

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 8.
ENVIRONMENTAL AND ANIMAL CONTROL
AND PROTECTION.

CHAPTER 18.
ANIMAL CONTROL.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 18. ANIMAL CONTROL.

TABLE OF CONTENTS

Subchapter I. General.

- § 8-1801. Definitions.
- § 8-1802. Animal Care and Control Agency.
- § 8-1803. Vaccinations.
- § 8-1804. Licenses and fees.
- § 8-1805. Impoundment.
- § 8-1806. Release to owner.
- § 8-1807. Adoption.
- § 8-1808. Prohibited conduct.
- § 8-1808.01. Dog parks.
- § 8-1809. Animal hobby permit.
- § 8-1810. Education and incentive program.
- § 8-1811. Penalty.
- § 8-1812. Civil liability.
- § 8-1813. Notice of violation.

Subchapter II. Commercial Licensing Requirement.

- § 8-1821.01. Commercial animal breeder license.
- § 8-1821.02. Commercial pet care facilities; rulemaking.

Subchapter III. Release of Animals.

- § 8-1831.01. Release of animals.

Subchapter IV. Commercial Guard Dogs.

- § 8-1841.01. Definitions.
- § 8-1841.02. License; immunizations.
- § 8-1841.03. Health.
- § 8-1841.04. Insurance requirements.
- § 8-1841.05. Notification requirements.
- § 8-1841.06. Signage.
- § 8-1841.07. Care of animal.
- § 8-1841.08. Violation and penalty.
- § 8-1841.09. Rules.

Subchapter V. Classroom Animals.

- § 8-1851.01. Animals kept in schools.
- § 8-1851.02. Care of classroom animals.

Subchapter VI. Animal Emergency Preparedness.

- § 8-1861.01. Animal emergency preparedness plan.

CHAPTER 18. ANIMAL CONTROL.

SUBCHAPTER I. GENERAL.

§ 8-1801. DEFINITIONS.

For the purposes of this subchapter:

(1)(A) The term "animal at large" means any animal found off the premises of its owner and neither leashed nor otherwise under the immediate control of a person capable of physically restraining it.

(B) The term "at large" does not include a dog in a dog park that is under the verbal command of a responsible adult.

(2) The term "animal shelter" means a District of Columbia government facility used by the Animal Care and Control Agency for the care and detention of animals.

(3) The term "dangerous animal" means an animal that because of specific training or demonstrated behavior threatens the health or safety of the public. The term "dangerous animal" does not include a dangerous dog as defined in § 8-1901(1).

(3A) The term "District-owned parkland" means outdoor property within the possession and control of the government of the District of Columbia.

(3B) The term "dog park" means an officially established off-leash dog exercise area on District-owned or federal parkland.

(4) The term "Mayor" means the Mayor of the District of Columbia or his designee.

(5) The term "owner" means a person in the District of Columbia who purchases or keeps an animal in temporary or permanent custody except as provided in § 8-1804.

(6) The term "vaccinated" means protected by a documented inoculation that the Mayor, consistent with the practices of veterinary medicine, determines is currently effective.

(Oct. 18, 1979, D.C. Law 3-30, § 2, 26 DCR 765; Oct. 18, 1988, D.C. Law 7-176, § 9(a), 35 DCR 4787; Dec. 10, 2005, D.C. Law 16-40, § 2(a), 52 DCR 9087; Dec. 5, 2008, D.C. Law 17-281, § 104(a), 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1001.

1973 Ed., § 6-2401.

Effect of Amendments

D.C. Law 16-40, designated existing text of par. (1) as subpar. (1)(A); added subpar. (1)(B); and added pars. (3A) and (3B).

D.C. Law 17-281, in par. (2), substituted "Animal Care and Control Agency" for "Animal Control Agency".

Legislative History of Laws

Law 3-30, the "Animal Control Act of 1979," was introduced in Council and assigned Bill No. 3-75, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 19, 1979 and July 3, 1979, respectively. Signed by the Mayor on August 7, 1979, it was assigned Act No. 3-80 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 7-176, see Historical and Statutory Notes following § 8-1901.

Law 16-40, the "Dog Park Establishment Amendment Act of 2005", was introduced in Council and assigned Bill No. 16-28 and was retained by Council. The Bill was adopted on first and second readings on July 6, 2005, and September 20, 2005, respectively. Signed by the Mayor on October 4, 2005, it was assigned Act No. 16-182 and transmitted to both Houses of Congress for its review. D.C. Law 16-40 became effective on December 10, 2005.

Law 17-281, the "Animal Protection Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-89 which was referred to the Committees on Health and Public Safety and Judiciary. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-493 and transmitted to both Houses of Congress for its review. D.C. Law 17-281 became effective on December 5, 2008.

Delegation of Authority

Delegation of authority under D.C. Law 3-30, the "Animal Control Act of 1979", see Mayor's Order 2000-97, June 14, 2000 (47 DCR 5275).

Delegation of Authority pursuant to D.C. Law 3-30, the Animal Control Act of 1979, see Mayor's Order 2009-38, March 23, 2009 (56 DCR 6774).

