



*Bringing back the birds*

## COMPANION ANIMAL MODEL ORDINANCE

### **Background and Justification**

Animal care and control is an important component of local government that directly impacts public health, wildlife conservation, and animal welfare. For the estimated 90 million dogs and 95 million cats owned in this country, along with the countless stray and feral animals, local ordinances can help maintain public and animal safety while supporting humane treatment and reducing costs for local communities and institutions.<sup>1</sup>

For domestic cats, for example, the number of owned animals has tripled in the last forty years, and many localities are experiencing conflicts as a result.<sup>2</sup> These conflicts range from relatively minor (e.g., nuisance) to very significant (e.g., spread of infectious disease) and are exacerbated by growing numbers of stray and feral cats, which are too frequently supported by the ineffective and harmful practice known as trap, neuter, release.<sup>3</sup>

American Bird Conservancy believes that the best way to reduce unwanted conflicts is to prevent them from occurring.

**The attached ordinance language has been specifically crafted to proactively address common companion animal conflicts and to support the health and welfare of all animals by promoting public safety, protecting wildlife, and reducing the likelihood of pets becoming lost or abandoned.**

Owning and caring for a pet is a wonderful experience enjoyed by many Americans, and we hope that this document can help your community better protect its residents, reduce costs, and eliminate liabilities.

For more information, please contact Grant Sizemore ([gsizemore@abcbirds.org](mailto:gsizemore@abcbirds.org), 202-888-7480), Director of Invasive Species Programs at American Bird Conservancy.

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<sup>1</sup> American Pet Products Association. 2017. APPA National Pet Owners Survey. Greenwich, 614 pages.

[http://www.americanpetproducts.org/press\\_industrytrends.asp](http://www.americanpetproducts.org/press_industrytrends.asp)

<sup>2</sup> Lepczyk C.A., N. Dauphine, D.M. Bird, S. Conant, R.J. Cooper, D.C. Duffy, P.J. Hatley, P.P. Marra, E. Stone, and S.A. Temple. 2010. What conservation biologists can do to counter trap-neuter-return: response to Longcore et al. *Conservation Biology* 24: 627-629.

<sup>3</sup> Longcore T., C. Rich, and L.M. Sullivan. 2009. Critical assessment of claims regarding management of feral cats by trap-neuter-return. *Conservation Biology* 23: 887-894.

## **Ordinance Language**

### **Spay/Neuter**

- (a) It shall be unlawful to own, possess, or care for any dog over the age of eight months or cat over the age of four months that has not been spayed or neutered, except as provided in subsection (b).
- (b) The following exceptions shall exclude a dog or cat from the sterilization requirement:
- (1) A licensed veterinarian has determined that an animal is medically unsuited to undergo the surgical procedure and has provided a signed statement indicating the specific medical grounds for exemption.
  - (2) A licensed veterinarian has determined that an animal is temporarily medically unsuited to undergo the surgical procedure and has signed a written statement indicating the specific medical grounds for exemption and expected date when the sterilization may proceed.
  - (3) An animal is in the locality for less than a month.
  - (4) An owner obtains an annual intact permit and is in compliance with annual licensing requirements.
- (c) A person found guilty of violating this section shall be subject to a fine of not less than \$100.00.

### **Licensing**

- (a) Any person that owns, possesses, or cares for a dog or cat shall obtain a license for each dog or cat over the age of four months. No license shall be issued until the applicant for the license provides proof of current rabies vaccination and registered microchip with current information.
- (b) It shall be unlawful for any person to own more than four dogs or four cats without written approval from the [animal control authority].
- (c) It shall be the responsibility of any individual who owns, possesses, or cares for a dog or cat to cause such dog or cat to wear at all times a metal tag bearing the legible number of a current license issued for such animal, and an address and phone number for the owner. A person may remove the license only if one of the following exemptions is met:
- (1) the dog or cat is competing in a dog or cat show,
  - (2) the dog or cat has a temporary skin condition that would be exacerbated by the wearing of a collar, or,
  - (3) the dog or cat is completely confined to the owner's property.
- (c) Any person found guilty of violating this section shall be subject to a fine of \$75.00 upon first conviction, \$150.00 upon second conviction within a one-year period, and \$250.00 for subsequent convictions within a one-year period. At any trial concerning a violation charged under this section, the absence of such tags shall be *prima facie* evidence that such animal was not properly licensed.

### **Running at Large**

(a) It shall be unlawful for any person that owns, possesses, or cares for any dog or cat to allow such dog or cat to run at large.

(1) For the purposes of this section, a dog or cat shall be deemed to be running at large if not physically restrained when off the premises of the owner.

(2) An owner's property shall not include any common area, park, or recreational property jointly owned or leased by the members of a homeowner's or tenant's association.

(3) Any dog or cat contained in an automobile or other vehicle shall not be deemed to be at large.

(b) Any person who owns, possesses, or cares for a dog or cat that runs at large shall be deemed to have violated this section.

(c) All dogs or cats without a license and not confined to their owner's property shall be deemed *prima facie* to be running at large.

(d) All cats shall be physically contained on an owner's property by leash, enclosure, or other similar restraint.

(e) Any person found guilty of violating this section shall be subject to a fine of \$35.00 upon first conviction, \$50.00 upon second conviction within a one-year period, and \$100.00 for subsequent convictions within a one-year period.

### **Abandonment**

(a) It shall be unlawful for any person that owns, possesses, or cares for any dog or cat to abandon such dog or cat.

(1) For the purposes of this section, an animal shall be deemed abandoned if it is purposely or negligently left on the property of anyone other than the cat's or dog's owner without first obtaining written or oral consent by the property owner to do so.

(2) An owner's property shall not include any common area, park, or recreational property jointly owned or leased by the members of a homeowner's or tenant's association.

(b) Any person that gives consent to leave an animal upon his/her property becomes the *de facto* owner and shall be responsible for the proper care and management of that animal.

(c) It shall be unlawful to feed dogs or cats running at large except for the purpose of permanently removing these animals.

(d) Any person found guilty of violating this section shall be subject to a fine of not less than \$150.00.