

**AN EVALUATION OF BILL 54-91, REVISIONS TO THE
COUNTY'S ANIMAL CONTROL LAW**

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EXECUTIVE SUMMARY

On November 10, 1992, the County Council enacted Bill 54-91, a collection of 17 changes to the County's Animal Control law. The main goals of Bill 54-91 were to reduce the overpopulation of pets in the County by promoting the spay/neutering of all dogs and cats in the County and discouraging irresponsible breeding. The intent was to enact changes that would not penalize responsible pet owners or adversely affect the licensing rates for cats and dogs.

Bill 54-91 established (1) a new breeder's permit and a new juvenile license, (2) higher licensing fees and a mandatory three year term for unaltered animal licenses, (3) higher licensing fees for animal related businesses, and (4) stiffer penalties and higher fines for violations of the law by unaltered animals versus altered animals. This study conducted by the Office of Legislative Oversight, presents data to examine changes in the number of euthanasias, licensed animals and shelter intake levels as well as the impacts of the specific changes in Bill 54-91.

OLO found that the number of euthanasias at the shelter dropped by 50 percent between FY 91 and FY 96, including a 22 percent decline since the legislation became effective. During this same period, the number of licensed pets decreased from 49,000 to 23,000 and the County's licensing rate declined from 27 to 14 percent. The greatest decline was in the number of licenses for unaltered pets. The County issued over 10,000 licenses for unaltered pets the year before the legislation was adopted and only 743 licenses the first year after the legislation took effect. During the three years the legislation was in effect, the County issued 91 breeder permits and 5,100 free juvenile licenses.

While it was difficult to measure the change in the population of altered animals since the number of licensed pets was not maintained, OLO found no evidence of an appreciable increase in spay/neuter procedures either from a survey of veterinarians in the County or from participation in the County's low cost spay/neuter program.

The decrease in the number of euthanasias suggests that the pet overpopulation problem, which provided the original impetus for Bill 54-91, has been brought under control. At the same time, the low number of breeder permits issued, the lack of an increase in spay/neuter procedures, and the significant drop in the number of pet licenses, suggest that the legislative strategy of higher fees and stiffer penalties for unaltered licenses did not encourage owners to alter their pets. In fact, the significantly higher fees for unaltered licenses appear to have created a disincentive for owners to license their pets.

This report recommends retaining some of the provisions in Bill 54-91 and modifying others. OLO recommends that the County return to the license fee structure that was in place before Bill 54-91 was adopted and that the County eliminate the breeder permit and the juvenile license. OLO recommends that the County retain the field service fee and higher business license fees. OLO also recommends adding cats to the at-large prohibition along with some additional modifications to the regulatory changes made by Bill 54-91.

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I. INTRODUCTION

A. AUTHORITY

Council Resolution No 13-602, Office of Legislative Oversight FY 97 Work Program, adopted July 23, 1996.

B. SCOPE AND DEFINITIONS

On November 10, 1992, the County Council enacted Bill 54-91 which made multiple changes to the County's Animal Control laws found in Chapter 5 of the Montgomery County Code. The bill also required the Office of Legislative Oversight to conduct an evaluation of the new law. This report presents the results of OLO's evaluation.

Bill 54-91 established new permits, increased some licensing fees and modified some penalties with the intent of reducing the overpopulation of County pets and maintaining or increasing the number of licensed pets. This study examines how the numbers of euthanasias and licensed pets have changed since the legislation was adopted, and presents data related to the new fees, permits and penalties established by the law.

Although the County's animal control law regulates all types of animals, Bill 54-91 modified the County's animal control law and regulations concerning cats and dogs only. It did not address other sections of the law that regulate other types of animals. Throughout this report the terms pets and animals mean only cats and dogs and are used interchangeably with references to cats and/or dogs.

The terms breeder and fancier are used frequently throughout this report. County law does not explicitly define a breeder; however, it does require any pet owner, except for pet shops, commercial kennels, or fanciers, to obtain a breeder permit in certain circumstances. The law defines a fancier as someone who owns three or more dogs or cats for the non-commercial purposes of hunting, show or obedience trials.

C. METHODOLOGY

This evaluation represents a joint work effort by OLO staff. The initial field work, data gathering, and compilation were conducted by Joan M. Pedersen, Program Evaluator with the assistance of Timothy Ammon, Public Administration Intern. Sue Richards, Program Evaluator, and Timothy Ammon conducted additional fieldwork and analysis, developed findings and recommendations, and authored the report. OLO reviewed the bill file, budget information, and executive regulations. OLO compiled data from the Division of Animal Control and the Montgomery County Humane Society on licensing, adoptions, euthanasia rates, and animal control enforcement activities. OLO interviewed staff in the Division of Animal Control and the Montgomery County Humane Society and also surveyed County veterinarians.

D. ORGANIZATION OF THIS REPORT

This report is organized as follows:

Chapter II describes the public hearing testimony, fiscal impact statement and committee worksessions that accompanied the adoption of Bill 54-91;

Chapter III presents an overview of how the County delivers animal control programs;

Chapter IV describes the implementation of the new animal control laws in Bill 54-91 and presents data to evaluate the effects of the legislative changes; and

Chapter V summarizes OLO's findings and recommendations.

E. ACKNOWLEDGMENTS

OLO received excellent cooperation and assistance from everyone involved in this study. Staff in the Division of Animal Control and Humane Treatment were very responsive and cooperative. OLO would especially like to thank Mary Eno for setting up a datalink that provided OLO with direct access to the Chameleon system and Paul Hibler and Brian Stone for their insights and contributions.

OLO would also like to thank Mindy Hurwitz, Chair of the Animal Matters Hearing Board, and Sharon Kessler, Executive Director of the Montgomery County Humane Society. Like many policy debates, the issues in Bill 54-91 raise passionate emotions over differing opinions. Throughout all of the conversations, discussions and interviews, OLO was impressed with the respect and tolerance for differing points of view shown by all participants.

