Section V – B of this ordinance. No dangerous animal will be allowed to be adopted to the restrictions in Section V – B of this ordinance. No dangerous animal will be allowed to be adopted by a third party. If the original owner of the animal refuses or otherwise fails to comply with the restrictions in Section V-B, the animal may be ordered euthanized by [appropriate authority] following a waiting period of five (5) business days to allow the owner of the animal an opportunity to seek judicial review of the euthanasia order. The animal shall be confined in an animal shelter for the duration of this waiting period.

(e) 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 the impoundment period specified in Section VI-A 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 \$\_\_\_\_ and upon completion of quarantine or release from confinement as required, unless the animal is ordered to be permanently confiscated from the owner by [appropriate authority].

(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**

Animals that become the property of [jurisdiction] as a result of impoundment, relinquishment, or to other circumstances, and which are found to be suitable for placement with a new owner, may be adopted out to a new owner. An adoption fee may be assessed at the time of adoption. This fee shall be based on a schedule to be determined by [Animal Control Authority] and prominently posted at the adoption site. No animal 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. 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 herein provided.

Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a penalty of \_\_\_\_\_ .

#### **Section X. Repeal of (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.

\* For all occurrences of [ ], communities should insert their applicable agency.

‡ Where blanks are found without insertions, communities should insert applicable fees or conditions.

§ Differential license fees for neutered animals may 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 animal.