

D.C. Code § 8-1801

D.C. Code § 8-1801 (2009)

§ 8-1801. Definitions [Formerly § 6-1001]

(a) For the purposes of this chapter:

(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.

1973 Ed., § 6-2401; Oct. 18, 1979, D.C. Law 3-30, § 2, 26 DCR 765; 1981 Ed., § 6-1001; 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.

EFFECT OF AMENDMENTS. --D.C. Law 16-40 redesignated (a)(1) as (a)(1)(A); added (1)(B), (3A) and (3B).

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

LEGISLATIVE HISTORY OF LAW 3-30. --Law 3-30, the "Animal Control Act of 1979," was introduced in Council and assigned Bill No. 3-75. 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.

LEGISLATIVE HISTORY OF LAW 7-176. --See note to § 8-1901.

LEGISLATIVE HISTORY OF LAW 16-40. --Law 16-40, the "Dog Park Establishment Amendment Act of 2005," was introduced in Council and assigned Bill No. 16-28. 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 Congress for its review. D.C. Law 16-40 became effective on December 10, 2005.

LEGISLATIVE HISTORY OF LAW 17-281. --Law 17-281, the "Jury Trial Improvements Act of 2006," was introduced in Council and assigned Bill No. 17-89. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on Aug. 4, 2008, it was assigned Act No. 17-493 and transmitted to Congress for its review. D.C. Law 17-281 became effective on Dec. 5, 2008.

APPLIED in *Chadbourne v. Kappaz*, App. D.C., 779 A.2d 293, 2001 D.C. App. LEXIS 184 (2001).

§ 8-1802. Animal Care and Control Agency [Formerly § 6-1002]

(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 chapter 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.

1973 Ed., § 6-2402; 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; 1981 Ed., § 6-1002; Dec. 5, 2008, D.C. Law 17-281, § 104(b), 55 DCR 9186.

SECTION REFERENCES. --This section is referenced in § 8-2001.

EFFECT OF AMENDMENTS. --D.C. Law 17-281 substituted "Animal Care and Control Agency" for "Animal Control Agency" in the section heading and in (a); rewrote (b); and added (c).

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

LEGISLATIVE HISTORY OF LAW 3-97. --Law 3-97, the "Animal Control Act Amendment Act of 1980," was introduced in Council and assigned Bill No. 3-211. 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.

LEGISLATIVE HISTORY OF LAW 17-281. --See note to § 8-1801.

§ 8-1803. Vaccinations [Formerly § 6-1003]

(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.

1973 Ed., § 6-2403; Oct. 18, 1979, D.C. Law 3-30, § 4, 26 DCR 765; 1981 Ed., § 6-1003; Mar. 10, 1983, D.C. Law 4-199, § 4(a), 30 DCR 119.

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

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LEGISLATIVE HISTORY OF LAW 4-199. --Law 4-199, the "Christmas Tree Act of 1982," was introduced in Council and assigned Bill No. 4-427. 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.

§ 8-1804. Licenses and fees [Formerly § 6-1004]

(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.

(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 § 3-512.01. A veterinarian may collect an additional \$ 2 for each license issued as reimbursement for administrative costs.

(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.

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

(2) Deposits into the Fund shall include:

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

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(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.

1973 Ed., § 6-2404; Oct. 18, 1979, D.C. Law 3-30, § 5, 26 DCR 765; 1981 Ed., § 6-1004; 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.

SECTION REFERENCES. --This section is referenced in § 8-1801, § 8-1806, and § 8-1807.

EFFECT OF AMENDMENTS. --D.C. Law 16-305 substituted "deaf, hearing impaired" for "audio-handicapped" in (e)(1) and (f)(1).

D.C. Law 17-281 repealed (d); rewrote (e), (f), and (h); and added (i) and (j).

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

LEGISLATIVE HISTORY OF LAW 9-236. --Law 9-236, the "Animal Control Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-306. 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.