II. THE LEGISLATIVE HISTORY OF BILL 54-91

The County Council enacted Bill 54-91 on November 10, 1992 which changed parts of the Animal Control Law in the Montgomery County Code. The main goals of Bill 54-91 were to reduce the overpopulation of pets in the County and to maintain or increase the number of licensed cats and dogs.

- To reduce pet overpopulation, the legislation, as introduced: 1) instituted a new breeder permit, 2) established higher licensing fees for unaltered animals, and 3) instituted stiffer penalties for owners of unlicensed, unaltered animals.
- To maintain or increase licensing rates, the legislation: 1) required proof of licensing for an animal to be transferred from one owner to another, and 2) eliminated the fancier license.

Other changes included: 1) prohibiting the display of dogs and cats for sale, and 2) increasing license fees for animal related businesses.

A. BILL INTRODUCTION AND PUBLIC HEARING TESTIMONY

Bill 54-91 was introduced on October 29, 1991. According to the legislative record, the stated purpose of the legislation was to penalize citizens who were not responsible pet owners, to discourage the irresponsible breeding of dogs and cats, and to promote the altering of all dogs and cats in the County. The bill sponsors noted that the goal was to enact enforceable legislation that would address the problem of pet overpopulation while not penalizing responsible pet owners.

At the public hearing, the Council heard testimony in favor of and in opposition to the proposed legislation. Those testifying in support of the legislation included the County Executive, the Montgomery County Humane Society (MCHS), the Montgomery County Animal Alliance and many individuals who volunteer at the shelter or work with animal rescue leagues. Much of the testimony described the extent of the pet overpopulation problem in the County.

The Humane Society noted that although euthanasia rates had declined every year because of the Humane Society's very successful adoption program, the number of animals euthanized was still high. MCHS stated that, in the last fiscal year (FY 91), they had euthanized almost 2,600 animals. Another individual testified to the difficulties of euthanizing the litters of puppies and kittens that are brought into the shelter, particularly in the summer months.

Many who spoke in support of the legislation indicated that a source of the pet overpopulation problem was irresponsible pet owners who, accidentally or intentionally,

breed their animals and then bring the litters to the shelter to be given up for adoption. They stated that the breeder permit was needed to regulate this activity and to control the pet overpopulation problem in the County.

Organizations and individuals testifying in opposition to the legislation stated that they found many aspects of the legislation "troubling" and "alarming". They questioned the underlying premise of the legislation that the sterilization of all pets was desirable. They also raised a concern that the legislation represented a shift away from the County's long-standing support of pet ownership towards the overregulation of decisions that were more appropriately the private affair and responsibility of pet owners. Many testified in opposition to the provision eliminating the fancier's license.

B. THE FISCAL IMPACT STATEMENT

The fiscal impact statement prepared by the Office of Management and Budget (OMB) estimated that the County would collect about \$180,000 in new revenues as a result of the legislation. OMB estimated that approximately \$104,000 would come from pet licensing fees, \$36,000 from breeder permit fees, and \$35,000 from fines for dogs at-large. The remaining revenues would come from fancier purchases of dog or cat licenses.

The licensing revenues were calculated by multiplying a \$25 ownership license fee by the number of pets sold at pet shops or given up for adoption at the shelter in the previous fiscal year. For the breeder permit, OMB's analysis assumed \$32,000 would come from people leaving their litters at the shelter for adoption and an additional \$4,000 would come from those who breed dogs or cats. (OMB and DACTH noted that 484 equivalent litters were brought to the shelter and 64 sales by breeders occurred in FY 91.) The analysis assumed 210 citations would be issued for at-large dogs, based on the number of impoundments in FY 91. Finally, the revenues from the fanciers represented the difference between the licenses the fanciers would be required to buy versus the current fancier licensing fees.

C. COMPARATIVE PROGRAMS IN OTHER JURISDICTIONS

The legislative request report for Bill 54-91 noted that some of the provisions in the proposed law were modeled after programs in Fort Wayne, Indiana, Los Angeles, California, San Mateo, California and King County, Washington, in part, because all of these jurisdictions had implemented breeder permits. DACTH and MCHS indicated that the program in Fort Wayne was the primary model used for Bill 54-91.

OLO contacted these jurisdictions to determine the current status of their programs and found that all of the programs that were in place in 1991 are still intact

today. Appendix A contains information on program operations in Fort Wayne, King County and San Mateo County.

D. PUBLIC SAFETY COMMITTEE AND COUNCIL AMENDMENTS

The Public Safety Committee held two worksessions and considered several amendments and changes to Bill 54-91. The draft bill the Committee considered differed from the bill introduced nine months earlier by:

- mandating a three year license term for unaltered animals,
- establishing a new, temporary juvenile license so that owners of pets old enough to be licensed but too young to be altered would not be penalized by the higher fees for unaltered licenses,
- requiring mandatory altering for an animal found at-large three times in a calendar year, and
- adding unaltered cats to the at-large provision.

The Committee discussed whether increased license fees would cause people not to license their animals, whether the first violation of the at-large provision should be waived, and whether the fancier license should be eliminated as the Bill originally proposed.

Amendments proposed by the Committee included: (1) higher impoundment fees for animals caught at-large more than one time in a calendar year; (2) adding female cats in heat in the at-large statute; (3) eliminating the proposed breeder permit and creating a major and minor fancier classification; (4) altering animals before they leave the shelter; and (5) forbidding the sale or transfer of dogs and cats in public places.

The Committee also considered amendments to: (6) eliminate the differential licensing fee and having unaltered pet owners pay a surcharge; (7) reinstate the fancier permit with more specific standards of care; and (8) change the at-large fines so they would escalate with each subsequent offense.

