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2 Councilmember Mary Cheh

_____ Councilmember Brandon T. Todd

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5 Councilmember Vincent C. Gray

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7 A BILL
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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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17 To amend, on an emergency basis, the Animal Control Act of 1979 to clarify what
18 constitutes the proper treatment of animals, update prohibited behaviors toward
19 animals, and update penalties for violating provisions of the act.

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

21 That this act may be cited as the “Standard of Care for Animals Emergency Amendment
22 Act of 2017”.

23 Sec. 2. The Animal Control Act of 1979, effective October 18, 1979 (D.C. Law
24 3-30; D.C. Official Code § 8-1801 *et seq.*), is amended as follows:

25 (a) Section 2 (D.C. Official Code § 8-1801) is amended to read as follows:

26 “For the purposes of this act, the term:

27 “(1) “Abandon” means to desert, forsake, or give up an animal without
28 having secured another owner or custodian for the animal or having transferred the
29 animal to the Animal Care and Control Agency.

30 “(2) “Adequate care” means the responsible practice of good animal
31 husbandry, handling, management, confinement, protection, transportation, treatment,
32 and, when necessary, euthanasia, appropriate for the age, species, condition, size, and
33 type of the animal and the provision of veterinary care when needed to prevent suffering,

34 impairment of health, or the treatment of illness or injury.

35 “(3) “Adequate feed” means the provision of and access to food that is
36 sufficient in quantity, prepared and provided in a manner so that an animal can consume
37 it, and provided in a manner sanitary for the animal.

38 “(4)(A) “Adequate shelter” means the provision of and access to shelter
39 that is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight,
40 the adverse effects of heat or cold, and physical suffering.

41 “(B) For dogs confined outside, when the temperature is at or
42 below 40 degrees Fahrenheit, “adequate shelter” means that a dog has access to a shelter
43 large enough for the dog to stand up and turn around, has an entrance covered by a
44 flexible wind-proofing material or self-closing door, contains a platform for the dog at
45 least 4 inches off the ground, and contains dry bedding, which must consist of an
46 insulating material that does not retain moisture, such as straw, of sufficient depth for the
47 dog to burrow. When the temperature is at or above 80 degrees Fahrenheit, “adequate
48 shelter” means that a dog has access to a shelter shaded by trees, a tarp, or a tarp-like
49 device.

50 “(5)(A) “Adequate space” means sufficient space to allow each animal to
51 easily stand, sit, lie, turn, and make all other normal body movements in a comfortable,
52 normal position for the animal, while allowing the animal to interact safely with other
53 animals.

54 “(B) Where freedom of movement would endanger the animal,
55 temporarily and appropriately restricting movement of the animal according to veterinary
56 standards for the species is considered provision of “adequate space”.

57 “(6) “Adequate water” means the provision of and access to clean, fresh,
58 potable water, provided in a suitable manner for proper hydration for the age, species,
59 condition, size, and type of each animal.

60 “(7) “Animal Care and Control Agency” means the District of Columbia
61 humane organization the Mayor contracts with to manage animal care and control.

62 “(8) “Animal shelter” means a private or government-owned facility
63 established for the impoundment of stray, diseased, dangerous, sick, injured, abused,
64 neglected, unwanted, abandoned, orphaned, lost, or otherwise displaced animals, with the
65 intent to care for, quarantine, return to an owner, adopt out, or euthanize the animals.

66 “(9)(A) “At large” means any animal found off the premises of its owner
67 or custodian and not leashed, tethered, or otherwise under adequate means of physical
68 control of a person capable of physically restraining it.

69 “(2) The term “at large” shall not include a dog in a dog park that
70 is under the verbal command of the dog’s owner or custodian.

71 “(10) “Custodian” means a person who has assumed responsibility for the
72 care and well-being of an animal in place of the animal’s owner with the owner’s
73 knowledge and permission.

74 “(11) “Dangerous animal” means an animal that because of specific
75 training or demonstrated behavior threatens the health or safety of the public. The term
76 “dangerous animal” shall not include a dangerous dog as defined in section 2(1) of the
77 Dangerous Dog Amendment Act of 1988, effective October 18, 1988 (D.C. Law 7-176;
78 D.C. Official Code § 8-1901(1)).

79 “(12) “District-operated parkland” means outdoor property under the

80 control of the government of the District of Columbia.

81 “(13) “Dog park” means an officially established off-leash dog exercise
82 area on District-operated parkland.

83 “(14) “Extreme weather” means temperatures below 32 degrees
84 Fahrenheit or above 90 degrees Fahrenheit.

85 “(15) “Leash” means a line held by a person on one end that is for leading
86 or restraining an animal.

