
SALT LAKE CITY COUNCIL SUBCOMMITTEE ANIMAL CONTROL REPORT

DATE: April 10, 2006

To: City Council Members

PREPARED BY: Jan Aramaki, staff for Council Subcommittee

SUBJECT: Council Subcommittee (Council Members Carlton Christensen, Eric Jergensen, and Søren Simonsen) Discussion and Recommendations relating to proposed revisions to Chapter 8, Animal Control Ordinance

The Council Animal Control Subcommittee discussed key issues and developed recommendations for the Council's consideration. However, one key policy issue that the subcommittee did not come to a consensus on was regarding animal limits. One option that would allow residents to have more than the permitted number of animals (cats, dogs, and ferrets) is through a special permit. The subcommittee is open to exploring various options of special permits, such as: update the existing rescue permit; and consider a foster permit and a fancier's permit. Under this approach, a special permit shall be issued to an applicant once a site inspection has been conducted and approved by Animal Services, and approval has been granted by Salt Lake Valley Health Department and the appropriate zoning authorities. It should also be noted that sections of zoning code would need to be reviewed in relation to the number of animals permitted in various zoning classifications. The Subcommittee suggested that the Council discuss these recommendations prior to the April 18 public hearing so that the public can consider the recommendations as they make their comment at the hearing.

This memo is intended as a brief review of the key issues and a summary of the Subcommittee's recommendations. It is not a comprehensive summary of the ordinance. Council staff is available to meet individually with Council Members to discuss issues in more detail, and the original Council staff report and Administrative paperwork are available on the Council's web site and can be provided in hard copy. Items in italics were not discussed by the subcommittee, but are inquiries from Council staff.

Note: Sections of Chapter 8, Animal Control ordinance are subject to change once the Council determines "permitted number of pets for a household."

Subcommittee Recommendations:

- 1. Consider whether to limit the total number of pets per household to four (4) – (Administration's proposal of a four animal limit allows a combination of not more than two dogs, two ferrets, or up to four cats) or to focus on nuisance issues in lieu of a limit**
Residents have expressed interest to have an option for pet owners to legally own or foster more than the permitted number of animals under such circumstances as:

- a) when there are combined households, such as when two people get married, the number of animals often exceed the permitted number; and
- b) a pet owner who has the permitted number of animals according to City code is interested in providing a home for a pet(s) that belonged to a family member, loved one, or close friend who passed away; and
- c) when a person has the permitted number of pets allowed in his/her municipality but later moves into Salt Lake City to find he/she now exceeds the permitted number of pets allowed according to Salt Lake City code; and
- d) a resident has met the permitted number of pets, but would like to rescue and own an additional animal.

a. Consider the following possible exceptions:

1. Rescue Permit:

Recommendation from Council Subcommittee – Revise Existing Pet Rescue Permit, Section 8.04.130 of Salt Lake City Code:

To allow a resident to own an additional animal beyond the permitted number of animals, the Council subcommittee recommends the City Council revise Section 8.04.130 Commercial and Pet Rescue Permits-Required When-Application-Issuance Conditions of Salt Lake City code to allow a responsible pet owner to own one additional pet beyond the permitted number of animals as long as the pet is rescued, sterilized, and microchipped. Refer to “Attachment B” for proposed language.

Does the Council:

- Support the subcommittee’s recommendations?
- Wish to consider allowing a resident to rescue and own more than one additional animal?
- Oppose allowing the rescue permit?

2. Foster Permit:

Recommendation from Council Subcommittee – Permit to Foster Animals

The Council subcommittee would also like to propose for the Council’s consideration a Household Fostering Permit as part of Salt Lake City Code. An annual permit to foster animals will allow a pet owner to foster beyond the permitted number of animals on a temporary basis.

Council staff notes: “Attachment C,” Permit for Foster Animals, is Taylorsville ordinance as a model which allows a resident to foster more than the permitted number of animals based upon a conditional use approval process.

Does the Council:

- Support the subcommittee’s recommendation?
- Wish to discuss if the allowable number of foster animals shall be limited?
- Wish to explore the option of issuing a permit based upon a conditional use permit process similar to Taylorsville?

- Wish to set a Foster Permit fee in line with other permit fees or wish to implement a higher fee?
- Oppose allowing a foster permit?

3. Fancier's Permit:

The Council subcommittee would also like to propose a Fancier's Permit as part of Salt Lake City Code which would allow residents to breed their pets as long as they have obtained and maintained this annual permit.

Council staff notes: Taylorsville ordinance has again been used as a model, refer to "Attachment D," which allows a resident to breed more than the permitted number of animals based upon a conditional use approval process.

Does the Council:

- Support the subcommittee's recommendation?
- Wish to discuss if the allowable number of animals for purebred dogs and cats shall be limited?
- Wish to explore the option of issuing a permit based upon a conditional use permit process similar to Taylorsville?
- Wish to set a Fancier's Permit fee in line with other permit fees or wish to implement a higher fee?
- Oppose allowing a Fancier's Permit?

b. Consider using the following tools to minimize impact on the community:

1. Nuisance Penalty

Council staff notes: Animal Services recommends including Section 8.04.370, Animal Nuisances Designated Penalty, and Sections 8.04.130 through 8.04.210 (sections of City code pertaining to permits) as part of Section 8.04.220 Court Order Procedures.

By including Section 8.04.370, Animal Nuisances, and Sections 8.04.130 through 8.04.210, sections of code relating to permits, to Section 8.04.220, Court Order Procedures, the Director of the Animal Services Office, or his or her authorized representative has authority to petition the Court for the desired action -- this will heighten both nuisance enforcement efforts and enforcements efforts relating to permits.