The bill that was reported out of the Public Safety Committee to the full Council made the following amendments to the original legislation:

- Replaced the proposal to make the unaltered license fee equivalent to the cost of a spay/neuter procedure with a mandatory three year license and a surcharge for unaltered animals, and allowed for a reduced license fee based on income need.
- Established a new temporary juvenile license.
- Reinstated the fancier permit that had been deleted by the original legislation and added standards of care for fanciers.

- Retained the breeder permit proposed in the original legislation and added a requirement that breeders, fanciers and commercial kennels include permit numbers in their advertisements.
- Established a new field service fee to recover costs incurred by the County.
- Established a surcharge for pet shops and commercial kennels based on the number of dogs and cats sold.
- Provided waivers for the first violation of at-large provision for altered animals and for unlicensed animals licensed within seven days.
- Added unaltered cats (but not altered cats) to the at-large provision.

The full Council further amended Bill 54-91 by replacing the Committee's proposal for a surcharge for unaltered animals with a license fee that "resulted in a higher license fee for unaltered dogs and cats." The Council also added a requirement that owners who do not claim their animals from the shelter must still pay the field service fee. The Council approved the bill with a 6-0 vote. Two members of the Public Safety Committee abstained and one Councilmember was absent.

III. THE DELIVERY OF ANIMAL CONTROL PROGRAMS IN MONTGOMERY COUNTY

There are 175,000 to 200,000 household pets in Montgomery County.¹ (For purposes of this report the term household pet refers only to cats and dogs because these were the only types of pets affected by Bill 54-91.) The Division of Animal Control and Humane Treatment (DACHT) and the Montgomery County Humane Society (MCHS) jointly manage animal control programs in the County. The mission of the DACHT is:

- to enforce State and County animal control laws,
- to respond to public requests for animal related services and information, and
- to provide for the shelter and disposition of stray, unwanted, or wild animals.

DACHT has primary responsibility for licensing, inspections and investigations necessary to enforce animal control laws and regulations. DACHT gives a grant to MCHS to manage the animal shelter, and MCHS uses its own funds to develop educational initiatives related to the safe and humane treatment of animals.

In addition to inspections and licensing, DACHT's other administrative responsibilities include: developing and conducting training for division personnel, reviewing proposed County and State legislation, preparing and monitoring the budget, providing staff support to the Animal Matters Hearing Board, and managing the County's grant to the Humane Society.

The Animal Matters Hearing Board was created in 1974 to conduct hearings on animal related matters, such as the denial of an animal license or an appeal of the seizure of an animal. The Board also makes recommendations to the County Executive and the County Council on legislation, regulations, standards and operating procedures pertaining to animal matters.

The Board is made up of five members appointed by the County Executive and confirmed by the County Council. One member is required to be a representative of the Montgomery County Veterinary Medical Association, one member must be a representative of MCHS, and the other three appointments must be members of the public. Of the three members of the public, at least one must be from a recognized fancier group. The Board generally meets twice a month to conduct its hearings.

¹ As of 1997, the County's Division of Animal Control and Humane Treatment estimates there are 101,000 dogs and 73,000 cats in the County. Nationally, the American Humane Association (AHA) estimates that 39% of all households have a dog and 32% of all households have a cat. Based on an estimated 275,000 households in the County, the County dog population may be as high as 107,250 and the cat population as high as 88,000. According to County estimates, the pet population increases by approximately 2,000 pets per year.

A. THE BUDGET FOR ANIMAL CONTROL PROGRAMS

The approved FY 97 budget for DACTH is about \$1.7 million and 12.8 workyears and the Executive's Recommended FY 98 budget proposes the same level of resources for next year. Slightly more than half of the budget supports the operations of DACTH and the other half (\$811,880) funds the operations of MCHS. Currently DACTH employs six full time code inspectors for approximately 275,000 households or the equivalent to one field officer for every 42,308 households.² (One part time code enforcement position is currently vacant.) MCHS has 45 paid staff.

B. ANIMAL CONTROL PROGRAMS AND FUNCTIONS

The County's animal control law is found in Chapter 5 of the Montgomery County Code. DACTH is responsible for licensing, inspection and enforcement functions. MCHS is responsible for adoptions, animal impoundment and disposal (i.e. managing the shelter) and animal field services. MCHS also provides public education programs funded from its own resources.

Licensing and Inspections - (DACTH)

DACTH is responsible for administering the licensing and inspection requirements in Chapter 5. DACTH issues licenses and conducts inspections for all areas of the County except the cities of Rockville and Gaithersburg and the Town of Glen Echo.

Section 5-59 of the law requires that all dogs and cats over four months old be licensed and tagged. The primary purposes of licensing are to provide owner identification in the event an animal may be brought to the shelter and to help the County ensure that pets have rabies vaccinations. County law specifies that the term of a license must not exceed the expiration date of the rabies certificate used to obtain the license. An owner must obtain a license within ten days of acquiring an animal that must be licensed. As of March 1997, approximately 24,000 pets or 14 percent of all dogs and cats in the County are licensed.

Code Enforcement Activities - (DACTH)

DACTH divides the County into six field operations zones to enforce animal control laws which are carried out by six full-time and one part-time animal control officers. DACTH's enforcement activities include:

- investigating animal cruelty complaints and animal bites,
- issuing civil and criminal citations for violations of the animal control and cruelty laws,

² A frequent concern raised by advocates for animal control is that the County's ratio of officers to households is low compared to neighboring jurisdictions. Fairfax County has a ratio of one officer for every 16,706 households and Prince George's County has a ratio of one officer for every 28,193 households.

- responding to animal nuisance complaints (e.g., barking dogs, animals running at-large, defecation, and destruction of property), and
- managing the County's rabies vaccination program.