87 “(16) “Mayor” means the Mayor of the District of Columbia or his or her
88 designee.

89 “(17) “Owner” means a person in the District of Columbia who purchases
90 or keeps an animal in temporary or permanent custody except as provided in section 5.

91 “(18) “Tether” means a line connected to a stationary object by which an
92 animal is fastened so as to restrict its range of movement.

93 “(19) “Unattended” means that no owner or custodian of an animal is in a
94 position to check on and provide care to the animal.

95 “(20) “Vaccinated” means protected by a documented inoculation that the
96 Mayor, consistent with the practices of veterinary medicine, determines is currently
97 effective.”.

98 (b) A new section 2a is added to read as follows:

99 “Sec. 2a. Prohibition on at large animals.

100 “(a)(1) An owner or custodian of an animal shall not allow the animal to go at
101 large. An animal shall be on a leash, tether, or under other means of adequate physical
102 control at all times the animal is not on a premises where the animal is permitted to freely

103 roam.

104 “(2) An animal shall be presumed to be at large when the animal destroys
105 or damages any property, attacks a person or other animal, becomes a nuisance, or strays
106 onto the private property of another.

107 “(b) If a dog injures a person while at large, lack of knowledge of the dog’s
108 vicious propensity standing alone shall not absolve the owner from a finding of
109 negligence.”.

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111 (c) A new section 2b is added to read as follows:

112 “Sec. 2b. Animals left in vehicles.

113 “(a) An owner or custodian shall not leave an animal in a parked vehicle in such a
114 way as to endanger the animal's health, safety, or welfare.

115 “(b) After making a reasonable attempt to contact the owner or custodian, an
116 animal control officer, firefighter, or law enforcement officer may use reasonable force to
117 remove the animal from the vehicle whenever it appears that its health is endangered;
118 provided, that no attempt to contact the owner or custodian is required if the animal is in
119 immediate danger or appears in distress.

120 “(c) Following an animal’s removal from a vehicle by an animal control officer,
121 firefighter, or police officer, the animal shall be impounded and medical care shall be
122 sought if needed. A written notice shall be left attached to the vehicle identifying the
123 responding animal control officer, firefighter, or police officer, and giving his or her
124 information, including a phone number, time, date, and location of where the animal is
125 being held.

126 “(d)(1) Any person found in violation of this section shall be responsible for all
127 expenses incurred by the District in the care, medical treatment, and impound cost of the
128 animal.

129 “(2) The District shall not be responsible for the:

130 “(A) Injury or death to an animal due to an animal control
131 officer’s, firefighter’s, or law enforcement officer’s action or inaction in rescuing it
132 pursuant to this section; and

133 “(B) Cost of any damage to a vehicle in the removal of an animal
134 by an animal control officer, firefighter, or police officer pursuant to this section.”.

135 (d) Section 3 (D.C. Official Code § 8-1802) is amended as follows:

136 (1) Subsection (a) is amended to read as follows:

137 “(a) The Mayor may contract, either by negotiation or competitive bid, with a
138 District of Columbia humane organization to manage the Animal Care and Control
139 Agency. The Mayor may delegate all or part of his or her authority under this act,
140 including the issuance of notices of violations and the collection of fines, to the Animal
141 Care and Control Agency.”.

142 (2) Subsection (b) is amended as follows:

143 (A) Paragraph (1) is amended by striking the phrase “Deliver all”
144 and inserting the phrase “Issue fines and citations for violations of this act and deliver
145 all” in its place.

146 (B) New paragraphs (5) and (6) are added to read as follows:

147 “(5) Respond to all animal calls and emergencies in the District of
148 Columbia; and

149 “(6) Any other duties the Mayor designates that are consistent with the
150 provisions of this act.”.

151 (e) Section 4(b) (D.C. Official Code § 8-1803(b)) is amended to read as follows:

152 “(b) The Mayor shall provide a free rabies vaccination clinic at least annually.”.

153 (f) Section 5 (D.C. Official Code § 8-1804) is amended as follows:

154 (1) Subsection (b) is amended by striking the phrase “his dog wears a
155 collar” and inserting the phrase “his or her dog wears a collar or harness” in its place.

156 (2) Subsection (e-1) is amended to read as follows:

157 “(e-1) \$2 of each fee collected pursuant to subsection (e) of this section shall be
158 deposited into the Animal Education and Outreach Fund, established in section 5a.

159 Remaining money from the fees collected shall be deposited in the General Fund of the
160 District of Columbia.”.

161 (3) Subsection (j) is repealed.

