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LR29.052

PROPOSED REVISION CHAPTER 111. PUBLIC SAFETY AND ANIMAL WELFARE
As of May 20, 2015

WHEREAS the Stamford animal control ordinance has not been updated since 1994,

WHEREAS the practices and policies of municipal animal care and control have evolved significantly since that time to enhance animal welfare and save animal lives,

WHEREAS Stamford has grown significantly in human and animal population,

WHEREAS Stamford has no existing cat ordinance, and its population of feral and stray cats has been increasing.

WHEREAS, Stamford's policies and practices regarding dangerous/vicious dogs need clarification,

WHEREAS the popularity of rabbits and other small mammals and amphibians as pets has grown and may result in more of these animals ending up at the Stamford municipal shelter,

WHEREAS, the roles of the Stamford Animal Control and Care Center, veterinarians, animal welfare groups and pet owners/keepers, and the relationship among these entities, need to be better defined,

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

The City Code of Ordinances shall be amended as follows:

Sec. 111-1. LIVESTOCK

- A. It shall be unlawful for any person to trespass upon any of the sidewalks or parkland in the city by willfully riding, driving or leading horses, cattle or other livestock thereon, with the exception of those areas of parkland where the listed activities would not adversely affect other uses of parkland.
- B. No owner of or person having the charge of any cattle, horses, mules, asses, sheep, goats, swine, llamas, ostriches, emus, or other livestock shall permit the same to go or to be at large in any of the public roads, parks or public spaces of the city, or permit the same to be upon any of these public spaces for the purposes of being pastured thereon, either with or without a keeper.
- C. No owner of or person having the charge of any of said animals shall permit them to be on the private property of others.
- D. No owner of or person having the charge of any of said animals shall abandon them on any public or private property.
- E. Each violation of this section shall be deemed punishable by a fine of \$100.

Sec. 111-2. POULTRY

- A. All poultry kept within the city must be penned and not allowed to run at large or onto public property or premises other than those belonging to or occupied by the party owning such poultry.
- B. No person shall keep any rooster in such location that the crowing thereof shall be annoying to any person occupying premises in the vicinity. Upon complaint of any such person so annoyed, the Director of Health shall have authority to order the owner of such rooster to remove it so that such annoyance shall cease.

Sec. 111.3 MAINTENANCE OF ENCLOSURES

- A. No person shall keep any live poultry or livestock in any building or pen which is less than fifty (50) feet from any dwelling or apartment house in the city.
- B. All stables, pens, yards or other buildings or enclosures in which any animal is kept shall be maintained in a reasonably clean and sanitary condition. It shall be the duty of the Director of Health of the city to order the owner or other person in charge of any such stable, pen or other building or enclosure to clean the same when in his judgment conditions therein are unsanitary, unsafe or detrimental to the health of any animal kept in said enclosure.

Sec. 111-4 DEPOSIT OF ANIMAL FECES ON CITY PROPERTY OR OTHER PROPERTY.

- A. Definitions. For the purpose of this section, the following definitions shall apply:
 - 1. City property. Any property owned, occupied or controlled by the City of Stamford, including but not limited to parks, streets, sidewalks and grassy areas adjacent to city streets and sidewalks.
 - 2. Property of another. All property within city boundaries which is not owned by the city, including but not limited to all residential and commercial property, private streets and sidewalks and the grassy areas located adjacent to such streets and sidewalks, rights-of-way and any common area of a condominium or cooperative.
- B. Owners and custodians (e.g., dog walkers or sitters) must be responsible. Any person who owns a pet or has custody of such pet, which has deposited its feces upon any city property or upon the property of another, shall immediately remove such feces or cause it to be removed and shall dispose of it in a sanitary manner. A person will be considered to have disposed of feces in a sanitary manner if such person places such material in a bag or wrapper made of paper, plastic or some similar material and places it in a refuse container which is regularly emptied by the City of Stamford Department of Sanitation or some other refuse collector, or otherwise disposes of such material on their own property.
- C. Exemptions.
 - 1. Nothing herein shall be construed to apply to the situation where a pet is on its owner's or custodian's property or where the pet owner or custodian has the permission of the property owner.
 - 2. Any dog owned by the Stamford Police Department and used for law enforcement purposes shall be exempt from the provisions of this section.