In general, the authority of animal control officers responding to a complaint is limited to locating the owner of the animal, advising the owner of the complaint and verifying the existence of a current rabies vaccination and license for the animal. If officers witness an incident such as a dog running at-large, or a person mistreating an animal, or an animal outside in inclement weather without shelter, they have the authority to issue a citation. A citation becomes a violation when the owner pays the fine or when a guilty verdict is rendered by a District Court judge.

DACHT issues civil citations for violations of the animal control law related to this study. Class B civil violations carry a \$100 fine for the first offense and \$150 fine for each subsequent offense. Class C civil violations carry a \$50 fine for the first offense and a \$75 fine for each subsequent offense. In FY 96, DACHT issued 141 civil citations.

Animal Impoundment and Disposal - (MCHS)

The animal impoundment and disposal program provides for operation of the animal shelter and services to animals that come into the shelter, including an adoption program, a low cost spay/neuter program and renting of traps when rabies is suspected in wildlife. MCHS is responsible for managing this program with a grant from the County. MCHS must also coordinate with a renderer who is under contract to the County to provide for the disposal of carcasses from the shelter.

MCHS manages the animal shelter for receiving, handling, maintaining, and humanely disposing of animals brought to the shelter by citizens, MCHS personnel and DACHT field officers. When an animal is released to its owner, MCHS collects board, impoundment and field service fees. These revenues are periodically remitted to the County. According to data provided by MCHS, in FY 96:

- 7,634 dogs and cats were brought into the shelter,
- 1,564 of these pets were returned to their owners,
- 3,095 of these pets were adopted (and altered if needed), and
- 2,936 of these pets were euthanized.

Adoptions

The County and MCHS jointly fund the Society's adoption program. The County provides for overhead, care and maintenance of the animals while in the shelter, and the salary for a staff person for one-half of a work year. MCHS funds all other costs to administer the adoption program, such as the adoption folder and instructional inserts and adoption flyers which are posted in grocery stores and veterinarian offices. In FY 96, MCHS spent \$57,000 to administer this program, primarily to cover the cost of home interviews. In addition, MCHS members volunteer many hours, primarily interviewing

prospective adopters, fostering animals and walking, socializing and showing animals for adoption.

When an animal is adopted out of the shelter, MCHS requires the new owner to sign an adoption agreement. The adoption agreements, which are legal contracts between the adopters and the County, require that the adopted animal be licensed, altered, examined by a veterinarian, and vaccinated for rabies. MCHS personnel conduct house visits prior to approving an adoption and follow-up with post-adoption house visits when the home interview indicates potential problems.

Spay/Neuter Program

MCHS, through a number of County contracts with licensed veterinarians, administers a low-cost spay/neuter program for all dogs and cats adopted from the shelter and for dogs and cats owned by County citizens who wish to take advantage of the program. Under the program, everyone who adopts an unaltered dog or cat from the shelter must purchase a coupon for the sterilization of the animal by a licensed veterinarian. When the animal is eventually altered, the veterinarian bills MCHS for payment. For other animal owners who are County citizens and wish to take advantage of the low-cost program, MCHS sells coupons which can be redeemed with a participating veterinarian.

Animal Field Services - (MCHS)

The animal field services program dispatches personnel to pick up dead, injured or confined stray animals countywide, except in Gaithersburg, Glen Echo and Rockville. The program also provides 24-hour emergency veterinary care for strays, removes dead animals larger than the size of an opossum, and responds to suspected rabid animal sightings.

Public Education - (MCHS)

MCHS also operates a public education program. The purpose of the program is to stimulate public support for enforcement of County animal control laws and humane treatment of all animals, and to reduce animal overpopulation. Currently, one MCHS employee runs the program, which consists primarily of presentations to student groups and civic organizations. The County had funded one-half workyear to share the cost of the humane treatment education program; however, in FY 96, the County eliminated this funding for fiscal reasons. MCHS has funded this position on its own for the last two years at a cost of \$25,000.

In FY 96, MCHS spent \$21,000 for publications and educational materials to publicize the humane treatment of animals, the work of MCHS, and the services available to citizens from the Division of Animal Control and Humane Treatment. *Animail*, a MCHS publication, reaches 12,000 people throughout the County.

IV. THE IMPLEMENTATION AND EVALUATION OF BILL 54-91

A. INTRODUCTION

The County Council adopted Bill 54-91 in November 1992. The legislation made 17 changes to 12 sections of the County's animal control law. This chapter describes each change in the new law, explains how the new section has been implemented and presents data to evaluate the effect of the change. This chapter is organized as follows:

- Section B reviews the permit or licensing changes, which include: the three year term and higher fee for unaltered licenses, the new juvenile license, and the new breeder permit.
- Section C reviews the fee changes, which include: the new field service fee, and the new fee structures for pet shops, commercial kennels and fancier licenses.
- Section D reviews the penalty or enforcement changes which include the additions of: unaltered cats to the at-large prohibition, a mandatory waiver for some at-large violations, mandatory altering under certain circumstances, the prohibition of public display of dogs or cats for sale, limitations on ownership transfers, and differential penalties for failure to license an altered versus an unaltered pet.

The provisions in the new law took effect in November 1993, one year after the bill was adopted. Since the legislation was adopted, the County's animal control staff have had to deal with technology improvements, funding cuts, and management changes while implementing the requirements of the new legislation.

Implementation of a new computer system

In 1992, DACHT purchased new computer hardware and a new software program ("Chameleon") to meet the data collection and analysis requirements of Bill 54-91 and address its licensing backlog. DACHT field officers earn compensatory time to complete computer data entry and other administrative work. DACHT also pays MCHS personnel as temporary workers to keep up with the licensing workload.