LEGISLATIVE HISTORY OF LAW 10-253. --Law 10-253, the "Multiyear Budget Spending Reduction and Support Temporary Act of 1995," was introduced in Council and assigned Bill No. 10-857. The Bill was adopted on first and second readings on December 21, 1994, and January 3, 1995, respectively. Deemed approved without the signature of the Mayor on January 27, 1994, it was assigned Act No. 10-401 and transmitted to both Houses of Congress for its review. D.C. Law 10-253 became effective on March 23, 1995.

LEGISLATIVE HISTORY OF LAW 11-52. --Law 11-52, the "Omnibus Budget Support Act of 1995," was introduced in Council and assigned Bill No. 11-218. 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.

LEGISLATIVE HISTORY OF LAW 12-261. --Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845. 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.

LEGISLATIVE HISTORY OF LAW 16-305. --Law 16-305, the "People First Respectful Language Conforming Amendment Act of 2006," was introduced in Council and assigned Bill No. 16-664. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 18, 2006, it was assigned Act No. 16-437 and transmitted to Congress for its review. D.C. Law 16-305 became effective on Apr. 24, 2007.

LEGISLATIVE HISTORY OF LAW 17-281. --See note to § 8-1801.

§ 8-1805. Impoundment [Formerly § 6-1005]

(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.

1973 Ed., § 6-2405; 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; 1981 Ed., § 6-1005; 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.

SECTION REFERENCES. --This section is referenced in § 8-1806.

EFFECT OF AMENDMENTS. --D.C. Law 17-281 rewrote (a); and added "including scanning the animal for a microchip" in (b).

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

LEGISLATIVE HISTORY OF LAW 3-97. --See note to § 8-1802.

LEGISLATIVE HISTORY OF LAW 9-236. --See note to § 8-1804.

LEGISLATIVE HISTORY OF LAW 17-281. --See note to § 8-1801.

§ 8-1806. Release to owner [Formerly § 6-1006]

(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;

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(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.

1973 Ed., § 6-2406; Oct. 18, 1979, D.C. Law 3-30, § 7, 26 DCR 765; 1981 Ed., § 6-1006; Mar. 17, 1993, D.C. Law 9-236, § 2(c), 40 DCR 614.

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

LEGISLATIVE HISTORY OF LAW 9-236. --See note to § 8-1804.

§ 8-1807. Adoption [Formerly § 6-1007]

(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.

1973 Ed., § 6-2407; 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; 1981 Ed., § 6-1007.

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

LEGISLATIVE HISTORY OF LAW 3-97. --See note to § 8-1802.

§ 8-1808. Prohibited conduct [Formerly § 6-1008]

(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.

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(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.

1973 Ed., § 6-2408; 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; 1981 Ed., § 6-1008; 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.

SECTION REFERENCES. --This section is referenced in § 8-1802.

EFFECT OF AMENDMENTS. --D.C. Law 13-303 added (j).

D.C. Law 16-40 inserted "other than a dog park" in (e).

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

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

LEGISLATIVE HISTORY OF LAW 3-97. --See note to § 8-1802.

LEGISLATIVE HISTORY OF LAW 4-199. --See note to § 8-1803.

LEGISLATIVE HISTORY OF LAW 9-236. --See note to § 8-1804.

LEGISLATIVE HISTORY OF LAW 13-303. --Law 13-303, the "Freedom From Cruelty to Animals Protection Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-473. 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 as 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.

LEGISLATIVE HISTORY OF LAW 16-40. --See note to § 8-1801.

LEGISLATIVE HISTORY OF LAW 17-281. --See note to § 8-1801.

ANALYSIS

Negligence.

NEGLIGENCE.

Former D.C. Code § 6-1008(a) (now *D.C. Code § 8-1808(a)*) was too general for a negligence per se instruction; it set a general standard of care for animal owners, but it did not contain the kind of specific guidelines that would allow one to determine whether it had been violated without resorting to a common law reasonable care analysis. *Chadbourne v. Kappaz, App. D.C., 779 A.2d 293, 2001 D.C. App. LEXIS 184 (2001)*.

§ 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.

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

EFFECT OF AMENDMENTS. --D.C. Law 16-40 added this section.

LEGISLATIVE HISTORY OF LAW 16-40. --See note to § 8-1801.