2. Taylorsville model – 'conditional use' approach

Council staff notes: research findings came about after the subcommittee met; the subcommittee did not consider this option regarding Taylorsville City "animal permit" ordinances are tied into zoning ordinances. In order for a resident in Taylorsville to be issued any special animal permit, a resident must apply for a conditional use permit before the Planning Commission. According to Taylorsville City, there were numerous applications made when the permits were first enacted, but the numbers have reduced. Taylorsville City claims there has been success with this process and feedback from the community has been positive. A process of this type addresses notifying neighbors, adequate space, living circumstances, etc. They report only one conditional permit has been revoked.

- 2. Require cat licensing, with a limit of four (4) total cats per household (this number would meet the permitted animal limit); three (3) or more adult cats would require compliance with additional regulations.**

Council staff notes another policy issue that the subcommittee did not come to a consensus on was regarding cat licensing. According to the Administration, other local municipalities such as Murray, Sandy, Taylorsville, Cottonwood Heights, Herriman, and Ogden currently require cat licensing fees that are in line with dog licensing fees. Requirement for a microchip implant is to increase the chances that a lost cat is returned to its owner and to make pet cats clearly identifiable from feral cats. However, a microchip implant requirement can be controversial, such as, when microchips became mandatory in the City of El Paso, the American Kennel Club opposed that requirement because of concerns they had about government requiring microchip identification with the opinion an owner should be able to make the decision on how to identify his/her pet. Humane Society supports mandatory cat licensing and states communities should consider methods of identification such as microchipping.

Council staff notes that

a. Consider establishing a 60 day grace period.

Council staff notes: Does the Council wish to establish a 60 day grace period as to when the ordinance would go into effect to allow ample time for pet owners to be informed and provide ample time for them to license their cats before the ordinance goes into effect?

b. Consider sterilization in keeping three (3) or more cats.

Council staff notes: Animal Services recommends requiring sterilization for three (3) or more cats in a household.

3. Require ferret licensing, with a limit of 2, but with same criteria for cat licensing.

Does the Council Support the subcommittee's recommendation?

4. Establish Feral Cat Colony Registration permit including the Trap-Neuter-Return (TNR) program.

a. Consider \$10,000 grant for No More Homeless Pets in Utah, as recommended by the Administration (subject to "Doug Short" requirements).

b. Consider the feral cat colony registration fee to be a one-time fee or reduce the fee from the proposed \$25 annual fee proposed by the Administration.

The Administration's proposed annual fee for a feral cat colony registration permit is \$25. One of the subcommittee members recommended the Council explore a one-time fee rather than an annual fee, with even possibly reducing the one-time fee from \$25 -- taking into consideration individuals who utilize the Trap-Neuter-Return program also have the expense of having the animal sterilized and vaccinated. (According to Animal Services, the proposed annual fee of \$25 for a feral cat colony registration permit does not cover their actual costs associated with the TNR service, and is in line with other permit fees.)

Does the Council:

- Support the subcommittee's recommendation to support the \$10,000 grant for No More Homeless pets in Utah, as recommended by the Administration, or wish to defer action to the budget process?
- Wish to keep the feral cat colony registration fee at a \$25 annual fee as proposed by the Administration?
- Wish to consider making the feral cat colony registration fee a one-time fee or reduce the fee?
- Oppose the feral cat colony registration permit and TNR program?

5. Change Animal License Fees.

The subcommittee supports the 3-tier structure of licensing as an incentive for owners to license their pets – incentive: to sterilize and microchip an animal, results in a reduced fee.

For an unsterilized pet, rather than raising the fee from \$25 to \$35 as proposed by the Administration, the subcommittee recommends raising the fee to \$45 or \$55 and using the increase in fee toward Trap-Neuter-Return (TNR) as a proactive approach in giving it to No More Homeless Pets in Utah to use funds toward TNR program.

Council staff notes: Salt Lake City's contract with Salt Lake County Animal Services is a five year contract with yearly renewals and a contract expiration date of July 2008. According to the contract, prices stated are firm for the initial 2-year term of the Agreement.

The subcommittee discussed options for a three-tier structure starting from the base license fee for an animal that is not sterilized or microchipped with incentive cost reductions in license fees when an animal is sterilized and microchipped. The Administration's proposed fees have been used to illustrate for the Council's discussion on how license fee reductions can serve as an incentive for pet owners to take additional steps to sterilize and microchip an animal.

Animal License Fee			
	Administration's Proposal	Subcommittee Option	Subcommittee Option
Base License (Unsterilized animal)	\$35	\$45	\$55
Discount for sterilization	(27)	(37)	(47)
Subtotal	\$8	\$8	\$8
Microchip implant discount	(3)	(3)	(3)
License Fee	\$5	\$5	\$5
Base License Senior Citizen Life-time fee	\$25		
Discount for sterilization	(\$5)		
License Fee	\$20		

Does the Council:

- Support the subcommittee's recommendation in raising the license fee for an unsterilized pet from the proposed \$35 to \$45 or \$55 to be used for TNR?
- Wish to identify certain cost reductions other than what the Administration has proposed?
- Wish to support the Administration's proposed annual license fee for an unsterilized pet of \$35?

6. Increase Violation fee for pet 'at large'.

The subcommittee supports the Administration's proposed increase in fee for animals "at large."

Does the Council support the subcommittee's recommendation?

7. Discuss late fee.

Council staff notes: late fee was not discussed by the subcommittee but has been brought up by constituents. The question has been raised whether the late fee of \$25 is in line with other Salt Lake City late fees.