The Chameleon database system is a software program specifically designed for use by animal shelters. It is a dynamic relational, database system that allows DACHT and MCHS to monitor virtually all animal control activities related to both department and shelter operations. The dynamic feature means that each time data is entered into the system, the database is automatically updated and the previous record is lost. This means data reports must be run at regular intervals to establish and maintain historic records.

DACHT is still familiarizing itself with all the capabilities of the Chameleon software which has made data collection for this study difficult. DACHT was very responsive to OLO's requests for data to complete this study and even established a datalink so OLO could retrieve data directly from the Chameleon database.

Unfortunately, much of the data OLO requested or tried to compile directly was not available or was inaccurate. In part, this was due to problems with the conversion of files from the Wang system to the new Chameleon system. Some of the problems with incomplete or inaccurate data were due to inconsistent or incomplete data entry. Finally, it was difficult to retrieve historic data because the database is dynamic and DACTH had not compiled reports on a regular basis.

In the last few months, DACTH has begun to make more extensive use of the mandatory field feature and to include some basic fields such as the date the applications are filled out. As staff become more familiar with the capabilities of the Chameleon system, DACTH believes the system will prove to be a useful management tool.

Funding and budget changes

Table 1 shows the approved workyears and budgets for DACTH for the past six years. The data indicate that while funding has increased slightly over the six year period, staffing for animal control functions has been cut by two workyears.

TABLE 1: HISTORY OF APPROVED BUDGETS AND WORKYEARS FOR DACTH (000s)

	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
Budget	\$1,625	\$1,538	\$1,556	\$1,698	\$1,659	\$1,681
Workyears	14.8	13.7	13.5	13.7	13.0	12.8

Source: Approved Operating and Capital Budgets, FY 92 to FY 97.

In July 1992, three months before adoption of the new law, the County Council reduced staffing for animal control functions by one workyear for fiscal reasons. This reduction was implemented by consolidating the field operations and the administrative management responsibilities and eliminating one supervisory position (from the field section). In FY 96, staffing was reduced by an additional position. This reduction was implemented by eliminating the supervisory position from the administrative services section.

Leadership and organizational changes

In November 1994, one year after Bill 54-91 became effective, the newly elected County Executive appointed an Acting Director for Animal Control. On February 25, 1997, after almost two years without a permanent director, the Council confirmed the Executive's appointment of a permanent director.

The appointment of the Acting Director from within the division had the effect of reducing even further supervisory staff that had already been constrained by budget cuts in 1992 and 1996. During this same period, the County Executive recommended and the Council approved a reorganization that restructured the Department of Animal Control and Humane Treatment from a separate department to a division in the Police Department. As part of the reorganization, the Director's position continues to be a non-merit, civilian position, appointed by the Executive and confirmed by the Council.

The Public Education Program to Implement Bill 54-91

A lot of publicity accompanied the Council's consideration and adoption of Bill 54-91. After the bill was enacted, DACTH relied on its existing education programs to make County pet owners aware of the new provisions in the law. Through FY 95, the County and MCHS each funded one-half workyear (\$14,840 in FY 95) for the Humane Education/Treatment program. In FY 96 the County eliminated its share of the funding for the program and MCHS picked up total funding for the position.

Withdrawal of County funding has limited the resources MCHS can devote to educational programs. In FY 96, the Society spent \$25,000 to fund the position and \$21,000 for educational publications on the humane treatment of animals and the other efforts of the Society.

B. PERMIT AND LICENSING CHANGES

Sections 5-59(d) and (e) established higher license fees and a mandatory three year license term for unaltered pets

A key provision of Bill 54-91 was to substantially increase the license fee for unaltered pets in hopes of encouraging more owners to have their pets altered. Bill 54-91 made two changes to the license for an unaltered pet to accomplish this objective. The first change was to significantly increase the license fee and the second change was to mandate a three year license term.

During the debate on Bill 54-91, the Public Safety Committee considered language that would have made the license fee for an unaltered dog or cat equivalent to the cost of having the animal spayed or neutered. Instead, the language the Council finally adopted required the County Executive to "set a higher license fee for unaltered dogs and cats that reflects the County's costs from these animals." The County set the fee for a three year license for an unaltered animal at \$75. This was \$57 higher than the \$18 fee for a three year license for an altered animal or roughly equivalent to the cost of a spay/neuter procedure through the County's low cost spay/neuter program.

In the years preceding Bill 54-91, the County had modified license terms frequently. Through FY 90, the County issued only a one year license for both altered and unaltered animals. In FY 91, the County offered a one or three year license for both altered and unaltered animals. Section 5-59(e) in Bill 54-91, which required the license term for an unaltered dog or cat to be three years, in effect, eliminated the option of a one year license for an unaltered pet.

Table 2 shows the license fees, the number of licenses issued by type, and the pet licensing revenues collected from FY 94 through FY 96. The data show that over the last three fiscal years, the County has issued an average of 13,900 pet licenses per year and collected an average of \$187,500 in pet licensing fees each year. The data also show that DACTH did not implement the fee and term structure for unaltered licenses set forth in the bill.

The Animal Control Law requires pet owners to present a current rabies certificate to obtain a license. As a result, the provision in the bill mandating a three year term was in conflict with the next sentence of the law which required that the expiration date for a license not exceed the expiration date of the rabies certificate used to obtain the license. In practice, DACTH was uncomfortable requiring pet owners whose animals had fewer than three years left on their animal's rabies vaccination to re-vaccinate their animal in order to meet the requirement for the three year license.

To address these issues, DACTH established the terms and pro-rated fees for unaltered licenses in Table 2. In FY 97, the County increased the fees for unaltered licenses to:

- \$26 if the rabies vaccination expires in 12 months or less,
- \$52 if the vaccination expires in 13 to 24 months, and
- \$78 if the vaccination expires in 25 or more months.