162 (g) A new section 5a is added to read as follows:

163 “Sec. 5a. Animal education and outreach fund.

164 “(a) There is established as a special fund the Animal Education and Outreach
165 Fund (“Fund”), which shall be utilized by the Animal Care and Control Agency in
166 accordance with subsections (c) and (d) of this section.

167 “(b) Revenue deposited into the Fund shall come from \$2 of each fee paid for the
168 application, issuance, or renewal of a dog license pursuant to section 5(e-1);

169 “(c) Money in the Fund shall be used for the following purposes:

170 “(1) Implementing an educational program for animal owners regarding
171 pet care and safety, specifically in extreme weather conditions or emergencies, and on the

172 laws related to pet ownership;

173 “(2) Spaying and neutering cats and dogs; and

174 “(3) Appropriate overhead and administrative expenses related to the

175 Fund.

176 “(d)(1) The money deposited into the Fund shall not revert to the unassigned fund

177 balance of the General Fund of the District of Columbia at the end of a fiscal year, or at

178 any other time.

179 “(2) Subject to authorization in an approved budget and financial plan, any

180 funds appropriated in the Fund shall be continually available without regard to fiscal year

181 limitation.”.

182 (h) Section 6 (D.C. Official Code § 8-1805) is amended as follows:

183 (1) Subsection (f) is amended by striking the phrase “District of

184 Columbia” and inserting the phrase “the Animal Care and Control Agency” in its place.

185 (2) Subsection (g) is amended to read as follows:

186 “(g)(1) The Mayor shall not release an animal that has not received a rabies

187 vaccination in accordance with the Centers for Disease Control and Prevention’s rabies

188 vaccination schedule.

189 “(2) Paragraph (1) of this subsection shall not apply to puppies or kittens

190 under 4 months of age.”.

191 (i) Section 9 (D.C. Official Code § 8-1808) is amended to read as follows:

192 “(a) An owner or custodian of an animal shall not allow the animal to go at large.

193 “(b) A person shall not knowingly and falsely deny ownership or custodianship of

194 any animal.

195 “(c) An owner or custodian of an animal shall not leave the animal outdoors and
196 unattended for more than 15 minutes during periods of extreme weather, unless the age,
197 condition, size, and type of animal allows the animal to withstand extreme weather.

198 “(2) Paragraph (1) of this subsection shall not apply to cats.

199 “(d) A person shall not remove the license of a dog without the permission of its
200 owner.

201 “(e) A dog shall not be permitted on any school ground or on any public
202 recreation area, other than a dog park, unless the dog is on a leash, tether, or under other
203 means of adequate physical control.

204 “(f)(1) A person shall not separate a puppy or a kitten from its mother until the
205 puppy or kitten is at least 6 weeks of age.

206 “(2) Paragraph (1) of this subsection shall not apply in cases where a
207 mother poses a danger to its offspring.

208 “(g) A person shall not sell or offer for sale a puppy or kitten under 6 weeks of
209 age, unless the puppy’s or kitten’s mother is sold to the same person as the puppy or
210 kitten.

211 “(h) A person shall not change the natural color of a baby chicken, duckling, other
212 fowl, or rabbit.

213 “(i) A person shall not sell or offer for sale a baby chicken, duckling, other fowl,
214 or rabbit that has had its natural color changed.

215 “(j) A person shall not sell or offer for sale a rabbit under the age of 16 weeks or a
216 chick or duck under the age of 8 weeks except for agricultural or scientific purposes.

217 “(k)(1) Except as provided in this subsection, a person shall not import into the

218 District, possess, display, offer for sale, trade, barter, exchange, or adoption, or give as a
219 household pet any living member of the animal kingdom including those born or raised in
220 captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes,
221 or jackals), domestic cats (excluding hybrids with ocelots or margays), domesticated
222 rodents and rabbits, captive-bred species of common cage birds, non-venomous snakes,
223 fish, and turtles, traditionally kept in the home for pleasure rather than for commercial
224 purposes, ferrets, and racing pigeons (when kept in compliance with permit
225 requirements).

226 “(2) A person may offer the species enumerated in paragraph (1) of this
227 subsection to a public zoo, park, or museum for exhibition purposes.

228 “(3) This section shall not apply to federally-licensed animal exhibitors;
229 however, the Mayor retains the authority to restrict the movement of any prohibited
230 animal into the District and the conditions under which those movements are made.

231 “(4) The Mayor may allow a licensed wildlife rehabilitator, a licensed
232 veterinarian, or a licensed animal shelter to maintain an animal prohibited in this
233 subsection for treatment or pending appropriate disposition.