Does the Council wish to discuss this further?

cc: Sam Guevara, Rocky Fluhart, Rick Graham, Ed Rutan, Larry Spendlove, Steve Fawcett, Lisa Romney, Ken Miles, Shon Hardy, Holly Sizemore, Karen Bird, Mike Bodenchuk, Drew Allen, Diane Keay, Peggy Raddon, Sylvia Jones, Lehua Weaver, Marge Harvey, Diana Karrenberg, Annette Daley, Gwen Springmeyer, Barry Esham, Val Pope, and Lisa Romney

Attachments to Salt Lake City Council Animal Control Subcommittee Memo

April 7, 2006

1. Attachment A: Information from Administration on the number of permitted pets in various municipalities.
2. Attachment B: 8.04.130 Commercial and Pet Rescue Permits, with suggested changes by Council staff.
3. Attachment C: Taylorsville City's Ordinance for Foster Animals Permit
4. Attachment D: Taylorsville City's Ordinance for Fancier's Permit
5. Various articles:
 - a. "Pet Limit Laws: Closing the Door to Loving Homes"
 - b. "Dog & Cat Licensing Compliance, Costs and Effects"
 - c. "Weekly Sound Off"
 - d. "Dogs will be dogs...but cats won't"

ATTACHMENT A

City / County	Cat Licensing Required?	Cost per License	Number of Pets Allowed per Residence
Murray	yes	\$5 (dog or cat)	2 dogs, 2 cats
North Ogden	voluntary	\$40 dog cats \$5 sterilized, microchipped \$10 sterilized, not chipped \$30 non-sterilized, not chipped	2 dogs, 2 cats Kennel permit allowed in some areas
Ogden	yes	\$10 sterilized dog, \$5 sterilized cat \$30 non-sterilized \$25 lifetime for sterilized cat \$75 lifetime for sterilized dog	2 dogs, 8 cats
Provo	voluntary	\$8 sterilized \$12 non-sterilized	2 dogs, 2 cats, 1 pot-bellied pig Kennel license available
Salt Lake City current	voluntary	\$5 sterilized \$25 non-sterilized	2 dogs, 2 cats
Salt Lake County	voluntary License for ferrets required	\$8 sterilized \$35 non-sterilized	Permit required for more than 2 dogs, 2 cats or 2 ferrets
Sandy	yes	\$6 sterilized \$24 non-sterilized	2 dogs, no more than 6 pets total Hobby permit for up to 5 dogs (\$53)
Taylorsville	yes License for ferrets required	\$5 sterilized \$25 non-sterilized	2 adults (dogs, cats, or ferrets), No more than 4 pets total Various permits available (\$15)
West Valley City	voluntary License for ferrets and pot-bellied pigs required	\$5 sterilized \$25 non-sterilized	2 licensed animals Sportsman's permit allows up to 5 dogs
Boise, ID	no	\$15 sterilized dog \$40 non-sterilized dog	4 total (dogs and cats) Non-commercial kennel license available
Denver, CO	yes	\$7 sterilized (permit required for non-sterilized pet)	not listed
Multnomah County (Portland, OR area)	yes	\$9 sterilized cat \$18 sterilized dog \$30 non-sterilized	2 animals
Seattle, WA	yes	dog - \$33 unsterilized, \$15 sterilized cat - \$20 unsterilized, \$10 sterilized potbelly pig - \$115, renewal \$25	

Information as of January 2004

Attachment B

8.04.130 Commercial And Pet Rescue Permits Required When Application-Issuance Conditions:

- A. 1. It is unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable, veterinary clinic or hospital or any similar establishment unless such person first obtains a regulatory permit from the Office of Animal Services, in addition to all other required licenses and permits.
2. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the Animal Services Office to that office. Before the permit is issued, approval shall be granted by the Salt Lake Valley Health Department, the appropriate zoning authority, any applicable business licensing authority, and the Animal Services Office.
- B. A pet rescue permit for animals may be authorized for owners of dogs, cats, and ferrets to keep one additional dog, cat, or ferret in a residential area, but no more than five (5) total licensed animals (dogs, cats, and ferrets) per household provided:
1. The rescued animal is pending adoption from a local City or County operated animal shelter or a section 501(c)(3), United States Internal Revenue Code, [additional language will be added at a later point to cover situations if two households are combined, or an animal is left behind because of the owner's death.] and
 2. Approval is granted by the appropriate zoning authority, Salt Lake Valley Health Department, and Office of Animal Services; and
 4. Adequate areas for confinement and shelter are provided; and
 5. Other provisions of this Title are complied with, and no animal or premises is deemed to be a nuisance; and
 6. The rescued animal is sterilized; and
 7. A certification from a veterinarian to certify that the rescued animal receives regular medical care and is well cared for by the resident; and
 7. The holder of a pet rescue permit assumes all responsibility for the animal regarding licensing, care, liability and oversight.

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- C. Holders of a pet rescue permit shall be subject to all requirements and regulations of this Chapter pertaining to commercial establishments. (Ord. 69-99 § 6, 1999; prior code § 100-1-28(1))

ATTACHMENT C

TAYLORSVILLE CITY -- 8.12.110: PERMIT FOR [REDACTED] ANIMALS:

Where permitted by the zoning ordinances, owners of dogs and cats may obtain a permit to keep more than two (2) dogs or cats in a residential area, provided:

- A. Such pets are the property of a local public animal shelter or a section 501(c)(3), internal revenue code, animal welfare organization;
- B. Such pets are awaiting adoption;
- C. Compliance with zoning requirements;
- D. Approval is granted by the health department and the director;
- E. Adequate areas for confinement and shelter are provided; and
- F. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance. (Ord. 03-17, 7-2-2003)