Miscellaneous Notes

Mayor authorized to issue rules: Section 2(f) of D.C. Law 9-236 provided that the Mayor may issue rules to implement the provisions of the act pursuant to subchapter I of Chapter 5 of Title 2.

§ 8-1802. ANIMAL CARE AND CONTROL AGENCY.

(a) The Mayor may contract, either by negotiation or competitive bid, with a District of Columbia humane organization to serve as the Animal Care and Control Agency. The Mayor may delegate all or part of his authority under this chapter, including the issuance of notices of violations, to the Animal Care and Control Agency; provided, that only a sworn member of the Metropolitan Police Department may serve a notice of violation with respect to § 8- 1808(a) outside the premises of the animal shelter.

(b) The Animal Care and Control Agency shall:

- (1) Deliver all fees collected under this subchapter to the Mayor;
- (2) Allow the Mayor or the Mayor's designee to inspect the Animal Care and Control Agency to determine compliance with District laws, regulations, policies, and contractual obligations;
- (3) Ensure that all contractually required records are accurate, easily accessible, and available at all times;
- (4) Immediately inform the Mayor or the Mayor's designee of any significant changes in its operations or leadership.

(c) The Animal Care and Control Agency shall promote:

- (1) The reduction of euthanasia of animals for which medical treatment or adoption is possible; and
- (2) The utilization of trap, spay or neuter, and return practices as a means of controlling the feral cat population; provided, that all efforts shall be made to adopt out a trapped, tamable kitten.

(Oct. 18, 1979, D.C. Law 3-30, § 3, 26 DCR 765; Sept. 16, 1980, D.C. Law 3-97, § 2(a), 27 DCR 3523; Dec. 5, 2008, D.C. Law 17-281, § 104(b), 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1002.

1973 Ed., § 6-2402.

Effect of Amendments

D.C. Law 17-281, in the section heading and subsec. (a), substituted " "Animal Care and Control Agency" for "Animal Control Agency"; rewrote subsec. (b); and added subsec. (c). Prior to amendment, subsec. (b) which had read as follows:

"(b) The Animal Control Agency shall deliver all fees collected under this chapter to the Mayor."

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

Law 3-97, the "Animal Control Act Amendment Act of 1980," was introduced in Council and assigned Bill No. 3-211, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 17, 1980 and July 1, 1980, respectively. Signed by the Mayor on July 16, 1980, it was assigned Act No. 3-219 and transmitted to both Houses of Congress for its review.

For Law 17-281, see notes following § 8-1801.

Delegation of Authority

Delegation of authority pursuant to Law 3-30, see Mayor's Order 83-206, August 2, 1983, as amended by

§ 8-1803. VACCINATIONS.

(a) An owner who has a dog over the age of 4 months shall have the dog vaccinated against rabies and distemper. Pursuant to rules issued by the Mayor, an owner of a cat over the age of 4 months shall have that cat vaccinated against rabies.

(b) The Mayor shall provide a free anti-rabies vaccination clinic annually.

(Oct. 18, 1979, D.C. Law 3-30, § 4, 26 DCR 765; Mar. 10, 1983, D.C. Law 4-199, § 4(a), 30 DCR 119.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1003.

1973 Ed., § 6-2403.

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

Law 4-199, the "Christmas Tree Act of 1982," was introduced in Council and assigned Bill No. 4-427, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-283 and transmitted to both Houses of Congress for its review.

Delegation of Authority

Delegation of authority under Law 3-30, see Mayor's Order 83-206, August 2, 1983.

§ 8-1804. LICENSES AND FEES.

(a) For purposes of this section, "owner" shall not include:

- (1) A licensed veterinary hospital;
- (2) A licensed pet shop; and
- (3) An incorporated animal welfare agency not engaged in the sale of animals.

(b) An owner who has a dog over the age of 4 months shall before July 1st of each year, or within 10 days of acquiring the dog, or within 10 days after the dog becomes 4 months of age, obtain an annual license. An owner shall ensure that his dog wears a collar and a license.

(c) Before any annual license may be issued, the owner of the dog shall have the dog vaccinated against rabies and distemper, and shall pay any outstanding fines.

(d) Repealed.

(e) The annual license fees for dogs is as follows:

- (1) No fee for a dog trained as a service animal and actually used for the purpose of assisting a person with a physical or sensory impairment, such as a vision or hearing impairment;
- (2) \$15 for a male or female dog certified by a licensed veterinarian as neutered or spayed or certified as incapable of enduring spaying or neutering; and
- "(3) \$50 for all other dogs."

(e-1) All the fees collected pursuant to subsection (e) of this section shall be deposited in the General Fund of the District of Columbia.

(f) The Mayor may periodically revise the schedule of fees by rulemaking.

(g) No license may be transferred from 1 dog to another.

(h) Any license issued pursuant to this section may be issued by the Department of Health or by a veterinarian licensed in the District of Columbia pursuant to § 3-512.02. A veterinarian may collect an additional \$2 for each license issued as reimbursement for administrative costs.

(i) Repealed.