234 “(1) A person shall not sponsor, promote, train an animal to participate in,
235 contribute to the involvement of an animal in, or attend as a spectator any activity or
236 event in which any animal engages in unnatural behavior, is wrestled or fought, mentally
237 or physically harassed, or displayed in such a way that the animal is struck, abused, or
238 mentally or physically stressed or traumatized, or is induced, goaded, or encouraged to
239 perform or react through the use of chemical, mechanical, electrical, or manual devices in
240 a manner that will cause, or is likely to cause, physical or other injury or suffering. This

241 prohibition applies to any event or activity at a public or private facility or property and is
242 applicable regardless of the purpose of the event or activity and regardless of whether a
243 fee is charged to spectators.

244 “(m)(1) An owner or custodian of a dog shall not direct, encourage, cause, allow,
245 aid, or assist that dog to threaten, charge, bite, or attack a person or other animal, except
246 that a person may keep a properly trained dog on private property to defend the property
247 and its occupants from intruders, and may order a dog to defend a person under attack.

248 “(2) Paragraph (1) of this subsection shall not apply to dogs that work for
249 the Metropolitan Police Department or any other law enforcement agency.

250 “(n) A person shall not display, exhibit, or otherwise move animals in the District
251 of Columbia as part of a circus, carnival, or other special performance or event, without
252 first obtaining a permit, issued by the Mayor, that governs the care and management of
253 the animals.

254 “(o) An owner or custodian of an animal shall not neglect to provide the animal
255 with adequate care, adequate feed, adequate shelter, adequate space, and adequate water.

256 “(p) A person shall not take actions that intentionally harm, or that the person
257 should know is likely to cause harm, to an animal.”.

258 (j) Section 9a(a) (D.C. Official Code § 8-1808.01(a)) is amended by striking the
259 phrase “District-owned” and inserting the phrase “District-operated” in its place.

260 (k) Section 10 (D.C. Official Code § 8-1809) is amended as follows:

261 (1) Strike the word “mammals” wherever it appears and insert the word
262 “animals” in its place.

263 (2) Subsection (a) is amended by striking the phrase “permit: EXCEPT,”

264 and inserting the phrase “permit; provided,” in its place.

265 (3) Subsection (f) is amended to read as follows:

266 “(f) A holder of an animal hobby permit shall provide his or her animals with
267 adequate care, adequate feed, adequate shelter, adequate space, adequate water, and
268 appropriate veterinary care.”.

269 (4) Subsection (g) is amended by striking the word “mammal” and
270 inserting the word “animal” in its place.

271 (l) Section 11(2) (D.C. Official Code § 8-1810(2)) is amended to read as follows:

272 “(2) An educational program for animal owners regarding pet care and safety,
273 specifically in extreme weather conditions or emergencies, and the laws related to pet
274 ownership.”.

275 (m) A new section 11a is added to read as follows:

276 “Sec 11a. Abandonment of an animal.

277 “(a) An owner or custodian shall not abandon an animal in his or her possession.

278 “(b)(1) The Mayor shall deem abandoned any animal impounded for 7 days after
279 the animal’s owner receives notice if the animal is wearing identification.

280 “(2) The Mayor shall deem any animal impounded for 5 days abandoned if
281 the animal is not wearing identification.

282 “(3) An animal deemed abandoned shall be transferred to an animal
283 shelter and become the property of the Animal Care and Control Agency.

284 “(c) A person who transfers ownership of an animal or releases the animal to the
285 Animal Care and Control Agency shall not be liable for abandonment.”.

286 (n) Section 12 (D.C. Official Code § 8-1811) is amended to read as follows:

287 “(a) The Mayor, pursuant to the District of Columbia Administrative Procedures
288 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall
289 issue rules to set specific fine amounts for violations of each provision of this act;
290 provided, that the fines shall not exceed the following amounts:

291 “(1) \$500 for each offense, except as otherwise provided in paragraph (2)
292 of this section.

293 “(2) \$1000 for each offense for violations of sections 9(o), 9(p) or 11a.

294 “(b) Fines issued under this section shall not preclude any other criminal or civil
295 penalty or enforcement action provided by District law.”.

296 (o) Section 12a (D.C. Official Code § 8-1812) is repealed.

297 Sec. 3. Fiscal impact statement.

298 The Council adopts the fiscal impact statement of the Budget Director as the
299 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
300 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
301 206.02(c)(3)).

302 Sec. 4. Effective Date.

303 This act shall take effect following approval by the Mayor (or in the event of veto
304 by the Mayor, action by the Council to override the veto), and shall remain in effect for
305 no longer than 90 days, as provided for emergency acts of the Council of the District of
306 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved
307 December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).