ATTACHMENT D

TAYLORSVILLE CITY -- 8.12.090: FANCIER'S PERMIT; AUTHORIZED WHEN:

- A. Where permitted by the zoning ordinances, owners of purebred dogs and cats may obtain a permit to keep more than two (2) dogs or cats in a residential area, provided:
 - 1. Such pets are individually licensed;
 - 2. Such pets are registered with a national registry, such as, but not limited to the AKC, UKC or Field Dog;
 - 3. Complies with zoning requirements, the health department and the director;
 - 4. Appeal is granted by the health department and the director;
 - 5. Adequate areas for shelter and confinement are provided; and
 - 6. All other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.
- B. The holder of a permit issued under this section may keep one litter intact until the animals reach five (5) months of age; one animal from the litter may be retained until it reaches twelve (12) months of age. At no time may the holder of a permit retain more animals than is indicated on the permit. (Ord. 03-17, 7-2-2003)

Pet Limit Laws: Closing the Door to Loving Homes

April 10, 2000

Proponents of pet limit laws argue that these ordinances are necessary to stop animal neglect and abuse caused by people who take in more animals than they can adequately care for. Others claim that pet limits are necessary to ensure sanitary conditions, or to maintain safe and pleasant neighborhoods.

But are pet limit laws necessary to address abuse, neglect, unreasonable noise, and lack of sanitation? Or, do they end up limiting the availability of loving homes and putting the lives of dogs and cats at risk?

The San Francisco SPCA has considered the various claims made for strict pet limit laws and found little in the way of evidence, or common sense, to support them. What we found was that pet limit laws:

- are unnecessary to protect the well-being of people and animals
- are arbitrary and intrusive
- penalize responsible pet owners
- force many caregivers to stop providing care to homeless animals
- put the lives of even well cared-for animals at risk

At the same time that household limits discourage responsible individuals from providing a good home for more needy animals, they do not prevent an irresponsible one from acquiring unlimited animals. Unfortunately, caring can't be mandated, and a pet limit law will only end up punishing those who care.

Millions of compassionate people provide dogs and cats with food, love, and shelter in their homes. Others may even put aside their own needs in order to care for beloved pets. Still others work tirelessly to feed, foster, and rehabilitate strays and unwanted abandoned animals, all at their own expense. For every one of these caregivers, a pet limit law may exact a heavy toll. Each of these individuals may face citations, fines, other penalties, and even confiscation of the animals they love.

For these reasons, The San Francisco SPCA opposes legislation arbitrarily limiting the number of pets a person can care for in their home.

PET LIMIT LAWS ARE UNNECESSARY

Are pet limit laws necessary to address abuse, neglect, unreasonable noise, and lack of sanitation? Do pet limit laws protect the well-being of people and animals?

In our view, they do not. Whereas one individual may be able to responsibly care for and nurture several animals, another may be unable to care for even one. And if problems arise, enforcement agencies *already* have ample ammunition at their disposal in terms of animal welfare, health and property rights laws. In fact, unsanitary conditions, excessive noise, and interference with property are all unlawful in virtually every community—regardless of whether pets inhabit the premises or not.

PET LIMIT LAWS ARE INTRUSIVE AND ARBITRARY

Just how are pet limits determined? In one community, the limit might be two pets. In others, four, five, eight, even twenty pets might be allowed. More often than not, the number is arbitrarily chosen.

Enforcement is also arbitrary. In response to concerns about pet limit laws, some communities have admitted that these ordinances “will be enforced on a complaint basis, and pets which are maintained indoors or do not raise the ire of neighbors will not generate enforcement.” While it may sound reassuring to some, this justification leaves the door wide open for pet limit laws to be used as a weapon of retribution in neighbor disputes over concerns totally unrelated to pets.

Laws that regulate a person's behavior inside their home should seek an appropriate balance between the public's safety and welfare and the individual's right to privacy. But while pet limit laws are highly intrusive, there is little, if any, corresponding benefit to public safety. What good is gained from an uncompromising prohibition against more than a limited number of pets, particularly if they are confined to an owner's property and create no problems? Certainly, if neighbors are totally unaware of their presence, prohibiting pets does not in any way protect or maintain anyone's health, happiness or peace of mind. And what about multi-pet households where neighbors do not mind or even enjoy the presence of these animals? In fact, there is no benefit gained from such a prohibition—nor is there likely to be any enforcement.

Should government pass laws that are not going to be enforced? Should communities outlaw behavior that does not impact neighbors or interfere with the rights of others? Local governments have embraced the position that because responsible multi-pet households will not generate enforcement, these residents need not fear violating the law. In essence, *local governments are making outlaws out of normally law-abiding citizens and telling them it is OK to break the law as long as they don't get caught!*

Passing laws that aren't enforced or are enforced sporadically is unfair and counterproductive. Few people are likely to comply with a pet limit law that isn't enforced. And those who voluntarily comply can probably be counted among the most responsible pet owners in the community. There is little equity or sense in enacting a

law that only ends up penalizing the very people whose behavior is already exemplary. And such a view undermines our respect for the law.

Needless to say, truly irresponsible pet owners will not be affected. If the law is not enforced, they are free to ignore it. If it is selectively enforced against them, they are likely to surrender their animals, adding to the numbers of dogs and cats killed, or abandon them, adding to some of the perceived problems the law was intended to solve.

