



The Cat Fanciers' Association, Inc.

"World's Largest Registry of Pedigreed Cats"

Back to Basics for Animal Ordinances – Part I

Fees and Fines Backfire as Revenue Sources

The Cat Fanciers' Association Legislative Group receives information almost daily about some city or county in the United States or Canada that is considering a new animal ordinance. These ordinances, from their inception, were designed simply to empower an animal control department to abate animal nuisance and to protect the public health and safety, and were often contained within a page of text. Now, however, the animal control ordinances are in danger of becoming huge volumes, and those basic functions are being lost, to the detriment of both people and their pets.

There appear to be two basic motivating forces behind this explosion in animal control ordinances: 1) as a means of generating revenue to offset operating expenses and 2) for social engineering purposes - to enforce a change in public behavior and attitudes under penalty of law. There are serious consequences that can be overlooked when following either course of action. This article will concentrate on the first of these motivators, and the second will discuss the use of Animal Control ordinances in Social Engineering.

The first motivator, generating revenue, is based on the premise that people who own pets should be the ones to pay for any problems created by animals - a sort of user fee principle. There are multiple fallacies to this reasoning:

- The most likely offenders of animal control ordinances are animals that are either unowned or whose owners either do not or cannot pay the fees. A look at any city's data will show that the most complaints and the lowest licensing compliance is concentrated in areas of lowest income. Therefore a "user fee" style pet license unfairly impacts the responsible, law-abiding pet owner.
- The second, and most basic consideration is that all citizens in a community benefit from the services provided by animal control, from investigations of bites to impounding strays to picking dead animals up from the roadways. Animal control should therefore appropriately be funded by a broad-based tax on the entire community in the same manner that the other necessary services, such as police and fire protection, are funded.
- And finally, an increase in fees and fines from animal control does not necessarily lead to either the desired improved or expanded services. In most jurisdictions those fees and fines go to a General Fund from which all departmental allocations are drawn. Animal Control may or may not receive a greater share.

The inherent unfairness of pet taxes, or licenses, makes this one of the most universally ignored of all laws in a community. Almost never does pet licensing compliance exceed 30%. Some communities have had some initial success by using door-to-door canvassing. This is deceptive, however, as the practice proves to be intrusive and unpopular, as well as expensive to implement, and any gains in compliance

evaporate as soon as the canvassing stops. It also can mean reassigning personnel from their important duties of picking up strays and answering complaints.

The typical reaction to a desire for increased funding for its animal control agency is to raise existing fees and fines. This results in yet lower compliance, and a spiraling reduction in those basic services, with an even more ominous result - a reduction in animals receiving protection from rabies vaccinations. Not only does an increase in fees have a negative effect, but when combined with increased fines it means that people on lower or fixed income might have no choice but to leave their pets to be unclaimed (and possibly euthanized) should they be found roaming and are picked up by animal control.

Veterinarians are increasingly being called upon to sell city licenses and to help enforce licensing laws by reporting their clients to the city. They attest to the fact that increased fees and fines backfire, as pet owners avoid rabies and other vaccinations in order to stay "under the radar" of animal control.

Animal Control should concern itself with the basics. It should be adequately funded by a broad-based tax to meet its obligations of protecting its citizens from animal nuisance and dangers associated with stray dogs. Animal Control should also protect animals from abuse and cruelty, and provide shelter for stray and lost animals. Cities should make that basic health and safety goal clear in their ordinances. They should also provide the support animal control needs to accomplish their mission. Often this means instructing law enforcement agencies and municipal courts to take infractions seriously by issuing and serving the warrants that give teeth to citations.

Community animal control agencies can often find volunteers ready to lend both personnel and funding for worthwhile voluntary projects, for everything from manning special off site Adoption Days to feral cat trap-neuter-release programs. The veterinary community is often ready and willing to participate in neuter/spay programs. On the other hand, the important rescue organizations, t-n-r groups and others disappear when government mandates make their efforts too difficult or create costly and burdensome permits and licenses.

In addition, it is imperative for cities to involve nonprofit animal organizations and others in defining the sources of animal problems and finding ways to create targeted programs funded through per capita revenue. A reallocation of available funding to get the most "bang for the buck" can be identified. When specific needs are pinpointed and programs developed to address them, grants from many private foundations can provide the needed funding. Ingenuity and collaboration can create a better environment for animals, their owners, where layering on fees and fines will be counterproductive.

Be sure to read the next article in this series, which discusses the use of Animal Control ordinances in Social Engineering.

To correspond with the CFA Legislative Committee, please email Legislation@CFA.org