3. Any dog which serves as a guide dog shall be exempt from the provisions of this section while such dog is accompanying a blind person.

4. Any person who violates this section shall be subject to a fine of \$100.

Sec. 111-5. DEAD ANIMALS

A. It shall be unlawful for any person to deposit the body of any dead animal in any street or public place in the city.

B. It shall be unlawful for any person owning, keeping or having the care or custody of any animal to allow its body to lie exposed or unburied in any place in the city for a longer period than twelve (12) hours after its death.

Sec. 111-6. DOGS

A. Definitions. For the purposes of this section, the following definitions shall apply:

1. Dwelling unit. Actual living space where a person resides, for example: apartment, condominium, townhouse, single-family house or a room in a rooming house.

2. Roaming dog. Any dog whose owner has received an infraction from the City of Stamford Animal Control Manager or his/her assistants on two (2) or more occasions for a violation of § 111-11B of this chapter.

3. Stray dog. Any roaming dog whose owner cannot be identified.

4. Unprovoked attack. An attack where a person is bitten by a dog when such person is conducting himself or herself in a peaceful and lawful manner and has not been teasing, tormenting or abusing the dog.

5. Public place. Any street, sidewalk, alley or other public way, any public park, square, space or grounds or any publicly owned or leased land or buildings, including but not limited to land and buildings under the jurisdiction of the Stamford Public Schools.

B. CONTROL OF DOGS. [Amended 3-7-1994 by Ord. No. 725]

1. No person owning, keeping or having custody of any dog shall permit such dog on any public street or sidewalk or other public place unless such dog is on a leash held securely by such person.

2. No person owning, keeping or having custody or control of any dog shall permit such dog on the real property of another without the permission of the property owner or person having a possessory interest in said property.

3. Notwithstanding the above, dogs may be unleashed in public places in areas which are securely enclosed by fencing, provided that such enclosed areas are posted that

such use is allowed, such as the Stamford Dog Park. Nothing in this section shall require the City of Stamford or the Stamford Public Schools to establish such areas.

4. Tethering of dogs. No person shall tether a dog to a stationary object or to a mobile device:
 - a. For an unreasonable amount of time (CT Statute 22-350a)
 - b. Unless the tether allows the dog to walk at least eight feet and has swivels at each end to prevent twisting and tangling
 - c. That is weighted or has chain links thicker than one quarter of an inch
 - d. Unless the tether is not close to a pool, fence, highway or other hazard for the animal
 - e. For no more than fifteen minutes when a weather advisory and warning has been issued or extreme conditions will pose a risk to such animal.
 - f. Unless there is shelter and water within reach of the dog tethered.
5. No person shall feed and/or keep any stray dog unless he/she has notified Animal Control within twenty-four (24) hours from the time such animal came into his/her possession. Upon receiving such notice, an animal control officer may take such animal and place it in the animal shelter for the purpose of advertising in an effort to reunite it with its owner.
6. It shall be unlawful for any person to refuse to surrender any such stray animal to an authorized representative of the SACCC upon demand of such representative.
7. Nothing contained in this section shall be construed as abrogating or limiting the provisions of § 111-7 of the Code of Ordinances.

C. CONTROL OF DANGEROUS/VICIOUS DOGS.

1. Dangerous dog. Any dog which the City of Stamford Animal Control Manager or his/her assistants have determined to be a nuisance by reason of vicious disposition, as is provided in Section 22-362 of the Connecticut General Statutes (hereinafter "C.G.S."), or a threat an annoyance by reason that such dog is accustomed to go out in public on any highway and growl, snap or otherwise annoy any person or domestic animal as provided in Section 22-363 C.G.S., any dog which has previously committed any unprovoked attack or any dog which has been trained to be a guard, attack or fighting dog.
2. The Animal Control Officers may declare a dog to be vicious if any one of the following criteria is met:
 - a. Any dog which has severely injured or killed a domestic animal or pet while off its owner/keeper's property;
 - b. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being, another dog or domestic animal without provocations on any public or private property;
 - c. Any dog which has been used primarily or in part for the purpose of dog fighting or any dog trained for dog fighting