PET LIMIT EXEMPTION PERMITS ARE ALSO INTRUSIVE AND RISKY

Many local jurisdictions enacting pet limit laws allow caretakers who have more than the allowable number of pets to apply for an "exemption" permit. Therefore, these jurisdictions claim, "responsible" pet owners need not fear the law. This view is shortsighted and would put multi-pet households in a Catch-22: choosing between not seeking a permit and violating the law on the one hand; or, applying for a permit, but risking exposure and confiscation of their pets if they are denied. In other words, multi-pet households would fear applying for a permit, because to do so would expose them to penalties and possible loss of their beloved companions if denied a permit. And, in some jurisdictions, the exemption permit requires a "kennel" license—which cannot be granted in many neighborhoods due to zoning restrictions, no matter how "responsible" the caretaker. In short, no exemption at all!

PET LIMIT LAWS PUT THE LIVES OF ANIMALS AT RISK

It is not uncommon for rescued animals, particularly those who are hard-to-place by virtue of abandonment or abuse, to be in a "foster" environment for long periods of time. Foster homes are in critically short supply in almost every community and it is common for such homes to temporarily house more animals than the average pet owner. In addition, there are countless Good Samaritans who feed and care for neighborhood strays and feral cats. Many pet limit laws define these individuals as "owners" for purposes of enforcing local ordinances. It is ironic that groups and individuals rescuing and caring for homeless and unwanted dogs and cats (often at personal expense) should be targeted for restrictive and punitive legislation.

Of greater concern, caregivers and rescue groups may be forced to stop caring for foster pets or homeless cats, because to do so would violate the local pet limit law, resulting in needy animals being denied care, and also leading to increased euthanasia at taxpayer expense. By contrast, the maintenance of multi-pet households or the feeding of homeless cats—including sterilization, food, and veterinary care—is uniformly accomplished by private citizens at no cost to local government or taxpayers. And pet owners targeted for enforcement may be forced to surrender their well cared-for animals to local shelters where they, too, are at risk for euthanasia and where taxpayers will have to foot the bill.

PET LIMIT LAWS CLOSE THE DOOR TO LOVING HOMES

A town council on the East Coast recently expanded its animal control law to include a provision making it illegal for any resident to own more than five cats. One resident, a 69-year old woman who cared for homeless neighborhood cats, was threatened with fines for violating the law despite the fact that she had sterilized and vaccinated all the

cats. She was given two options by local authorities: turn away the cats who came to her back door looking for food and water; or trap them and turn them over to the animal control facility where they would likely be killed. For someone who very much loved animals, this was no choice at all. Distraught by the threat of legal sanctions, however, she was forced to comply.

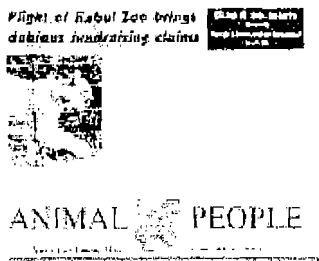
And in a county neighboring our own, an elderly couple who cared for several sterilized and well-cared for cats at their private residence were threatened with citations and fines because of a pet limit law that allowed for the caring of only four cats. Under threat, the cats had to be relocated to avoid the risk that they would be impounded and killed at the local animal control facility. The cats lost the only home and caregivers they had ever known, and the couple lost their beloved companions.

Just as pets already in homes may be threatened by limit laws, homeless pets awaiting the chance for a loving new home are also at risk as potential adopters are discouraged from adopting a stray or visiting the local shelter and saving a life.

For much of history, animals were considered mere commodities who pulled our wagons, provided the products for our farms, herded our sheep, and kept our barns free of mice. During the last century, however, socio-economic and moral changes in society at large have produced changes in the status of animals as well. Many animals—dogs and cats in particular—are now overwhelmingly *companions* instead of servants. In addition, government laws and services have evolved from promoting animals as property to protecting them as cherished pets.

At the same time, pets do so much good for the community: people of all ages, but particularly the elderly and the young, enjoy their companionship. For single people, dogs and cats can offer a welcome relief from loneliness. For children, an animal in the home provides warmth and unconditional love, and teaches responsibility and consideration for the needs of another creature. Those who suffer from disease or injury often experience a therapeutic benefit from their presence. For the lonely, a pet can provide an incentive to get up in the morning. Animals can also provide a sense of safety and security, allowing many people freedom they would not otherwise have.

While pet ownership may not be a fundamental right, it is unquestionably an integral aspect of our daily life—which cannot be dismissed lightly and should not suffer unwarranted limits. In our view, there is little justification for targeting well-cared for animals and putting them at risk for impoundment and euthanasia.



March '02

From ANIMAL PEOPLE, March 2002: :

Dog & cat licensing compliance, costs, and effects

Regulations of any kind seldom succeed unless a large majority of the people or institutions to be regulated are already voluntarily in compliance or willing to become compliant with relatively little nudging at the time that the regulations start to be enforced. If more than a small percentage object to a regulation enough to become scofflaws, the enforcement burden becomes overwhelming, and the regulation eventually tends to be ignored or repealed.

Data gleaned from the ANIMAL PEOPLE files about dog and cat licensing indicates that it follows the trend. Because compliance with pet licensing tends to be less than a third of the 90% compliance rate that is usually the minimum needed for regulations to be within the reach of effective routine enforcement, there is no demonstrable relationship between the rates of licensing compliance claimed by animal control agencies in eight representative cities whose data ANIMAL PEOPLE examined and their rates of dog and cat killing per 1,000 human residents:

Dog/cat licensing rates Killed/1,000

Tucson 57% 42.9

Chicago 25% 18.2

Philadelphia 25% 19.7

Seattle 25% 11.2

San Francisco 15% 2.6

Salt Lake City 13% 9.9

Fort Worth 10% 32.1

Milwaukee 10% 10.5

U.S. average 28% 16.8

There is a demonstrable relationship between compliance and the cost of a license. The lowest license fees, on average, are charged in the Northeast, including the New England states, New York, Pennsylvania, and New Jersey, and these states do appear to have the highest rates of licensing compliance. The next lowest fees are charged in the Midwest, with the next highest rates of compliance. The highest fees are charged in the West, whose compliance rate is only two-thirds of the rate in the Northeast. However, contrary to the findings of single-city surveys done mostly in the 1970s and 1980s, before the majority of owned dogs and cats in the U.S. were sterilized, charging markedly higher fees to license unaltered animals appears to create a disincentive to licensing more than to encourage more people to get their pets fixed. The lowest differential between the average cost of licensing intact versus altered dogs is in the Northeast, which as well as having the highest rate of licensing compliance also has a shelter killing rate of approximately half the national average.