(j)(1) There is established as a nonlapsing fund the Sterilization Fund ("Fund"), which shall be used solely for the purposes set forth in this subsection.

(2) Deposits into the Fund shall include:

- (A) Two dollars from each fee paid for the application, issuance, or renewal of a dog license;

(B) Funds authorized by an act of Congress, a reprogramming, or an intra-District transfer to be deposited into the Fund;

(C) Any other monies designated by law or regulation to be deposited into the Fund;

(D) Interest on money deposited in the Fund.

(3) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (d) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(4)(A) Monies in the Fund shall be used to subsidize sterilization of cats and dogs owned by persons within the District of Columbia.

(B) The Mayor may issue grants to appropriate animal welfare organizations that are experienced in subsidized sterilization efforts.

(Oct. 18, 1979, D.C. Law 3-30, § 5, 26 DCR 765; Mar. 17, 1993, D.C. Law 9-236, § 2(a), 40 DCR 614; Sept. 26, 1995, D.C. Law 11-52, § 101, 42 DCR 3684; Apr. 20, 1999, D.C. Law 12-261, § 2004, 46 DCR 3142; Apr. 24, 2007, D.C. Law 16-305, § 30, 53 DCR 6198; Dec. 5, 2008, D.C. Law 17-281, § 104(c), 55 DCR 9186; Sept. 14, 2011, D.C. Law 19-21, § 9073, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 8005, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 64, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1004.

1973 Ed., § 6-2404.

Effect of Amendments

D.C. Law 16-305, substituted "deaf, hearing impaired," for "audio-handicapped", throughout the section.

D.C. Law 17-281 repealed subsec. (d); rewrote subsecs. (e), (f), and (h); and added subsecs. (i) and (j). Prior to amendment or repeal, subsecs. (d), (e), (f), and (h) read as follows:

"(d) The Mayor shall collect the fees and issue the licenses as provided in this section. The Mayor shall promulgate regulations to allow veterinarians to collect license fees and issue licenses. The regulations shall permit veterinarians to collect an additional \$2 for each license issued as reimbursement for administrative costs.

"(e) Except as provided in subsection (f) of this section, the annual license fee for a dog is as follows:

"(1) No fee for a dog trained to aid the deaf, hearing impaired, or blind and actually used for that purpose;

"(2) \$10 for a male dog certified by a licensed veterinarian as either neutered or incapable of enduring neutering;

"(3) \$10 for a female dog certified by a licensed veterinarian as either spayed or incapable of enduring spaying; and

"(4) \$35 for all other dogs.

"(f) For the year July 1, 1979, to June 30, 1980, the annual license fee for a dog is as follows:

"(1) No fee for a dog trained to aid the deaf, hearing impaired, or blind and actually used for that purpose; and

"(2) \$8 in any other case."

"(h) Any license issued pursuant to this section shall be issued by the Department of Health."

D.C. Law 19-21 added subsec. (e-1).

D.C. Law 19-168 rewrote subsec. (i), which had read as follows:

"(i)(1) There is established as a nonlapsing fund the Animal Control License Fees Fund ('Fund'), which shall be a segregated account within the General Fund of the District of Columbia and shall be used solely for the purpose of providing animal control and animal disease prevention services.

"(2) The fund shall be administered by the Department of Health.

"(3) The Mayor shall deposit in the Fund:

"(A) Except as provided in subsection (j) of this section, all revenues generated pursuant to subsection (e) of this section; and

"(B) All funds contained within the Animal Control Dog License Fees Fund within the Department of Health.

"(4) Funds deposited in the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in paragraph (1) of this subsection without

regard to fiscal year limitation, subject to authorization by Congress."

D.C. Law 19-171, in subsec. (j)(1), substituted "this subsection" for "subsection (d) of this section".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 101 of Multiyear Budget Spending Reduction and Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

Emergency Act Amendments

For temporary amendment of section, see § 101 of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994 (D.C. Act 10-389, December 29, 1994, 42 DCR 197).

For temporary (90 day) amendment of section, see § 8005 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 8005 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

Law 9-236, the "Animal Control Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-306, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on December 1, 1992, and December 15, 1992, respectively. Signed by the Mayor on December 31, 1992, it was assigned Act No. 9-368 and transmitted to both Houses of Congress for its review. D.C. Law 9-236 became effective on March 17, 1993.

Law 11-52, the "Omnibus Budget Support Act of 1995," was introduced in Council and assigned Bill No. 11-218, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 19, 1995, and June 6, 1995, respectively. Signed by the Mayor on July 13, 1995, it was assigned Act No. 11-94 and transmitted to both Houses of Congress for its review. D.C. Law 11-52 became effective on September 26, 1995.

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

Law 16-305, the "People First Respectful Language Modernization Act of 2006", was introduced in Council and assigned Bill No. 16-664, which was referred to Committee on the Whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 17, 2006, it was assigned Act No. 16-437 and transmitted to both Houses of Congress for its review. D.C. Law 16-305 became effective on April 24, 2007.

For Law 17-281, see notes following § 8-1801.