3. The Animal Control Officers shall not declare a dog to be vicious if any of the following criteria is met:
 - a. If any injury or damage is sustained by a person who was committing a willful trespass or other tort upon the premises of the dog's owner/keeper.
 - b. If the injury or damage was sustained by a domestic animal, which was teasing, tormenting, assaulting or invading the premises of the dog's owner/keeper
 - c. If the dog was protecting or defending the premises occupied by the dog's owner/keeper or was protecting a human being within the immediate vicinity of the dog from an attack or assault.
4. The Animal Control Officers may seek additional outside evaluation of a dangerous dog by a trained behaviorist as appropriate.
5. No person owning, keeping or having custody of any dangerous or roaming dog shall permit such dog outside such owner's or keeper's dwelling unit unless such dog is restricted by either a leash, dog run, enclosure, fence, electronic restraining device or other restraint approved by a Stamford Animal Control Officer.
6. Muzzles. Dangerous dogs to be muzzled. No person owning, keeping or having custody of any dangerous dog shall permit such dog on any street or sidewalk or on the property of any other person other than its owner, keeper or person having custody of such dog unless the dog is wearing a safe and effective muzzle approved by that Animal Control Manager.
7. Warning signs. The owner of a dangerous dog shall cause a warning sign to be placed in a conspicuous place outside their dwelling unit notifying the general public that a dog is on the premises. The contents and location of said sign shall be approved by a Stamford Animal Control Officer.
8. The requirements of this Section shall apply to any dog that enters the city of Stamford, regardless of the residence of the dog or its owner or keeper.
9. Penalties.
 - a. If any dog bites someone in an unprovoked attack, the owner, keeper or person in custody of such dog shall be fined \$100.
 - b. Any person who violates this section shall be fined \$100) for the first offense and one hundred dollars (\$100.) for each subsequent offense, unless otherwise specified in this section.
 - c. Exemption. Dogs owned by a governmental agency shall be exempt from the provisions of this section.
10. Severability. If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

Sec. 111.7 STRAY AND FERAL/COMMUNITY CATS

A. Definitions

1. "Feral cats" -- Any free roaming cat that exhibits feral (wild) tendencies and is associated with family groups referred to as "colonies". These cats may also be called community cats.
2. "Colony" -- A population of feral cats that live together in a specific location and use a common food source.
- " 3. "Stray cat"-- Any free roaming cat that appears in distress, sick or injured and is determined to be unwanted.
4. "Neuter" -- To sterilize a male animal by castration so they cannot reproduce.
5. "Spay"-- To sterilize a female animal by removing the ovaries.
6. "Keeper" -- Anyone who provides shelter and/or regularly feeds feral cats/colonies.
- 7 "TNVR" -- a method of humanely trapping feral cats, to spay or neuter, vaccinate for rabies and then return to their colonies to live out their lives.
8. "Tipping"—Tipped ¼ inch of the left ear performed by a licensed veterinarian to denote prior neuter or spay.

B. Roaming or Stray Cats

1. No cat owner shall permit such cat(s) to run free outside his/her property unless said cat(s) has been:
 - a. Neutered or spayed;
 - b. Immunized against rabies and feline distemper in compliance with CT law; and
 - c. Appropriately micro-chipped or otherwise identifiable.
2. No person shall knowingly desert or abandon a cat that the person owns, keeps, or confines.
3. No person shall feed and/or keep any stray cat unless he/she has notified Animal Control within twenty-four (24) hours from the time such animal came into his/her possession. Upon receiving such notice, an animal control officer may take such animal and place it in the animal shelter for the purpose of advertising in an effort to reunite it with its owner.
4. It shall be unlawful for any person to refuse to surrender any such stray animal to an authorized representative of the SACCC upon demand of such representative.

C. Feral Cats

1. No person shall provide food, water, or other forms of sustenance or care to a feral cat or feral cat colony/colonies unless that person is willing to assume the following responsibilities:
 - a. Provide a clean feeding area for the cats and the person takes care to avoid leaving their food out at night when raccoons and other wild animals are around.

