

OUT OF THE PAST

Updating your animal control ordinance

By Cory A. Smith for Animal Sheltering Magazine July/August 2012



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How long has it been since your local animal control ordinance was updated? Was Clinton still president? Were people wearing skinny jeans - for the first time around? Did the radio station play a lot of Burt Bacharach – or maybe Bing Crosby?

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Just as times change, laws can and should change along with them. When it comes to the protection of citizens and animals in a community, an up-to-date, effective animal control ordinance is essential. It not only outlines the basic expectations for those who want the privilege of keeping companion animals, it sets a tone for the community's attitude towards pets, their guardians, and public safety. A comprehensive and well-considered animal control ordinance can help ensure immediate as well as long term results – and as with other local laws, animal control ordinances should be tracked and assessed over time as pet ownership trends and other community dynamics shift.

An effective ordinance should:

- Protect public safety through mechanisms for preventing animal bites, vehicular accidents, and other dangers caused by free roaming and improperly confined animals.
- Protect public health through mechanisms designed to prevent the spread of zoonotic diseases, especially rabies.
- Create means to ensure that every pet is traceable to its owner in order to foster pet owner accountability and increase the numbers of lost pets reunited with their owners.
- Regulate the behaviors of those selling, boarding, displaying, or otherwise using animals.
- Deal with the protection as well as the control of animals, supplementing the state animal laws to establish proper standards for animal care in your jurisdiction.



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- Treat dogs and cats as the primary concern, but also provide for the control and protection of other species, like small mammal pets, wildlife, and captive exotics.
- Anticipate and provide remedies for animal-related problems likely to occur within the community.
- Incentivize pet owners to comply with the law (via licensing fees that recognize responsible behaviors, etc.), and penalize those who violate it.
- Be well-understood by the people enforcing it, so that problems can be addressed in a proactive, productive manner.
- Allow for strong intervention, implementation, and enforcement procedures.

Asking the Right Questions

When assessing whether your current animal control ordinances need an update, it is important to keep in mind how laws are to be implemented, enforced, tracked, and measured to ensure efficacy – and how all these elements will be funded. Some ordinances work better in some communities than others, and some laws sound better on paper than they actually are in terms of measurable impact on pet populations and animal management.

There is no cookie-cutter approach to creating an effective animal control ordinance. When considering new ordinances, it's really important to think them through carefully, from start to finish.

Ask questions like:

- How will this make our community better?
- Will this help our agency to work smarter, not harder?
- Will this have a backlash effect that we haven't

thought of yet? If so, is it one we can avoid by promoting and explaining the reasons for the ordinance in advance of its passage?

- How will this affect our staff budget and time?
- Outside of our agency, who else will this impact, and do we have their buy-in? Do we have partnerships with other groups who might have valuable input on these laws?
- Will we be able to enforce this fairly and consistently?
- Does the animal cruelty statute in place for our community provide adequate protections, or do we want to enhance elements within our local animal control ordinance?
- Are there barriers to compliance that we have not considered?
- Are there laws already in place that cover the same territory that could be enforced better or differently with the same effects?

Consider the practical implementation of a new law, whether there are adequate resources in place to support the measure, and what real change may come as a result.

Animal Control agencies should adopt a tiered approach to the laws that govern their community's relationship with animals. Starting with the most basic laws, such as leash laws and proper confinement laws, is the first step in building a strong foundation. Once these basic functions of animal control are in place and the community has accepted them as the standard, local governments can take incremental steps towards a comprehensive, progressive set of laws, building an atmosphere that supports the joys of pet companionship while protecting the public and animal health and safety across the board.

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A Tool For Prevention

An animal control ordinance provides requirements and regulations for the community. But at its best, it also empowers agencies by allowing for new approaches to animal management based on prevention tactics. Where previous legal prohibitions may be in the way of progressive programs, ordinance amendments can be made to provide animal control agencies with the green light to embark on new initiatives such as legal trap-neuter-return programs for community feral cats, the promotion of spay/neuter and humane wildlife services, and the education and training of animal care and control officers.

Preventing owned dogs and cats from roaming freely is one of the primary elements of basic animal control management in any community. Free-roaming animals pose a risk to public safety (dog bites, auto accidents, etc.), to other animals, and to themselves.

Restraint laws generally require owners to safely confine pets on their property and adequately restrain them when off. Proper restraint is usually described as “secured by collar and/or leash,” or “under reasonable control” when not on the owners property. Restraint/leash laws exist primarily on the local level – very few states have specific leash requirements for pets – so they are a fundamental part of a good animal control ordinance. Reminding owners that they are responsible for any physical or property damage their animal may cause while unrestrained is often enough incentive for most people to keep their dogs under control.

Proper identification is increasingly seen as another fundamental element of animal control regulations. Owned animals should be required to wear a collar and ID tag, license tag, or have a microchip (ideally an

animal should have both, sporting visible ID that can be read by both officers and citizens who happen upon her and a microchip that can be scanned by animal control and shelter staff). This helps animal control officers determine stray and lost animals’ origins in order to return them home, keeping those animals from long shelter stays and often keeping them from ever entering the shelter.