For history of Law 19-21, see notes under § 8-102.03.

For history of Law 19-168, see notes under § 8-1774.10.

For history of Law 19-171, see notes under § 8-105.02.

Delegation of Authority

Delegation of authority pursuant to Law 3-30, see Mayor's Order 83-206, August 2, 1983, as amended by Mayor's Order 86-64, April 22, 1986.

Miscellaneous Notes

Section 8010 of D.C. Law 19-168 provides:

"Sections 8002, 8003, 8004, 8005, 8006, and 8007 shall apply as of September 14, 2011."

§ 8-1805. IMPOUNDMENT.

- (a) The Mayor shall impound any dogs, cats, rabbits, or ferrets, the combination of which exceeds 4 animals, or any dogs, cats, rabbits, or ferrets beyond the number authorized in an animal hobby permit issued pursuant to § 8-1809.
- (b) Upon impounding an animal, the Mayor shall make a prompt and reasonable attempt to locate and notify the owner of the impounded animal, including scanning the animal for a microchip.
- (c) The Mayor may dispose of any wild, sick, or badly injured animal upon its impoundment.
- (d) The Mayor shall provide appropriate vaccinations for each animal upon its impoundment.

(e) The Mayor shall provide appropriate veterinary services for each dog wearing a valid license upon its impoundment.

(f) The Mayor shall deem abandoned any animal impounded and not redeemed by its owner within 7 days of impoundment if such animal is wearing identification. If notice is given under subsection (b) of this section, the owner has 7 days from the date of the notice to claim the animal. Any animal impounded not wearing identification shall be deemed abandoned if not redeemed by its owner within 5 days of impoundment. An animal deemed abandoned shall become the property of the District of Columbia and may be adopted or disposed of in a humane manner.

(g) The Mayor shall not release an animal unless it is vaccinated against rabies.

(h) The Mayor shall not release a sick or dangerous animal to anyone other than a licensed veterinarian until reasonably satisfied that it is safe to do so.

(i) The Mayor shall adopt rules for disposing of animals impounded under this section in accordance with § 2-505.

(Oct. 18, 1979, D.C. Law 3-30, § 6, 26 DCR 765; Sept. 16, 1980, D.C. Law 3-97, § 2(b), 27 DCR 3523; Mar. 17, 1993, D.C. Law 9-236, § 2(b), 40 DCR 614; Dec. 5, 2008, D.C. Law 17-281, § 104(d), 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1005.

1973 Ed., § 6-2405.

Effect of Amendments

D.C. Law 17-281 rewrote subsec. (a); and, in subsec. (b), substituted "impounded animal, including scanning the animal for a microchip" for "impounded animal". Prior to amendment, subsec. (a) read as follows:

"(a) The Mayor may impound any animal at large or any dangerous animal."

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

For legislative history of D.C. Law 3-97, see Historical and Statutory Notes following § 8-1802.

For legislative history of D.C. Law 9-236, see Historical and Statutory Notes following § 8-1804.

For Law 17-281, see notes following § 8-1801.

Delegation of Authority

Delegation of authority under Law 3-30, see Mayor's Order 83-206, August 2, 1983.

§ 8-1806. RELEASE TO OWNER.

(a) The Mayor shall not release a dog to its owner unless the owner has obtained a license as provided in § 8-1804.

(b) An owner of an animal that is impounded shall pay the following:

- (1) An impoundment fee of \$15 for animals certified by a licensed veterinarian as either spayed or neutered or incapable of enduring spaying or neutering;
- (2) An impoundment fee of \$15 for unneutered and unspayed animals, provided the owner agrees to have the animal sterilized and prepays the cost of the surgery;
- (3) An impoundment fee of \$75 for dogs and \$50 for all other animals that have not been spayed or neutered, where the owner does not utilize the option in paragraph (2) of this subsection;
- (4) A boarding fee of \$5 for each night after the 1st night;
- (5) The cost of veterinary services, including vaccinations, provided by the Mayor; and
- (6) Any outstanding fines.

(c) The Mayor shall issue a notice of violation to an owner of an animal impounded under § 8-1805 except that this subsection shall not apply the 1st time an owner has an animal impounded.

(Oct. 18, 1979, D.C. Law 3-30, § 7, 26 DCR 765; Mar. 17, 1993, D.C. Law 9-236, § 2(c), 40 DCR 614.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1006.

1973 Ed., § 6-2406.

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

For legislative history of D.C. Law 9-236, see Historical and Statutory Notes following § 8-1804.

§ 8-1807. ADOPTION.

(a) The Mayor shall not release a dog for adoption unless the person adopting the dog obtains a license as provided in § 8-1804.

(b)(1) The Mayor shall not release a female animal over the age of 6 months for adoption unless:

(A) The animal has been spayed; and

(B) The person adopting the animal has paid the expense of spaying.

(2) The Mayor shall not release a female animal under the age of 6 months for adoption unless the person adopting the animal has paid the expense of spaying the animal. The person adopting the animal shall have it spayed before it becomes 6 months of age.