The widest differential is in the West, where shelter killing rates range from some of the lowest in the U.S., along the West Coast, to some of the highest, in the Southwest. The next widest differential is in the South, with the lowest licensing compliance and shelter killing rates tending to run between two and three times the U.S. norm.

The Midwest, with a relatively low licensing differential and relatively high compliance, has shelter killing rates which mostly cluster

just above the U.S. norms.

West Midwest Northeast South

Dog licence, intact:

\$28.21 \$11.72 \$ 9.72 \$17.86

Dog license, altered:

\$10.50 \$ 4.70 \$ 4.58 \$ 5.93

Dog licensing compliance:

24% 28% 32% 10%

The dog licensing sample size per region was in the low dozens, roughly proportionate to human population distribution, and appeared to be representative of both urban and rural areas. Cat licensing is still so rare and compliance so low that the data is inherently suspect, coming from only about 25% as many jurisdictions as the dog licensing data. Nonetheless, it seems to follow the same general pattern--except that ANIMAL PEOPLE was unable to identify any jurisdiction in the Southern states which has tried to license cats.

West Midwest Northeast South

Cat license, intact:

\$20.00 \$ 9.67 \$ 8.20 n/a

Cat license, altered:

\$ 7.00 \$ 7.00 \$ 4.60 n/a

Cat licensing compliance:

15% 2% n/a n/a

The oldest regulatory approach to pet overpopulation, directed at preventing public nuisances rather than at preventing animal suffering, was to limit the number of dogs and/or cats per home. This approach has recently been dusted off and pushed again here and there as a purported defense against backyard breeders and animal hoarders.

There is no evidence that it has ever worked, or will work, since enforcing pet limits is as difficult as enforcing licensing. However, ANIMAL PEOPLE was able to identify the thresholds at which all but a few dog and cat keepers would comply with pet limits. The table below shows at left the percentages of pet keepers who keep common numbers of animals, and shows at right the percentages of animal control ordinances that set limits at each number.

Limits restricting the number of dogs per household to four or fewer, and the number of cats per household to six or fewer, would appear to start out with high enough compliance that effective enforcement might be possible, at least in theory.

Dogs/household Limits allow

62% / one 2% / one

25% / two 26% / two

7% / three 35% / three

6% / four+ 20% / four

4% / five

4% / six

Cats/household Limits allow

48% / one n/a

28% / two 19% / two

11% / three 38% / three

13% / four+ 24% / four

8% / five

5% / six

--MC

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weekly sound off

1st appeared 14 April 2000

Sound Off Results -- Petty Laws

Daybreak readers are annoyed by ordinances that limit the number of pets people can keep.



"Public nuisance" laws – such as the one proposed in Concord recently and similar ones enacted in a few East Bay communities – are the real nuisance, say the majority of Sound Off Poll respondents. The laws, which put a ceiling on the number of pets at 3 to 5, stem from complaints about noise, odors and excessive numbers of dogs and cats.

In this week's Sound Off Poll, 13 respondents said "no" to limits on the number of pets, 4 favored the idea, and 1 was unsure.

The winner of this week's Sound Off drawing is **Heather Long**.

Here's a sampling of some of the comments:

On the no side:

"Pet owner behavior should be managed. Tickets should be given out to irresponsible owners who don't take care of, and clean up after their pets. Usually, when a dog barks all night, it is lonely and wants to be in the house with the family."

"As long as the owner is fiscally and financially responsible and keeps pets in a safe, sanitary environment, it should be their choice . . . For someone with a big heart for animals (two by rescue), I find the problem to be individuals who get a pet, find it to be inconvenient, then abandon it to the wilds or the pound, rather than those who have many pets."

"As long as the person is a responsible pet



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owner and has the means to support the care of the pets, has a house large enough to accommodate them, and they aren't causing a public nuisance, I don't think there should be a limit on the number of pets. There are so many pets in shelters that need homes, it would be unfair to deny them a good home based on a limit law."

"We are heading towards a police state, and this is just another intrusion of government into our lives. What's next? We could use these same reasons to limit the number of children people have -- litter, noise and excessive waste."

"Responsibility -- not the number of pets -- is the issue. A responsible owner of several pets usually is no burden, however, an irresponsible owner of just one pet can be a nuisance -- so the bottom of my shoe tells me."

"It must be a really slow news week."

"People who love animals and care for them safely and considerately shouldn't be penalized because someone else is causing a problem. Doesn't Concord have sufficient anti-nuisance laws and public health codes to deal with the offending persons directly?"

On the yes side:

"To be a responsible pet owner, there has to be some limit to how many pets you can responsibly care for. Setting that number can turn into an emotional issue. There are probably people who can care for 35 cats, or 20 dogs, but they probably don't live inside the city limits. . . . For the majority of us, 3 to 5 pets is all we can honestly take care of. People who 'love' animals so much that they take in every stray they find, and thus expose all the animals to fights and infectious diseases, and then can't afford veterinary care for them all, aren't doing the animals any favors. There are ways to help animals without keeping them all under your own roof. County animal control agencies desperately need donations and volunteers to care for the animals they remove from dangerous or cruel situations, as well as the hundreds of strays they pick up."