- b. Prevent feeding activities from creating a nuisance or public health issue for neighbors. The Stamford Police Department may, as necessary, issue more specific feeding restrictions to address such concerns in this area.
 - c. Have a veterinarian tip all cats on the left ear to indicate they have been spayed or neutered;
 - d. Remove any sick animal from the colony for immediate veterinary care;
 - e. Attempt removal of any kittens by eight weeks of age for domestic placement under the guidance of Animal Control or an Animal Welfare Group;
2. The Animal Control Officer shall investigate any feral cat colony where there is reason to believe that the animals there are in imminent danger.
 3. No person having the care and control of any feral cats shall abandon said animals anywhere in the city, or introduce animals from outside the city into an existing Feral Cat Colony inside the city. Trap-Neuter-Vaccinate- Release (TNVR) protocol does not constitute abandonment.

D. Ordinance Enforcement and Trapping Protocol

1. Nothing in this Ordinance shall interfere with the right of the Municipality or an Animal Control Officer to investigate any nuisance complaint allegedly caused by a feral or stray cat or feral cat colony.
2. If keepers of feral cats have not complied with their assumed responsibilities, they will be instructed by the ACO or SPD to get the cats immunized and sterilized for the health and safety of said neighborhood/community.
3. The ACO will order the keeper to comply with this ordinance and will provide the keeper with a list of animal welfare organizations that can assist with (TNVR) protocol.
4. Animal welfare organizations that carry out the TNVR protocol should strive to maintain records of the feral cats that they had neutered and vaccinated.

E. Violation of Article; fine

1. The Stamford Animal Control Manager, or his/her assistants, may issue a notice of violation to any person in violation of this Section. Persons who violate any provision of this ordinance shall be subject to a fine per violation. Any incidence that is not remedied within 30 days of written notice of violation hereunder shall constitute a subsequent offense and subsequent fines will apply.
2. A fine \$100.00 may be collected for each violation. After 30 days, each additional day a violation exists shall constitute a separate violation.
3. All fines collected under this section will be remitted to the Town Clerk. These funds will be deposited into the Dog Fund and marked for specific use for a Neuter Assistance and Education Program. The purpose of this program shall be to offer financial assistance to

qualified Stamford residents for the spaying and neutering of cats under their control and to create public awareness regarding efforts to control cat overpopulation in Stamford

Sec. 111.8 RABBITS, FERRETS, AND OTHER SMALL PETS

- A. It is unlawful for any person, group of persons, organization, or commercial business to offer a live rabbit, guinea pig, chinchilla, hamster, gerbil, "pocket pet," ferret, bird, or reptile as a prize, giveaway, award, or as an inducement to enter any contest, competition, game, carnival, sport, or contract, or as an incentive to purchase merchandise.
- B. It is unlawful for any person within the City of Stamford to artificially dye or color any rabbit, baby chick, duckling, or other fowl or animal or to display, offer for sale, deliver, barter, auction, give away, transfer, or sell aforesaid animals within the City.
- C. In order to prevent conditions that are unsanitary or unsafe, the slaughtering of rabbits must be done in a manner not to disturb the neighbors or the public.
- D. No person may sell, offer for sale, barter or give away any baby rabbits or fowl under eight weeks of age during the four week period preceding Easter in any quantity less than twenty-five.
- E. The Stamford ACCC shall spay/neuter and microchip, where possible, before adopting out small mammals and amphibians that are found or turned in.

Sec. 111-9. Poisonous or dangerous reptiles or arachnids.

- A. It shall be unlawful for any person or organization to keep or maintain any poisonous or dangerous reptile or arachnid in the City of Stamford.
- B. For the purposes of this section, poisonous or dangerous reptiles and arachnids include any snake, lizard or other reptile or arachnid which, because of its poison, size, vicious nature or other characteristics, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.
- C. Exceptions to provisions. The provisions of this section shall not apply to the keeping of poisonous or dangerous reptiles or arachnids in the following cases:
 - 1. The keeping of such dangerous or poisonous reptiles or arachnids in bona fide zoos, educational or medical institutions or museums.
 - 2. The keeping of such dangerous or poisonous reptile or arachnid in a bona fide licensed veterinary hospital for treatment.