(3) The Mayor shall not release a male animal over the age of 10 months for adoption unless:

(A) The animal has been neutered; and

(B) The person adopting the animal has paid the expense of neutering.

(4) The Mayor shall not release a male animal under the age of 10 months for adoption unless the person adopting the animal has paid the expense of neutering the animal. The person adopting the animal shall have it neutered before it becomes 10 months of age.

(5) The Mayor shall refund any money collected for the purpose of spaying or neutering an animal upon proof that the animal has been spayed or neutered by a private veterinarian.

(Oct. 18, 1979, D.C. Law 3-30, § 8, 26 DCR 765; Sept. 16, 1980, D.C. Law 3-97, § 2(c), 27 DCR 3523.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1007.

1973 Ed., § 6-2407.

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

For legislative history of D.C. Law 3-97, see Historical and Statutory Notes following § 8-1802.

Delegation of Authority

Delegation of authority under Law 3-30, see Mayor's Order 83-206, August 2, 1983.

§ 8-1808. PROHIBITED CONDUCT.

(a) No owner of an animal shall allow the animal to go at large.

(b) No person shall knowingly and falsely deny ownership of any animal.

(c) No person shall remove the license of a dog without the permission of its owner.

(d) No person shall change the natural color of a baby chicken, duckling, other fowl or rabbit.

(e) No dog shall be permitted on any school ground when school is in session or on any public recreation area, other than a dog park, unless the dog is leashed.

(f) No person shall sell or offer for sale a baby chicken, duckling, other fowl, or rabbit that has had its natural color changed.

(g) No person shall sell or offer for sale a rabbit under the age of 16 weeks or a chick or duck under the age of 8 weeks except for agricultural or scientific purposes.

(h)(1) Except as provided in this subsection, no person shall import into the District, possess, display, offer for sale, trade, barter, exchange, or adoption, or give as a household pet any living member of the animal kingdom including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), domesticated rodents and rabbits, captive-bred species of common cage birds, nonpoisonous snakes, fish, and turtles, traditionally kept in the home for pleasure rather than for commercial purposes, and racing pigeons (when

kept in compliance with permit requirements).

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

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

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

(5) Paragraph (1) of this subsection shall not apply to persons who own or possess domestic dog hybrids of wolves, coyotes, or jackals prior to March 17, 1993.

(i) No person may sponsor, promote, train an animal to participate in, contribute to the involvement of an animal in, or attend as a spectator any activity or event in which any animal engages in unnatural behavior, is wrestled or fought, mentally or physically harassed, or displayed in such a way that the animal is struck, abused, or mentally or physically stressed or traumatized, or is induced, goaded or encouraged to perform or react through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause, or is likely to cause, physical or other injury or suffering. This prohibition applies to any event or activity at a public or private facility or property and is applicable regardless of the purpose of the event or activity and regardless of whether a fee is charged to spectators.

(j) No person who has control or custody of a dog shall, direct, encourage, cause, allow or otherwise aid or assist that dog to threaten, charge, bite, or attack a person or other animal, except that a person may keep a properly trained dog on private property to defend it and its occupants from intruders, and may order a dog to defend a person under attack. This section shall not apply to dogs who work for the Metropolitan Police Department or any other law enforcement agency.

(k) No person may display, exhibit, or otherwise move animals in the District of Columbia as part of a circus, carnival, or other special performance or event, without first obtaining a permit, issued by the Mayor, that governs the care and management of the animals.

(Oct. 18, 1979, D.C. Law 3-30, § 9, 26 DCR 765; Sept. 16, 1980, D.C. Law 3-97, § 2(d), (e), (g), 27 DCR 3523; Mar. 10, 1983, D.C. Law 4-199, § 4(b), 30 DCR 119; Mar. 17, 1993, D.C. Law 9-236, § 2(d), 40 DCR 614; June 8, 2001, D.C. Law 13-303, § 4, 47 DCR 7307; Dec. 10, 2005, D.C. Law 16-40, § 2(b), 52 DCR 9087; Dec. 5, 2008, D.C. Law 17-281, § 104(e), 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1008.

1973 Ed., § 6-2408.

Effect of Amendments

D.C. Law 13-303 added subsec. (j).

D.C. Law 16-40, in subsec. (e), substituted "public recreation area, other than a dog park," for "public recreation area".

D.C. Law 17-281, in subsec. (h)(2), substituted "or museum for exhibition purposes" for "museum, or educational institution for educational, medical, scientific, or exhibition purposes"; and added subsec. (k).

Emergency Act Amendments

For temporary amendment of section, see § 2(a) of the Dangerous Dog Designation Emergency Amendment Act of 1996 (D.C. Act 11-351, August 12, 1996, 43 DCR 4553).

For temporary (90 day) amendment of section, see § 2 of Classroom Animal for Educational Purposes Clarification Emergency Amendment Act of 2012 (D.C. Act 19-466, October 5, 2012, 59 DCR 11767).

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

For legislative history of D.C. Law 3-97, see Historical and Statutory Notes following § 8-1802.

For legislative history of D.C. Law 4-199, see Historical and Statutory Notes following § 8-1803.

