

MODEL LEGISLATION

CITY/COUNTY OF _____

[Please Note: Local and state legislative organizational structures differ significantly. Any legislative initiative should be tailored to each specific community. The Doris Day Animal League can offer legal and legislative analysis to any group interested in drafting progressive spay/neuter legislation.]

AN ACT TO:

Provide for the neutering of domestic animals in the City/County of _____.

Sec. 1 – Spaying and Neutering.

- a) It shall be unlawful for any person to own, harbor or keep a female dog or cat over the age of six months or a male dog or cat over the age of nine months within the City/County of _____ who has not been neutered.

Sec. 2 – Exceptions.

- a) The provisions of Section 1 shall not apply to any person who holds a domestic animal breeding permit.
- b) The provisions of Section 1 shall not apply to any person who has obtained a written certification from a licensed veterinarian that, due to health considerations, an animal should not be neutered and who obtains a special exception permit.
- c) The provisions of Section 1 shall not apply to any person who had a demonstrated inability to pay for neutering and who holds a special exception permit. In cases of demonstrated inability to pay the required fee, the animal of such owner shall be neutered without charge under programs provided or recommended by the city or

county or the animal control officer may at his or her discretion, grant a special exception permit.

- d) The provisions of Section 1 shall not apply to individuals having temporary custody of a domestic animal or any person temporarily residing in the city or county for a period of less than three months.

Sec. 3 – Unaltered Animal Permits.

- a) Permits shall be issued under the supervision of the animal control officer at such time and such places as may be designated by the chief administrative officer.
- b) Permits shall be issued to any person who is in compliance with [insert requirements, if any, breeders] and who pays the permit fee.
- c) The amount of the permit shall be \$100 per year.
- d) All permits shall be effective for twelve (12) months for the period beginning July 1 on each calendar year and ending on June 30 of the following year.

Sec. 4 – Advertisements of Litters.

- a) Any person who advertises any unneutered animal for sale in any publication within the city or county shall publish his or her “Unaltered Animal Permit” number in the advertisement.

Sec. 5 – Special Exception Permits.

- a) Special exception permits shall be issued under the supervision of the animal control officer at such time and place as may be designated by the chief administrative officer for those persons who meet the requirements of Sec. 2(b) or (c) of this Article.

Sec. 6 – Enforcement.

- a) Violation of any provision of this section is punishable as a _____ for the first offense and a _____ for the second and each subsequent offense.
- b) The prosecuting authority may *nolle prosequi* a violation under Section 1(a) if the person cited demonstrates to the satisfaction of an animal control officer that the cat or dog in question has been neutered within thirty (30) days of the citation or, for females who have given birth within ninety (90) days prior to the citation, within ninety (90) days after giving birth.

Sec. 7 – Use of Revenue.

- a) All revenue derived from fines, penalties and permit fees collected under this Article shall be used to recover or offset the costs of enforcement and administration of this Article and also provide funds for spaying and neutering.

Sec. 8 – Effective Date. This ordinance shall become effective one year after the date of adoption.

Sec. 9 – Definitions.

- a) “Demonstrated inability to pay” – [insert income level requirements and requirements of proof (if any)]
- b) “Domestic animal” means a dog or cat.
- c) “Neutered” means to have nonfunctioning generative organs and includes a female who is spayed.
- d) “Person” means an individual, corporation or partnership.
- e) “Temporary custody” means custody of an animal by an individual other than its owner for a period not to exceed sixty (60) days.

Sec. 10 – Prohibition against giveaways in public places.

- a) A person must not display any dog or cat in a public place for the purpose of selling or giving the animal away. This Section does not apply to the display of animals in a pet shop, commercial kennel, or veterinarian's office, or by a recognized rescue group, breed club, animal training organization, or animal welfare society.