TABLE 2. LICENSE FEES, NUMBER OF LICENSES ISSUED AND REVENUES

	FY94	FY95	FY96
LICENSE FEES			
Altered Animal for 1 year	\$ 6.00	\$ 6.00	\$ 6.00
Altered Animal for 3 years	\$18.00	\$18.00	\$18.00
Unaltered Animal for 1 year or less	\$25.00	\$25.00	\$25.00
Unaltered Animal for 1 to 2 years	\$50.00	\$50.00	\$50.00
Unaltered Animal for 3 years	\$75.00	\$75.00	\$75.00
# OF LICENSES SOLD/ISSUED			
Altered Animal Licenses	12,303	10,885	10,585
Unaltered Animal Licenses	743	1,116	980
Juvenile Licenses	974	2,653	1,466
TOTAL LICENSES SOLD/ISSUED	14,020	14,654	13,031
REVENUES	\$ 217,855	\$ 259,287	\$ 190,255

Source: DACTH, CAFR

What has been the effect of the increased fee differential created by Bill 54-91 on the number of licenses issued for altered and unaltered pets?

One of the primary concerns raised during discussion of the bill was the effect that increased animal license fees for unaltered animals would have on licensing activity. Table 3 shows the types of licenses issued by DACTH from FY 92 to FY 96. The data show that the number of licenses for unaltered animals dropped drastically in the first year that the new fees became effective. Whereas DACTH had issued 10,220 licenses for unaltered animals in FY 93, DACTH issued only 743 licenses for unaltered cats and dogs the first year the legislation was in effect (FY 94). Although some of the decline may be attributable to the elimination of a one year license, the fact that the number of licenses

over the three years is less than one-third of the licenses issued in FY 93 suggests that there has still been an overall decline in unaltered licenses.

TABLE 3. NUMBER OF ALTERED AND UNALTERED LICENSES SOLD, FY 93 - FY 96

LICENSE TYPES	NUMBER OF LICENSES				MIX OF LICENSE TYPES			
	FY 93	FY 94	FY 95	FY 96	FY 93	FY 94	FY 95	FY 96
Altered animals	25,024	12,303	10,885	10,585	71%	95%	92%	92%
Unaltered animals	10,220	743	1,116	980	29%	5%	8%	8%
TOTAL LICENSES ISSUED	35,244	14,020	14,654	13,031	100%	100%	100%	100%

Source: Recommended Budgets, FYs 93-96 and DACTH

DACTH believes the higher license fees for unaltered animals is a contributing factor to the drop in licensing but not the only factor. DACTH thinks other factors responsible for this decline include changes in the division's management, budget and organization. OLO agrees that it is difficult to attribute the decrease in the number of unaltered animal licenses entirely to higher license fees because the number of altered licenses declined over the same time period even though the fees for altered animal licenses did not change.

Section 5-59(b) added a new temporary juvenile license

Bill 54-91 also established a juvenile license to allow owners of unaltered pets between four months and one year old to avoid the higher license fees for unaltered pets and to provide an earlier entry point into the licensing system.

Section 5-59(b) states that the owner of a dog or cat under one year of age may obtain a temporary license. The owner must present a rabies certificate to obtain the license and the law provides that the temporary license expires one year after the date of the animal's first rabies vaccination. In practice, since animals must be at least four months old to get a rabies vaccination, the license is available to animals that are between four months and one year old. There is no fee for a juvenile license.

Executive Regulations 32-93 and 34-93, which implement the breeder and fancier permits, require a breeder or fancier to complete a four-part juvenile license registration form for all offspring that will remain in the County. The breeder or fancier must return one form to DACTH and give two forms to the prospective owner, who is then responsible for licensing the animal when it is four months old.

In the three years since the law became effective, DACTH has issued approximately 5,100 juvenile licenses. DACTH believes the majority (if not all) of these licenses were obtained by owners applying directly to DACTH; however, they have not established a mechanism for tracking where a license application originates.

Has the juvenile license helped to bring pets into the licensing system?

OLO sampled 300 juvenile licenses (100 in each fiscal year since the juvenile license went into effect) to evaluate how the license has worked. OLO found that 171 of the 300 (57%) licenses had been renewed over the entire three year period. Of the 171 renewed licenses, 68% were for pets which had been altered, 11% were for pets which had not been altered, and the remaining 21% did not indicate if the pet had been altered or not. Table 4 shows the breakdown of the licenses sampled by fiscal year.

TABLE 4. SAMPLE OF 100 JUVENILE LICENSES FROM EACH FISCAL YEAR

	FY 94	FY 95	FY 96	Total
Total number of renewed licenses	46	48	77	171
Renewed as altered	31	31	54	116
Renewed as unaltered	6	8	5	19
Renewed but not referenced	9	9	18	36

Source: OLO and DACHT

Sections 5-40B and 5-41 created a new breeder's permit

Bill 54-91 established a new breeder permit to help bring the County's pet overpopulation problem under control. While the law does not define a breeder, Section 5-40B requires any owner of a dog or cat, except a pet shop, commercial kennel or fancier, to:

- obtain a permit each time a dog or cat is bred,
- include the breeder permit number in any advertisement,
- maintain certain standards of care, and
- follow certain procedures in the sale of an animal.

Executive Regulation 32-93, adopted on October 26, 1993 set the fee for a breeder permit at \$25 and established minimum standards of care for animals under a breeder permit. The regulations also required breeders to fill out a juvenile license application for prospective owners and forward a copy to DACHT for the sale of any animal that will remain in the County. (DACHT reports that they have not established a way to track the origin of the juvenile license applications so there is no way of knowing whether breeders are filling out juvenile license applications.)

What has been the use of the breeder permit created by Bill 54-91?

As part of the fiscal impact analysis for the proposed legislation, DACHT and OMB staff estimated that the County would issue approximately 550 breeder permits and collect \$36,000 in fees each year. Between FY 94 to FY 96, DACHT issued a total of 91 breeder permits and collected \$2,275 in permit fee revenues.