For legislative history of D.C. Law 9-236, see Historical and Statutory Notes following § 8-1804.

Law 13-303, the "Freedom From Cruelty to Animals Protection Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-473, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 2000, and July 11, 2000, respectively. Signed by the Mayor on August 4, 2000, it was assigned Act No. 13-418 and transmitted to both Houses of Congress for its review.

D.C. Law 13-303 became effective on June 8, 2001.

For Law 16-40, see notes following § 8-1801.

For Law 17-281, see notes following § 8-1801.

§ 8-1808.01. DOG PARKS.

(a) The Mayor is authorized to establish dog parks on District-owned parkland in which a dog under the verbal command of a responsible adult may exercise off-leash.

(b) A dog park shall be completely enclosed by a fence and gate, both no less than 5 feet in height.

(c) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this section. The rules shall:

(1) Establish procedures for selecting a site for establishment of a dog park, which shall include notice to the public and an opportunity for public comment; and

(2) Establish procedures for the operation, maintenance, and use of a dog park, which shall include a process for enforcement of the rules and for monitoring and addressing health and environmental safety concerns.

(Oct. 18, 1979, D.C. Law 3-30, § 9a, as added Dec. 10, 2005, D.C. Law 16-40, § 2(c), 52 DCR 9087.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-40, see notes following § 8-1801.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 3-30, the Animal Control Act of 1979, as amended by D.C. Law 16-40, the Dog Park Establishment Act of 2005, see Mayor's Order 2007-53, February 7, 2007 (54 DCR 2428).

§ 8-1809. ANIMAL HOBBY PERMIT.

(a) No person shall own or keep 7 or more mammals, larger than a guinea pig and over the age of 4 months, without obtaining an animal hobby permit: Except, that this section shall not apply to a licensed pet shop, licensed veterinary hospital, circus or traveling exhibition.

(b) An owner of 7 or more mammals shall before July 1st of each year or within 10 days of acquiring 7 or more mammals obtain the permit required by this section.

(c) An owner applying for an animal hobby permit shall fully describe the kind and number of mammals to be maintained and the premises where the mammals are to be kept.

(d) No animal hobby permit shall be issued to:

(1) An owner unless the owner has obtained the necessary animal licenses as required by law;

(2) An owner who maintains mammals for commercial purposes. For purposes of this section, "commercial purposes" shall not include the sale of offspring if such sales are occasional and are not the primary purpose for maintaining the mammals.

(e) The Mayor shall collect the fees and issue the permits as provided in this section.

(f) A holder of an animal hobby permit shall provide his mammals with appropriate veterinary care. A holder of an animal hobby permit shall maintain the premises and enclosures where the mammals are kept in a clean and sanitary condition.

(g) A holder of an animal hobby permit shall not permit objectionable odors or noises to disturb the comfort or quiet of any neighborhood. A holder of an animal hobby permit shall not permit a mammal to commit a nuisance on public space or property owned by others.

(h) The Mayor may revoke an animal hobby permit for failure to comply with the provisions of this section.

(Oct. 18, 1979, D.C. Law 3-30, § 10, 26 DCR 765; Dec. 5, 2008, D.C. Law 17-281, § 104(f), 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1009.

1973 Ed., § 6-2409.

Effect of Amendments

D.C. Law 17-281, in subsecs. (a) and (b), substituted "7 or more" for "5 or more"; and rewrote subsec. (d)(1), which had read as follows:

"(1) A dog owner unless the owner has obtained a license for each dog as provided in § 8-1804;".

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

For Law 17-281, see notes following § 8-1801.

Delegation of Authority

Delegation of authority pursuant to Law 3-30, see Mayor's Order 83-206, August 2, 1983, as amended by Mayor's Order 86-64, April 22, 1986.

§ 8-1810. EDUCATION AND INCENTIVE PROGRAM.

The Mayor shall implement an education and incentive program, which shall include the following:

- (1) Low cost spay and neuter clinic services; and
- (2) Program for education of animal owners.

(Oct. 18, 1979, D.C. Law 3-30, § 11, 26 DCR 765.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1010.

1973 Ed., § 6-2410.

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

Delegation of Authority

Delegation of authority pursuant to law 3-30, see Mayor's Order 83-206, August 2, 1983.

§ 8-1811. PENALTY.

Each person who violates a provision of this subchapter shall pay a fine not to exceed \$25 for the first violation, \$50 for the second violation occurring within a 24-month period, and \$100 for each subsequent violation occurring within a 24-month period.

(Oct. 18, 1979, D.C. Law 3-30, § 12, 26 DCR 765; Mar. 17, 1993, D.C. Law 9-236, § 2(e), 40 DCR 614.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1011.

1973 Ed., § 6-2411.

Emergency Act Amendments

For temporary amendment of section, see § 2(b) of the Dangerous Dog Designation Emergency Amendment Act of 1996 (D.C. Act 11-351, August 12, 1996, 43 DCR 4553).

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

For legislative history of D.C. Law 9-236, see Historical and Statutory Notes following § 8-1804.

§ 8-1812. CIVIL LIABILITY.