§ 8-1809. Animal hobby permit [Formerly § 6-1009]

(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.

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(b) An owner of 7 or more mammals shall before July 1st of each year or within 10 days of acquiring 5 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.

1973 Ed., § 6-2409; Oct. 18, 1979, D.C. Law 3-30, § 10, 26 DCR 765; 1981 Ed., § 6-1009; Dec. 5, 2008, D.C. Law 17-281, § 104(f), 55 DCR 9186.

SECTION REFERENCES. --This section is referenced in § 8-1805.

EFFECT OF AMENDMENTS. --D.C. Law 17-281 substituted "7 or more mammals" for "5 or more mammals" in (a) and twice in (b); and rewrote (d)(1).

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

LEGISLATIVE HISTORY OF LAW 17-281. --See note to § 8-1801.

§ 8-1810. Education and incentive program [Formerly § 6-1010]

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.

1973 Ed., § 6-2410; Oct. 18, 1979, D.C. Law 3-30, § 11, 26 DCR 765; 1981 Ed., § 6-1010.

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.



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*** CURRENT THROUGH D.C. LAW 17-288, EFFECTIVE DECEMBER 24, 2008 ***
*** AND THROUGH D.C. ACT 17-630 ***
*** STATE ANNOTATIONS CURRENT THROUGH DECEMBER 23,2008 ***

TITLE 8. ENVIRONMENTAL AND ANIMAL CONTROL AND PROTECTION
SUBTITLE E. ANIMAL CONTROL AND PROTECTION
CHAPTER 18. ANIMAL CONTROL

GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY

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§ 8-1811. Penalty [Formerly § 6-1011]

Each person who violates a provision of this chapter 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.

1973 Ed., § 6-2411; Oct. 18, 1979, D.C. Law 3-30, § 12, 26 DCR 765; 1981 Ed., § 6-1011; Mar. 17, 1993, D.C. Law 9-236, § 2(e), 40 DCR 614.

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

LEGISLATIVE HISTORY OF LAW 9-236. --See note to § 8-1804.

§ 8-1812. Civil liability [Formerly § 6-1012]

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; 1981 Ed., § 6-1012.

LEGISLATIVE HISTORY OF LAW 3-97. --See note to § 8-1802.

§ 8-1813. Notice of violation [Formerly § 6-1013]

- (a) The Mayor may issue a notice of violation to any person who violates a provision of this chapter.
- (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 chapter.
- (d) A person shall answer a notice of violation within 15 days by:

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(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.

1973 Ed., § 6-2412; Oct. 18, 1979, D.C. Law 3-30, § 13, 26 DCR 765; 1981 Ed., § 6-1013.

LEGISLATIVE HISTORY OF LAW 3-30. --See note to § 8-1801.

§ 8-1814. 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.

LEGISLATIVE HISTORY OF LAW 17-281. --See note to § 8-1801.

EDITOR'S NOTES. --Section 301 of D.C. Law 17-281 was codified as this section by LexisNexis. If the act section is codified by the Codification Counsel, it may be placed elsewhere in the D.C. Code.

§ 8-1815. 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.

LEGISLATIVE HISTORY OF LAW 17-281. --See note to § 8-1801.

EDITOR'S NOTES. --Section 601 of D.C. Law 17-281 was codified as this section by LexisNexis. If the act section is codified by the Codification Counsel, it may be placed elsewhere in the D.C. Code.

§ 8-1816. Rulemaking

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of D.C. Law 17-281.

Dec. 5, 2008, D.C. Law 17-281, § 701, 55 DCR 9186.

LEGISLATIVE HISTORY OF LAW 17-281. --See note to § 8-1801.

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EDITOR'S NOTES. --Section 701 of D.C. Law 17-281 was codified as this section by LexisNexis. If the act section is codified by the Codification Counsel, it may be placed elsewhere in the D.C. Code.

Although this section authorizes the Mayor to issue rules to implement the provisions of all of D.C. Law 17-281 (by using the phrase "this act"), LexisNexis believes the legislative intent was to authorize the Mayor to issue rules to implement section 601 of D.C. Law 17-281, codified as § 8-1815.