Sec. 111.10 STAMFORD ANIMAL CONTROL AND CARE CENTER

- A. The Stamford Animal Control and Care Center (SACCC), consisting of an Animal Control Manager, Animal Control Officers and staff, is responsible for executing federal, state and

city laws, policies and directives concerning health, welfare and safety of Stamford residents as regards to animals and concerning the health, welfare and humane treatment of animals within its jurisdiction.

- B. The SACCC operates as part of the Stamford Police Department, under the supervision of the police chief and the city's Director of Public Safety and Health. Both the SPD and the city government may also issue policies and directives for the SACCC.
- C. The SACCC will manage the established volunteer and adoption policies and processes.
- D. The SACCC will maintain an active plan to use print, electronic and social media to reunite lost pets with their owners and to encourage adoptions of the shelter's animals.
- E. As directed by the city's Director of Public Safety, Health, and Welfare, the SACCC shall participate in regular consultations with the rest of the animal welfare community to share information on developments in Stamford's animal welfare situation.
- F. The SACCC shall neuter/spay, vaccinate, and microchip every animal leaving the shelter for adoption or transfer to an animal welfare agency for adoption or fostering. Vaccinations for dogs shall include rabies, distemper, Bordatella and parvovirus. Vaccinations for cats shall include rabies and feline distemper.
- G. The SACCC may use money from the Dog Fund, a local fund generated by dog license fees retained by the city of Stamford, for such neutering and micro chipping or to provide sanctuary for healthy animals that are deemed not adoptable.
- H. Surrender policy
 - 1. In the case of a pet surrender, SACCC should first work with the owner surrendering a pet to see if guidance or private training can keep the owner and pet together.
 - 2. If that step does not work, SACCC should provide the owner with a list of animal welfare organizations that can accept the pet for placement and/or adoption.
 - 3. SACCC may not accept a surrender by an owner who is not a resident of Stamford.
 - 4. SACCC may accept a surrender for compassionate reasons, on a case by case basis, for a fee of \$50. That fee may be waived at the discretion of the Animal Control Manager or his/her assistants, based on the situation of the surrender.
 - 5. SACCC should maintain a registry of all available animal welfare groups with whom it works to help identify sources of assistance for those owners and animals needing help.

Sec. 111.11.RESPONSIBILITIES OF PET OWNERS/GUARDIANS

- A. It is the obligation of all Stamford pet owners/guardians to follow federal, state and Stamford laws concerning the care of their pets, obeying anti-cruelty state statutes and providing adequate housing, food, water and cleanliness to them.

- B. **Licensing.** Dog owners are required to obtain a dog license through the Office of the Town and City Clerk, by providing identification, presenting proof of rabies vaccination, and paying the appropriate fee. Dogs up to one year must get the parvovirus vaccination if they are applying for licensing..Dog owners are also encouraged to microchip their pets to make it easier to identify lost dogs and reunite them with their owners.
- C. **State statute requires cat rabies**
- D. **Neutering.** The reality of companion animals reproducing at higher rates than can be managed by owners and animal welfare groups indicates that neutering and spaying are in the best interests of the public, the owner/guardians and the pets. Therefore, it is urged that all pets be neutered at the earliest age allowed. Eliminated
- E. **Animals in vehicles**
 - 1. Owners/ guardians/keepers may not leave their pets or other animals in a closed vehicle in a manner that will threaten the animal's health in terms of heat, cold, or ventilation.
 - 2. Owners/guardians/keepers shall be responsible for the safe transport of animals in moving vehicles for the protection of the animal and occupants of the vehicle. Animals may not be tethered in an open flatbed truck or pickup truck. Animals inside the vehicle should be properly restrained and not allowed to sit on the driver's side or on the driver.
- F. **Nuisance**
 - 1. Owners/guardians are responsible for preventing their pets' nuisance behavior such as barking, howling, digging in other public or private property and other activities outlined in previous sections.
 - 2. Citations can be issued within a one-year period for multiple complaints from one or more household in close proximity to the animal's location.
- G. **Sale of animals on public property.**
 - 1. It is unlawful for any person to display, sell, offer for sale, deliver, barter, auction, give away or transfer, upon any street, sidewalk, parking lot or other public place in the city of Stamford, dogs, cats, rabbits, fowl or their offspring.
 - 2. Animal welfare groups that display such animals for adoption are exempt from this restriction.