"Dogs are overly domesticated creatures that

have lost all hygienic skills but one. If humans paused to deposit their wastes on public sidewalks, it would not be tolerated even if we then picked it up and carried it away in little plastic bags. Our cities have evolved far beyond the agrarian environment that dogs require. Also, dogs live to run and jump and bark. Few things are sadder than a dog that spends all of its time cooped up in a San Francisco apartment. On the other hand, cats are noble, serene creatures that enhance any society."

Unsure:

"In other countries, those 'pets, would just be eaten."

*The Sound Off Poll editor is taking a break this week.
A new Sound Off will appear next week.*

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Dogs will be dogs . . . but cats won't

By Anna Sadler,
NAIA Board Of Directors & Cat Fanciers Association of America

Laws being proposed, and in some cases passed, throughout the country are lumping cat and dog issues together, and are no more appropriate than attempting to put that square peg into the round hole. These pets are two different species, with totally different needs, requirements and associated social issues.

Some proposals even seek to add into this legal stewpot birds, fish and small mammals such as ferrets and hamsters, as well as potbellied pigs. A proposed ordinance under consideration in the city of Houston, Texas, would effectively cause any citizen who owns and breeds "any animal, fish, reptile or fowl for sale, barter, trade, gift, rental, exhibition or other commercial purpose" in that city to purchase a breeding permit. Thus, the pre-schooler whose mother buys him a pair of guppies (and to our knowledge, veterinary science has not yet perfected a technique for neutering or spaying guppies), would necessarily be subject to the requirement to purchase a permit for \$100, and to meet stringent facilities, veterinary care, and records-keeping requirements.

For purposes of this article, though, we will limit discussion to laws affecting only dogs and cats . . . and hope that the lawmakers in the city of Houston display more common sense than the proposers of this ordinance.

Animal control laws are ordinarily passed to protect the public health and safety of a jurisdiction's citizens, and to protect them from being subjected to undue nuisance caused by animals. Still other laws are appropriately passed to protect animals from human-caused cruelty, abuse and neglect. While these concepts sound simple and universal, nonetheless, problems arise in wording that includes both cats and dogs in specific provisions. The laws are generally worded to address dogs, with cats thrown in as an afterthought.

Begin with the basic differences between the species. Dogs can be confined to yards, while cats can scale and escape the highest fences. Some dogs can threaten public health and safety by being overly aggressive or biting, and can be viewed as a nuisance when they bark excessively or, if allowed to roam, when they strew trash. Cats protecting their territory often engage in loud battles, and leave pawprints on freshly-washed cars, but rarely destroy property. Both species become a nuisance when they defecate on other peoples' property or on public property. Both can be infected with the deadly rabies virus.

The most common law for pets is one requiring vaccination to protect the pet and the people it will come into contact with from rabies. Cats are generally thought of as a more common vector for this disease because unsupervised roaming is more likely to bring them into contact with the wild animals such as raccoons and coyotes that commonly carry the virus. However, incidence in the entire country in cats is very low - 288 in 1995, the last published U.S. report - despite thousands being tested each year (more than 2000 cats tested for rabies in California alone.) Certainly, because rabies is so deadly, it is appropriate that vaccination be required for any animal that is allowed out of doors. Unfortunately for cat owners, though, recent veterinary findings have linked vaccine-site sarcomas, possibly caused by the adjuvants commonly used, to the rabies vaccines, and a significant number of cats

display an allergic sensitivity to the vaccine. Because of these possibilities, many cat owners are reluctant to have their cats vaccinated, and even if their cats are kept exclusively indoors, the owners are law breakers.

In association with the rabies vaccine requirements, most jurisdictions require that the animals wear tags indicating proof of compliance. Collars and tags are commonly worn by pet dogs, but again cat owners are loathe to comply. Because cats scale fences and trees, their owners reason, collars are likely to get hung up, and the cats can choke to death. This fear is, for the most part, unfounded, yet it persists. Cat owners will frequently use specially-designed break-away collars to avoid this hazard, but the most frequent result is that the collars do break away, and the tags are lost.

The next most common laws involve licensing of pet animals. Dog licensing is nearly universal, and an increasing number of jurisdictions are now advocating cat licensing as well. This licensing is purportedly intended to a) encourage compliance with rabies vaccination and b) identify lost animals so that they can be returned to their owners.

An erroneous secondary argument has evolved that pits dog owners against cat owners, and makes the claim that "for many years dog owners have paid, through licenses, for animal control services, and it is now time for cat owners to pay their fair share." This argument quickly loses its validity when the law is viewed as it actually is - an unpopular tax on pet ownership. Recent studies show a near-universal less than 30 percent compliance rate in dog licensing, with cat licensing compliance a dismal one percent or less, except in jurisdictions that employ costly and unpopular aggressive canvassing programs, where compliance then is never reported higher than 14 percent.

Additionally, in most jurisdictions, any funds generated by licensing goes, not to animal control services, but into the general fund. Animal control services should, more appropriately, be viewed in the same manner as other public services such as police and fire protection, because the entire population benefits, and as such should be funded by a broad-based taxation of all the citizens. People who have been victims of crime are not the only taxpayers to pay for police protection.

Licensing actually fails in its primary stated purpose, and discourages compliance with rabies vaccination laws. People on low or fixed income may not have their pets vaccinated for fear of fines if they are identified, and still others who may have more pets than their city allows under numbers limits, fear that their pets will be confiscated. People who feed "neighborhood" cats will not claim ownership of those cats when license fees and fines are added to the cost of vaccinations.