Considering Cats

Restraint laws have traditionally been designed for dogs, and came about largely as a public safety measure. But some jurisdictions have passed restraint requirements for cats – with mixed results. Given that many owners still allow their cats to roam outdoors, some cat restraint laws can result in an increase of cat intake to the shelter, resulting in increases in euthanasia. And, if poorly worded, some cat laws can actually prevent lifesaving programs like trap-neuter-return.

When considering how to approach cat management, keep these major points in mind:

- Cat overpopulation stands at epidemic proportions today. Shelters are taking in and euthanizing more cats than dogs – in most areas, the ration is 2:1 at least. Approximately 3 million cats are euthanized in shelters each year.
- It is estimated that no more than 2-5 percent of cats picked up as strays and taken to a shelter will be reunited with their owners, compared to 15-30 percent of dogs. That equals thousands of cats and even more thousands of dollars for local animal control annually, and when you multiply it by the number of animal control agencies nationwide, the figures become startling. Given those realities, it’s worth

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considering whether requirements that cats be confined will keep them safer, or result in a greater influx of cats to local shelters. The answer may depend on your community.

- An estimated 50 million feral cats live in U.S. communities. Any ordinances that apply to owned cats need to make specific exceptions for feral cats, since there are no owners to hold accountable. Ordinances that enable nonlethal management of feral cats should be considered.

Passing unrealistic requirements for cat owners is a waste of time, and can have tragic results in more cats being surrendered, abandoned, and euthanized. Cat ordinances should be designed to protect public safety, protect cats, and provide animal control agencies with effective, proactive, productive tools to manage cat populations and keep cats in their homes, while educating cat owners about the importance of spaying/neutering and keeping cats indoors. Most jurisdictions require cats to be vaccinated against rabies since they rank in the top listings of vector species. Some communities have successfully passed ordinances requiring cat identification (collar and tag) and/or microchipping or licensing for cats, leading to higher than average return-to-owner rates.

Licensed To Thrive

Government-mandated dog registration systems to provide license tags to pet owners in exchange for a fee – commonly called licensing – have had a positive effect in the United States. Communities with higher licensing compliance rates report better numbers for returning animals to their homes, saving shelters space, time, money, and keeping pets out of the shelter system.

These programs have been most successful in communities that spread the message that licensing is a pet protection service rather than a burdensome tax. Pet owners are usually not opposed to shouldering some of the financial responsibility for animal care and control programs when they value the programs and services. Higher pet registration fees, coupled with promotional strategies and stricter enforcement, almost always results in greater revenues. Licensing fees will not usually cover the full cost of an effective animal control program, but they can be a key supplemental source of income.

Ordinances should specify the requirement that dogs wear the license tag on their collars. Some jurisdictions have begun to incorporate microchips into their licensing programs as a requirement, and most jurisdictions scan incoming animals for microchips whether they are a requirement or not. But collars and tags are still the No. 1 means for a lost animal to be returned home, whether by a neighbor, Good Samaritan, or animal control agency.

When efficiently run, licensing programs can provide community pet population records, and when your government knows how many pets are in your community, it makes budgeting and setting program goals much easier. Your public education efforts, record keeping, and ability to target problems in the community will be much more effective with better understandings of the pet population.

One way to engage the community in helping reduce the need for sheltering services and the problem of euthanasia is via differential licensing programs, which require a higher payment to license unsterilized animals. This can serve as an incentive for pet owners

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to have their animal spayed or neutered, while shifting more of the burden of animal control cost to pet owners who create the need for increased services. Charging pet owners who allow their pets to contribute to the surplus of companion animals in the community, directly impacting homelessness rates and animal control costs, is a sensible tactic that educates the pet-owning public, but allows people to keep their pets intact if they choose.

Estimates indicate that more than 80 percent of counties and cities in the United States have differential licensing structure in place. Some states require that local governments impose at least a minimal differential; while others leave it up to the jurisdiction. Most licensing fees for altered animals fall within the \$5-15/year range and unaltered animals fees in the \$30-200/year range. In recent years the trend has been towards increasing the differentials.

The majority of communities across the country require proof of rabies vaccination before issuing a license and registration tags. Some jurisdictions require that veterinarians report rabies vaccinations to the animal control agency, and incentivize veterinarians for selling licenses from their practice, which has been shown to increase compliance rates.

Ordinance sections pertaining to rabies should make it unlawful for any person to own or harbor a dog or cat over the age of 3 months without a valid rabies vaccination. Rabies control laws should also address quarantine requirements in case of animal-to-human bite incidents, domestic animal-to-animal bite incidents, or contact between domestic animals and wild animals. Rabies control should be considered one of the primary functions of an animal control agency, so government should budget for and organize free or reduced-cost rabies vaccination clinics for residents throughout the year. These services can be held in conjunction with other community events and can include other public education on animal care and management issues.

An animal control ordinance has the chance to set the tone for pet ownership within your community and for the animal care and control agency itself. If your community is considering an update to its animal control ordinance, you can find more in-depth details and further information about what should be covered – including discussion of chaining/tethering restrictions, nuisance barking, and effective dangerous dog regulation – at animalsheltering.org/acordinance.