If a dog injures a person while at large, lack of knowledge of the dog's vicious propensity standing alone shall not absolve the owner from a finding of negligence.

(Sept. 16, 1980, D.C. Law 3-97, § 2(f), 27 DCR 3523.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1012.

Legislative History of Laws

For legislative history of D.C. Law 3-97, see Historical and Statutory Notes following § 8-1802.

§ 8-1813. NOTICE OF VIOLATION.

(a) The Mayor may issue a notice of violation to any person who violates a provision of this subchapter.

(b) A notice of violation shall:

- (1) State the nature of the violation; and
- (2) Describe the procedures provided in this section.

(c) A notice of violation shall be the summons and complaint for the purposes of this subchapter.

(d) A person shall answer a notice of violation within 15 days by:

- (1) Depositing and forfeiting collateral in an amount established by the Superior Court of the District of Columbia; or
- (2) Depositing collateral in an amount established by the Superior Court of the District of Columbia and requesting, through the issuing agency, a trial in Court.

(e) The Mayor shall prescribe the form for the notice of violation and establish procedures for the administrative control of the notice of violation.

(Oct. 18, 1979, D.C. Law 3-30, § 13, 26 DCR 765.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1013.

1973 Ed., § 6-2412.

Legislative History of Laws

For legislative history of D.C. Law 3-30, see Historical and Statutory Notes following § 8-1801.

Delegation of Authority

Delegation of authority under Law 3-30, see Mayor's Order 83-206, August 2, 1983.

SUBCHAPTER II. COMMERCIAL LICENSING REQUIREMENT.

§ 8-1821.01. COMMERCIAL ANIMAL BREEDER LICENSE.

(a) Within 180 days of December 5, 2008, the Mayor shall establish licensure requirements for commercial animal breeders in the District of Columbia, which shall include:

- (1) Licensing fees;
- (2) Standards for the care and management of animals; and
- (3) Facility inspection requirements.

(b) For the purposes of this section, the term "commercial animal breeder" means any person, firm, organization, or corporation engaged in the operation of breeding and raising more than 25 animals per year for sale or in return for consideration.

(Dec. 5, 2008, D.C. Law 17-281, § 201, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 17-281, the "Animal Protection Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-89 which was referred to the Committees on Health and Public Safety and Judiciary. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-493 and transmitted to both Houses of Congress for its review.

D.C. Law 17-281 became effective on December 5, 2008.

Miscellaneous Notes

Section 701 of D.C. Law 17-281 provides:

"Sec. 701. Rulemaking.

"The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act."

§ 8-1821.02. COMMERCIAL PET CARE FACILITIES; RULEMAKING.

(a) No person shall operate a commercial pet care facility without first obtaining a basic business license with an Inspected Sales and Services license endorsement pursuant to Title 47. The Mayor shall issue rules to establish the standards for the care and management of animals in a commercial pet care facility.

(b) For the purposes of this section, the term "commercial pet care facility" means a facility that provides day or overnight boarding, or provides pet-related services, including feeding, exercise, training, bathing, or grooming, but does not include an animal facility as defined in § 3-502 or a licensed pet shop.

(Dec. 5, 2008, D.C. Law 17-281, § 202, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-281, see notes following § 8-1841.01.

SUBCHAPTER III. RELEASE OF ANIMALS.

§ 8-1831.01. RELEASE OF ANIMALS.

(a) No person shall release an animal from the custody or control of any entity charged with animal protection for any purpose except adoption or to improve the opportunity for adoption, redemption by the owner of the animal, or other suitable placement in the best interest of the animal. No animals shall be knowingly released from any entity charged with animal protection for the purposes of research, experimentation, testing, or medical instruction or demonstration.

(b) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 180 days, a fine of not more than \$1,000, or both.

(Dec. 5, 2008, D.C. Law 17-281, § 301, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 17-281, the "Animal Protection Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-89 which was referred to the Committees on Health and Public Safety and Judiciary. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-493 and transmitted to both Houses of Congress for its review. D.C. Law 17-281 became effective on December 5, 2008.

SUBCHAPTER IV. COMMERCIAL GUARD DOGS.

§ 8-1841.01. DEFINITIONS.

For the purposes of this subchapter, the term "commercial guard dog" means any dog trained to guard, protect, patrol, or defend any commercial premises.

(Dec. 5, 2008, D.C. Law 17-281, § 401, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 17-281, the "Animal Protection Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-89 which was referred to the Committees on Health and Public Safety and Judiciary. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor

on August 4, 2008, it was assigned Act No. 17-493 and transmitted to both Houses of Congress for its review. D.C. Law 17-281 became effective on December 5, 2008.

§ 8-1841.02. LICENSE; IMMUNIZATIONS.

(a) All commercial guard dogs shall have a valid commercial guard dog license issued pursuant to District law. Upon issuance of a license, the Mayor shall issue a fluorescent guard dog identification tag, or such other tag as the Mayor determines appropriate, to be affixed to the collar or harness of the commercial guard dog to indicate the dog is a commercial guard dog

(b) All commercial guard dogs shall be immunized against rabies and distemper pursuant to District law, and a current and valid certificate of these immunizations shall be retained on file by the owner of the commercial guard dog.