Again, cats and dogs are different. Reclaim by owners of cats from most shelters is abysmal, and could be greatly improved by some sort of identification. Because of the cat's nature to wander, often their owners are not overly concerned if their pet is gone for a day or two, and by the time the owner begins to worry and search, likely the cat has already been euthanized or adopted to another family. Widespread, voluntary identification that is not tied to license fees could reunite many thousands of lost cats with their families.

Both vaccination and licensing laws again fail to consider a basic difference between dogs and cats. Dogs are almost exclusively owned pets. Nearly half of all cats are unowned. They may be fully feral (many generations of unowned cats that reproduce in the streets and alleys), or "loosely owned" cats that benefit from the kindness of people who are willing to put out plates of food but who will not claim ownership or responsibility. These cat feeders may well respond to stringent enforcement of vaccination and licensing laws by denying the cats the simple kindness they have been receiving. On the other hand, innovative city education/voucher programs, such as one instituted in San Jose, California, to encourage people to assume responsibility for these heretofore unowned cats are proving successful beyond even the cities' expectations.

New trap-test-vaccinate-alter-return-maintain programs are proving very successful in many jurisdictions, and are promoted by national organizations such as Alley Cat Allies in Mt. Ranier, Maryland. In these programs, humane organizations identify colonies of feral cats and "caretakers" who promise to provide the basics of food and water. The cats are trapped, tested for the fatal viral diseases, vaccinated (including rabies), sterilized, and then released

back into their controlled colonies. The colonies then do not suffer the population explosions that create a nuisance for citizens as well as suffering on the part of the cats that overpopulate their "habitat" carrying capacity in food, water and shelter. The cats can then continue to fulfill their centuries-old public service job of controlling rodent populations in the stabilized colonies. Contrast this reasonable approach to the methods of population control of eradication by trap-and-kill that is neither humane nor effective.

The growing prevalence of "cat leash laws" also fail to address the feral and unowned cat populations, and can lead to over-aggressive enforcement and trap-and-kill methods. While pet cats being kept indoors, safe from the dangers of urban life, is a laudable goal, it is one better accomplished by emphasizing the benefits to the cat and its owner.

Another common law in cities and counties across the US that should be revisited is the one of establishing numbers limits. No animal law is more arbitrary or discriminatory. Under these laws, dog owners are more subject to being "caught" in non-compliance than are cat owners, particularly those whose cats are kept exclusively indoors. The State of Pennsylvania, in a landmark high court decision, *Commonwealth v. Creighton*, abolished such numbers limits in that state as unconstitutional. The court explained that such an ordinance reached beyond the power granted to the borough to prohibit a nuisance, absent any indication why more than the five cats or dogs allowed might constitute a nuisance or a risk to the public health, safety and welfare.

The court added, "Even legitimate legislative goals (controlling nuisances) cannot be pursued by means which stifle fundamental personal liberty when the goals can be otherwise more reasonably achieved."

Reasonable people can easily see how one barking dog kept outdoors can be more of a nuisance than even 10 small dogs or cats kept exclusively indoors, or how a cat allowed out to roam can be more of a nuisance than a well-behaved dog confined to its home or yard. Yet numbers limits continue to remain in force because it is easier for cities to enforce than a law that would require proof of nuisance or health code violation. These ordinances are the most abused of all animal control laws, and used for harassment by feuding neighbors or families.

Finally, there is the wave of new laws designed purportedly to "reduce pet overpopulation" that began with the infamous San Mateo County, California, ordinance that mandated that all dogs and cats be neutered or spayed unless a breeding permit was purchased. These laws, with numerous variations on the original theme, are still being introduced in cities and counties across the US, backed by inaccurate and inflated "shelter kill" statistics, despite the wealth of current studies that show that the numbers of animals born currently bears little relation to the numbers killed in shelters. Euthanasia nationwide has dropped by 75 percent in the last 10 years, thanks to widespread education as to the benefits of neutering and spaying pets and the advent of low-cost programs and clinics to provide sterilization, as well as innovative approaches to increase adoptions.

Euthanasia of dogs has fallen more dramatically than that of cats because of the large numbers of cats that are unowned or feral, with no owner to assume responsibility for the sterilization, and the hapless feral cat that is trapped is far less likely to be considered adoptable. The truly successful programs such as the ones in effect in the city of San Francisco that have virtually eliminated euthanasia of all adoptable and treatable/rehabilitatable animals, address the real social issues of animals, and the root causes of animals dying in shelters.

Again, these breeding regulation laws are being written to encompass both dogs and cats, despite totally diverse physical, husbandry and social concerns. To enumerate only a few:

- **Cat breeders must of necessity keep larger numbers** because the lack of effective vaccination protocols against several deadly viruses means they must be self-contained, and limits use of any outside stud service agreements;
- **Mother Nature demands that cats be bred more often than dogs**, the failure to do so carrying consequences that mean the loss of reproductive capability.

This brief article cannot address the many other animal issues that are being addressed - either appropriately or not - by local, state and federal laws. Local animal control agencies and humane enforcement agencies must be given

the tools with which to accomplish their jobs, but all too often when laws are being considered and even passed, the lawmakers are lacking in the vital input that can only be provided by those people most knowledgeable about the specific needs and requirements of their animals. One size does not fit all in animal law, and species differences must be recognized. Only by fanciers participation in grass roots political action groups dedicated to animal issues, and by sharing of information about just such differences discussed in this article, can reasonable and enforceable laws be enacted . . . and unreasonable and restrictive laws be blocked or overturned. Participation in civic boards and commissions, such as animal shelter advisory boards can be both a public service and a guarantee of a rational voice for animal welfare.

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