Following the adoption of the law, DACHT relied on MCHS volunteers to screen advertisements to see if the law was being followed. MCHS reported that when the volunteers called people placing advertisements, the volunteers were often subject to verbal abuse and harassment. As a result, this follow up work was discontinued.

As part of this study, OLO reviewed 15 days of classified advertisements in two local papers (The Gazette and The Journal) to ascertain whether breeder permit numbers were being included as the legislation mandated. OLO found that only one of the 25 advertisements over the fifteen day span included a breeder permit number. In informal follow up interviews with those advertising, many said they were not aware of the requirement.

How has the number of dogs, cats, puppies and kittens brought to the shelter for adoption changed since FY 94?

OLO compiled data on cats and dogs brought to the shelter by age to see if there had been an increase or decrease since FY 92. Table 5 shows the number of dogs, puppies, cats, and kittens entering the shelter each year from FY 92 through FY 96.

The data show the number of all cats, dogs, kittens and puppies coming into the shelter has dropped 17% between FY 92 and FY 96, and 4.2% since the legislation went into effect in FY 94. According to MCHS, the number of animals brought to the shelter dropped because of the humane education program, the low cost spay/neuter program and an increase in adoptions from the shelter which require the animal to be neutered.

TABLE 5. NUMBER OF ANIMALS INTO THE SHELTER, FY 92 - FY 96

NUMBER OF PETS	FY 92	FY 93	% Chg. FYs 92-93	FY 94	FY 95	FY 96	% Chg. FYs 94-96
Puppies	603	572	-5.1%	511	442	367	-28%
Kittens	1,734	1,642	-5.3%	1,424	1,310	1,274	-10.5%
Dogs	3,986	3,782	-5.1%	3,431	3,488	3,367	-1.9%
Cats	2,861	2,683	-6.2%	2,605	2,519	2,626	0.1
TOTAL	9,184	8,679	-5.5%	7,971	7,759	7,634	-4.2%
SHARE BY TYPE	FY 92	FY 93		FY 94	FY 95	FY 96	
Puppies	6.6%	6.6%		6.4%	5.7%	4.8%	
Kittens	18.9%	18.9%		17.9%	16.9%	16.7%	
Dogs	43.4%	43.6%		43.0%	45.0%	44.1%	
Cats	31.2%	30.9%		32.7%	32.5%	34.4%	
NUMBER BY AGE	FY 92	FY 93	% Chg. FYs 92-93	FY 94	FY 95	FY 96	% Chg. FYs 94-96
Puppies & Kittens	2,337	2,214	-5.3%	1,935	1,752	1,641	-15.2%
Dogs and Cats	6,847	6,465	-5.6%	6,036	6,007	5,993	-0.7%
SHARE BY AGE	FY 92	FY 93		FY 94	FY 95	FY 96	
Puppies & Kittens	25.5%	25.5%		24.3%	22.6%	21.5%	
Dogs and Cats	74.6%	74.5%		75.7%	77.5%	78.5%	

Source: MCHS and OLO

The decrease of 1,550 cats and dogs since FY 92 is made up of 854 fewer cats and dogs and 696 fewer puppies and kittens. Most of the decline in the number of cats and dogs occurred in the two years before Bill 54-91 became effective in FY 94 whereas the decrease in puppies and kittens is distributed more evenly across the five year period.

How has the share of puppies and kittens coming into the shelter changed since Bill 54-91 became effective?

During the debate on Bill 54-91, supporters of the legislation cited the number of puppy and kitten litters brought to the shelter as one indicator of the County's pet overpopulation problem. Advocates of the Bill hoped the establishment of a breeder permit would lead to a decrease in the number of litters being brought into the shelter.

MCCHS does not keep data on the number of litters brought into the shelter; however, the data in Table 5 show the individual percentages for dogs, puppies, cats, and kittens entering the shelter for each year from FY 92 through FY 96. The data show that, since the legislation became effective in FY 94, the mix of young animals versus mature animals entering the animal shelter has shifted somewhat. The percentage of young animals has fallen from 25.5 percent of the incoming population in FY 93 to 21.5 percent in FY 96, for a decrease of 4.0 percentage points.

How has the source of puppies and kittens coming into the shelter changed since Bill 54-91 became effective in FY 94?

During the public hearing, advocates of the legislation testified in favor of a breeder permit to regulate, in part, the behavior of irresponsible pet owners who were breeding their pets and bringing litters into the shelter to be given up for adoption. OLO compiled information on whether puppies and kittens brought into the shelter were stray or given up by County pet owners.

TABLE 6. COMPARISON OF GIVEN UPS AND STRAYS INTO THE SHELTER, FY 92 - FY 96

	FY 92	FY 93	FY 94	FY 95	FY 96	Difference
Strays						
Puppies	215	261	197	176	177	(38)
Kittens	861	780	592	615	605	(256)
Total Strays	1,076	1,041	789	791	782	(294)
Given-Up						
Puppies	388	311	314	266	190	(198)
Kittens	873	862	832	695	699	(174)
Total Given-up	1,261	1,173	1,146	961	889	(372)
Total	2,337	2,214	1,935	1,752	1,641	(696)
Strays	46%	47%	41%	45%	48%	
Given Up	54%	53%	59%	55%	52%	

Source: MCCHS and OLO

Table 6 shows that the numbers of stray and given-up puppies and kittens coming into the shelter are roughly equivalent, with given-ups comprising the greater share. Since

FY 92, the number of given-ups has declined by 372 pets while the number of strays has dropped by 294 animals.

The effect of licensing changes on the number of euthanized animals, the number of licensed pets and the population of altered animals

One of the major issues discussed during the legislative debate on Bill 54-91 was the overpopulation of pets in the County. Specifically, supporters of the legislation were concerned about the number of animals being euthanized at the animal shelter despite consistently high adoption rates. Opponents of the legislation were concerned that higher licensing fees would adversely affect the number of licensed pets.