(Dec. 5, 2008, D.C. Law 17-281, § 402, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-281, see notes following § 8-1841.01.

§ 8-1841.03. HEALTH.

(a) All commercial guard dogs shall undergo an annual examination by a licensed veterinarian for the purpose of determining whether or not the animal is healthy and fit to work as a commercial guard dog. Upon a determination by a licensed veterinarian that a commercial guard dog is unfit to work, the dog shall not be used to guard, protect, patrol, or defend any commercial premises until the dog is re-examined by the veterinarian. Upon a determination by a licensed veterinarian that a commercial guard dog is permanently unfit to work, the dog shall be immediately retired.

(b) It shall be unlawful for any individual, business, or entity to cause, allow, use, or train commercial guard dogs that have undergone the surgical procedure of ventricular cordectomy.

(Dec. 5, 2008, D.C. Law 17-281, § 403, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-281, see notes following § 8-1841.01.

§ 8-1841.04. INSURANCE REQUIREMENTS.

An individual, business, or entity that utilizes a commercial guard dog shall maintain a general liability insurance policy for bodily injury, personal injury, and property damage of not less than \$50,000 to insure against liability resulting from acts of the animal performed while on guard duty.

(Dec. 5, 2008, D.C. Law 17-281, § 404, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-281, see notes following § 8-1841.01.

§ 8-1841.05. NOTIFICATION REQUIREMENTS.

An individual, business, or entity that utilizes a commercial guard dog shall notify the Mayor, in writing, as to the presence of the animal and shall provide contact information for the entity responsible for the animal and a 24- hour emergency telephone number.

(Dec. 5, 2008, D.C. Law 17-281, § 405, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-281, see notes following § 8-1841.01.

§ 8-1841.06. SIGNAGE.

An individual, business, or entity that utilizes a commercial guard dog shall post a sign in plain view alerting the public to the presence of a commercial guard dog and shall include the name of the entity responsible for the animal and a 24-hour emergency telephone.

(Dec. 5, 2008, D.C. Law 17-281, § 406, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-281, see notes following § 8-1841.01.

§ 8-1841.07. CARE OF ANIMAL.

A commercial guard dog shall not be maintained on any premises unless the dog is provided:

- (1) Full access to an enclosed shelter sufficient to protect the dog from wind, rain, excessive heat or cold, and disease; and
- (2) Continuous access to sufficient food and water.

(Dec. 5, 2008, D.C. Law 17-281, § 407, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-281, see notes following § 8-1841.01.

§ 8-1841.08. VIOLATION AND PENALTY.

Any person found guilty of violating this subchapter shall be subject to a penalty of \$500 for the first offense and \$1,000 for each subsequent offense.

(Dec. 5, 2008, D.C. Law 17-281, § 408, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-281, see notes following § 8-1841.01.

§ 8-1841.09. RULES.

The Mayor shall issue rules to implement the provisions of this subchapter.

(Dec. 5, 2008, D.C. Law 17-281, § 409, 55 DCR 9186; Sept. 26, 2012, D.C. Law 19-171, § 65, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171 validated a previously made technical correction.

Legislative History of Laws

For Law 17-281, see notes following § 8-1841.01.

For history of Law 19-171, see notes under § 8-105.02.

SUBCHAPTER V. CLASSROOM ANIMALS.

§ 8-1851.01. ANIMALS KEPT IN SCHOOLS.

Only animals of appropriate size and temperament suitable to a classroom environment shall be introduced into the classroom. Use of such animals shall be for instructional purposes only.

(Dec. 5, 2008, D.C. Law 17-281, § 501, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 17-281, the "Animal Protection Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-89 which was referred to the Committees on Health and Public Safety and Judiciary. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-493 and transmitted to both Houses of Congress for its review. D.C. Law 17-281 became effective on December 5, 2008.

§ 8-1851.02. CARE OF CLASSROOM ANIMALS.

(a) Animals kept in schools shall be provided sufficient food and water, be cared for in a safe and humane manner, and remain in schools during holidays only if provided adequate care.

(b) Animals no longer needed in the classroom should be adopted out to a suitable home or given to a local humane organization for adoption.

(Dec. 5, 2008, D.C. Law 17-281, § 502, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-281, see notes following § 8-1851.01.

SUBCHAPTER VI. ANIMAL EMERGENCY PREPAREDNESS.

§ 8-1861.01. ANIMAL EMERGENCY PREPAREDNESS PLAN.

Within 90 days of December 5, 2008, the Mayor shall establish an emergency preparedness plan for the protection, sheltering, and evacuation of domestic animals during and following a major disaster or emergency.

(Dec. 5, 2008, D.C. Law 17-281, § 601, 55 DCR 9186.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 17-281, the "Animal Protection Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-89 which was referred to the Committees on Health and Public Safety and Judiciary. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-493 and transmitted to both Houses of Congress for its review. D.C. Law 17-281 became effective on December 5, 2008.