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A BILL  
22-64

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Animal Control Act of 1979 to clarify what constitutes the proper treatment of animals, update prohibited behaviors toward animals, and update penalties for violating provisions of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Standard of Care for Animals Amendment Act of 2017”.

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

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

“For the purposes of this act, the term:

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

“(2) “Adequate care” means the responsible practice of good animal husbandry, handling, management, confinement, protection, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering, impairment of health, or the treatment of illness or injury.

“(3) “Adequate feed” means the provision of and access to food that is sufficient

28 in quantity, prepared and provided in a manner so that an animal can consume it, and provided in  
29 a manner sanitary for the animal.

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

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

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

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

47 “(6) “Adequate water” means the provision of and access to clean, fresh, potable  
48 water, provided in a suitable manner for proper hydration for the age, species, condition, size,

49 and type of each animal.

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

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

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

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

61 “(C) The term “at large” shall not include cats.

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

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

69 “(12) “District-operated parkland” means outdoor property under the control of

70 the government of the District of Columbia.

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

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

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

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

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

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

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

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

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

88 2a. Prohibition on at large animals.

89 “(a)(1) An owner or custodian of an animal shall Not allow the animal to go at large. An  
90 animal shall be on a leash, tether, or under other means of adequate physical control at all times

91 the animal is not on a premises where the animal is permitted to freely roam.

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

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

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

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

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

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

106           “(c) Following an animal’s removal from a vehicle by an animal control officer,  
107 firefighter, or law enforcement officer, the animal shall be impounded and medical care shall be  
108 sought if needed. A written notice shall be left attached to the vehicle identifying the responding  
109 animal control officer, firefighter, or law enforcement officer, and giving his or her information,  
110 including a phone number, time, date, and location of where the animal is being held.

111           “(d)(1) Any person found in violation of this section shall be responsible for all expenses

112 incurred by the District in the care, medical treatment, and impound cost of the animal.

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

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

117 “(B) Cost of any damage to a vehicle in the removal of an animal by an  
118 animal control officer, firefighter, or law enforcement officer pursuant to this section.”.

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

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

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

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

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

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

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

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

**ENGROSSED ORIGINAL**

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

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

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

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

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

139 “(e-1) \$2 of each fee collected pursuant to subsection (e) of this section shall be deposited  
140 into the Animal Education and Outreach Fund, established in section 5a. Remaining money from  
141 the fees collected shall be deposited in the General Fund of the District of Columbia.”.

142 (3) Subsection (j) is repealed.

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

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

145 “(a) There is established as a special fund the Animal Education and Outreach Fund  
146 (“Fund”), which shall be utilized by the Animal Care and Control Agency in accordance with  
147 subsection (c) of this section.

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

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

151 “(1) Implementing an educational program for animal owners regarding pet care  
152 and safety, specifically in extreme weather conditions or emergencies, and the laws related to pet  
153 ownership;

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

155 “(3) Appropriate overhead and administrative expenses related to the Fund.

156 “(d)(1) The money deposited into the Fund shall not revert to the unassigned fund  
157 balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any  
158 other time.

159 “(2) Subject to authorization in an approved budget and financial plan, any funds  
160 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

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

162 (1) Subsection (f) is amended by striking the phrase “District of Columbia” and  
163 inserting the phrase “the Animal Care and Control Agency” in its place.

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

165 “(g)(1) The Mayor shall not release an animal that has not received a rabies vaccination  
166 in accordance with the Centers for Disease Control and Prevention’s rabies vaccination schedule.

167 “(2) Paragraph (1) of this subsection shall not apply to puppies or kittens under 4  
168 months of age.”.

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

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

171 “(b) A person shall not knowingly and falsely deny ownership or custodianship of any  
172 animal.

173 “(c)(1) An owner or custodian of an animal shall not leave the animal outdoors and  
174 unattended for more than 15 minutes during periods of extreme weather, unless the age,



175 condition, and type of each animal allows the animal to withstand extreme weather.

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

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

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

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

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

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

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

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

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

193 “(k)(1) Except as provided in this subsection, a person shall not import into the District,  
194 possess, display, offer for sale, trade, barter, exchange, or adoption, or give as a household pet  
195 any living member of the animal kingdom including those born or raised in captivity, except the

196 following: domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats  
197 (excluding hybrids with ocelots or margays), domesticated rodents and rabbits, captive-bred  
198 species of common cage birds, non-venomous snakes, fish, and turtles, traditionally kept in the  
199 home for pleasure rather than for commercial purposes, ferrets, and racing pigeons (when kept in  
200 compliance with permit requirements).

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

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

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

209           “(1) A person shall not sponsor, promote, train an animal to participate in, contribute to  
210 the involvement of an animal in, or attend as a spectator any activity or event in which any  
211 animal engages in unnatural behavior, is wrestled or fought, mentally or physically harassed, or  
212 displayed in such a way that the animal is struck, abused, or mentally or physically stressed or  
213 traumatized, or is induced, goaded, or encouraged to perform or react through the use of  
214 chemical, mechanical, electrical, or manual devices in a manner that will cause, or is likely to  
215 cause, physical or other injury or suffering. This prohibition applies to any event or activity at a  
216 public or private facility or property and is applicable regardless of the purpose of the event or

217 activity and regardless of whether a fee is charged to spectators.

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

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

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

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

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

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

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

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

236 (2) Subsection (a) is amended by striking the phrase “permit: EXCEPT,” and  
237 inserting the phrase “permit; provided,” in its place.

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

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

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

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

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

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

248 “Sec 11a. Abandonment of an animal.

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

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

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

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

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

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

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

263                   “(1) \$500 for each offense, except as otherwise provided in paragraph (2) of this  
264 section.

265                   “(2) \$1000 for each offense for violations of sections 9(o), 9(p) or 11a.

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

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

269           

(p) A new section 14 is added to read as follows:

270           

“Sec. 14. Rules.

271           

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure  
272 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue  
273 rules to implement the provisions of this act.”.

274           Sec. 3. Fiscal impact statement.

275           The Council adopts the fiscal impact statement in the committee report as the fiscal  
276 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
277 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

278           Sec. 4. Effective Date.

279           This act shall take effect following approval by the Mayor (or in the event of veto by the

**ENGROSSED ORIGINAL**

280 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
281 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
282 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
283 Columbia Register.