SECTION 111.12 Breeding of dogs, cats, rabbits and other domesticated animals.

- A. **Breeding Permits.**

1. Any resident of Stamford who wishes to breed a dog, cat, rabbit or other pet animal must obtain a breeding permit for each female animal before it is bred from the Stamford Animal Control and Care Center, under the Stamford Police Department. Breeding shall have occurred upon production of offspring, whether intentional or the result of improper confinement.
 2. The breeding permit is issued to the owner and cannot be sold, traded or otherwise conveyed from the person who obtained the permit from SACC
 3. The fee for a breeding permit shall be \$100 per year and applied for before the gestation period of the female animal in question.
 4. Litter permits of \$25 per litter of each breeding permitted animal. Dogs and cats should have no more than two litters a year and rabbits no more than three litters a year to protect the health of the mother and offspring.
 5. The resultant offspring shall not be sold for resale to commercial outlets or for the purposes of research.
- B. No breeding permit shall be granted to a person unless:
1. The permit forms completed and fees paid
 2. The applicant has adequate indoor and outdoor space in which to care for the animals and their offspring
 3. The conditions are safe, sanitary, humane and appropriate for a specific breed or species and meet all local and state animal welfare laws.
 4. The animal to be bred is appropriately licensed and/or micro-chipped
 5. The applicant does not have a history of allowing the dogs or other animals to run loose or be a nuisance or otherwise violating the provisions of this ordinance.
- C. The Animal Control Manager or his designee may inspect the breeding premises and conduct an evaluation based on the above section.
1. The applicant shall be given 24 hour notice of the inspection, and the inspection should be done at a reasonable time when the applicant or his/her representative shall be present.
 2. Upon issuing the annual breeding permit(s), the AMC or his/her designee can inspect the premises of the breeder to ensure that the condition required for the permit are being met. The breeder shall be given 24 hour notice and the inspection should be done at a reasonable time to allow the breeder or a representative to be present.

- 3 If an applicant or breeder shall refuse to allow an inspection of the breeding facility or, upon inspection, is found to have violated the condition of the permit, it shall be cancelled.

D. Enforcement of breeding and litter permits.

- 1 If an animal shall breed without the required permit for the first time, the owner/keeper may be given a verbal warning, if no other violations of this ordinance are present.
- 2 Each animal involved in illegal breeding may be impounded by the SACCC and kept up to fourteen days until applicable permits and fines are paid.
- 3 The owner/keeper of such animal(s) may be fined up to \$250, plus boarding expenses.
- 4 Each person who breeds a litter without a litter permit shall be fined \$20 for each offspring.

Sec. 111-13. VIOLATIONS AND PENALTIES

Every person violating any provision of this chapter or refusing to comply with any order made hereunder by the Director of Public Safety, Health and Welfare within ten (10) days after notice of such order shall be punished as provided in § 1-18. In addition to other available methods of enforcement, this chapter may be enforced through the civil citation process. The recipient of a citation shall have a right of appeal as set forth in Chapter 97 of the Stamford Code of Ordinance.

FOOTNOTE(S):

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History—Adopted by the Board of Representatives of the City of Stamford as Sacs. 3-1 through 3-7 of the 1972 Code. Amendments noted where applicable. (Back)

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Amended 6-14-76 by Ord. No. 334. (Back)

--- (3) ---

Amended 4-4-88 by Ord. No. 607. (Back)

--- (4) ---

Added 3-5-1973 by Ord. No. 260; amended 6-7-1982 by Ord. No. 474; 7-12-1982 by Ord. No. 481; 10-5-1987 by Ord. No. 597. (Back)

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Added 7-8-1991 by Ord. No. 680. (Back)