Bill 54-91, as adopted, increased fees and established the breeder permit and juvenile license in hopes that the combined effect would be to decrease the number of euthanized animals and increase the number of altered pets without adversely affecting licensing rates.

The following tables present data on the numbers of euthanized animals, licensed pets and spay/neuter procedures for the period from FY 91 or FY 92 through FY 96. The data are presented over six years both to display the trend over a multiple year period and because reliable data on the number of licensed pets are only available for two data points: FY 91 and FY 97. The changes made in Bill 54-91 took effect in FY 94. This means that the effect of the legislation is only seen in the later years shown in the tables on the following pages.

How has the number of euthanized animals changed since Bill 54-91 became effective?

Table 7 presents data from MCHS on the disposition of animals brought into the shelter, including the number of animals euthanized and the euthanasia rates from FY 91 through FY 96.³ The data show that, since FY 91, the number of euthanasias has dropped 50 percent from approximately 2,600 in FY 91 to 1,350 in FY 96. During the same period, the adoption rate increased from 58 to 69 percent and the euthanasia rate dropped from 40 to 30 percent.

Since Bill 54-91 became effective in FY 94, the number of euthanasias at the shelter has dropped by 371 pets (from 1,722 in to 1,351). Over the same period, FY 94 to FY 96, the adoption rate increased from 66 percent to 69 percent.

³ The total of eligible animals represented here is the total number of live dogs, cats, puppies and kittens brought to the shelter minus the number of animals returned to owner minus the number of animals euthanized by veterinarian order or owner request. The number of animals euthanized are the unclaimed animals who are not adopted out from the shelter. The number of unclaimed animals is determined by subtracting the number of reclaimed animals and the number of veterinarian requested euthanasia's from the total number of animals brought to the shelter. The euthanasia rate is the number of animals put to sleep divided by the total number of unclaimed animals.

TABLE 7. DISPOSITION OF ANIMALS BROUGHT TO THE ANIMAL SHELTER, FY 91 - FY 96

	FY 91	FY 92	FY 93	FY 94	1995	FY 96	Change 92-96
Total Eligible Animals	6493	5782	5347	5164	4733	4485	(2008)
Animals Adopted	3741	3770	3609	3414	3337	3095	(646)
Animals Euthanized	2592	2005	1717	1722	1370	1351	(1241)
Percent Adopted	57.6%	65.2%	67.5%	66.1%	70.5%	69.0%	
Percent Euthanized	39.9%	34.7%	32.1%	33.3%	28.9%	30.1%	

Source : MCHS and OLO.

How has the number of licensed animals and the licensing rates changed since Bill 54-91 became effective?

During the discussions of Bill 54-91, concerns were raised that increases in the number of spayed or neutered animals should not be realized at the expense of a decrease in licensing rates. While advocates of the legislation spoke to the need to raise license fees for unaltered animals to create an incentive for owners to fix their animals, others stated that an equally likely outcome would be that owners would choose not to license their unaltered animals.

OLO attempted to compile data on the total number of licensed animals and the number of licenses issued each year before and after adoption of the legislation; however, the dynamic nature of the Chameleon software plus the lack of yearly historical reports made this task impossible. Since OLO was able to compile data on the number of current licenses, OLO returned to the last year the County issued only one year licenses (FY 91) to establish a comparative data point. The data are summarized below.

Number of Licensed Animals, FY 91 and FY 97

According the County Executive's Recommended FY 91 Operating Budget and Public Services Program, as of June 30, 1991, there were 49,624 licensed animals (cats and dogs) in the County. As of March 1997, DACHT's computer records indicate there are 23,716 licensed cats and dogs. This indicates that the current number of licensed animals in the County has dropped by 26,000, 52% lower than the number of licensed animals six years ago.

Licensing Rates, FY 92 - FY 97

DACHT could not provide OLO with reliable data on the number of licensed animals by year because its computerized record keeping system did not require tracking license application dates until this year. However, DACHT provided OLO with year by year estimates calculated by first assuming every license was a three year license and then summing the totals for three years to determine the number of licensed animals in any given year.

Table 8 displays DACHT estimates and calculates the licensing rates by year using these estimates and pet population estimates from the annual budget. Using this estimated data, Table 8 shows the licensing rate in the County has dropped steadily since FY 92.

TABLE 8. ESTIMATED NUMBER OF LICENSED PETS AND LICENSING RATES, FY 92 - FY 97

	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
Estimated # of Pets (DACHT)	167,000	169,000	170,000	172,000	174,000	176,000
Estimated # of Licensed Pets	46,239	42,496	42,745	37,542	33,307	25,499
Estimated Licensing Rates	27%	25%	25%	22%	19%	14%

Source: Recommended Budgets FY 92-97 and DACHT

Comparison to Licensing Rates in Prince George's and Fairfax Counties

OLO obtained information on the number of licensed animals in Prince George's County and Fairfax County to provide some basis of comparison for Montgomery County's licensing rates. Table 9 shows licensing rates for Montgomery County and these neighboring jurisdictions. The County's licensing rate in Table 9 (12%) differs from the rate in Table 8 (14%) because different pet population estimates are used to calculate the rates. Unlike Table 8, which uses the DACHT estimate of pet population, the pet estimates in Table 9 are calculated from the number of households in each jurisdiction and American Humane Association assumptions that 39 percent of all households have a dog and 32 percent of all households have a cat.

Table 9 shows that Montgomery County is licensing about 12 percent of the pet population and that this rate is slightly higher than Prince George's County which licenses 10 percent of all pets. The County's licensing rate is lower than the rate in Fairfax County which only licenses dogs. Montgomery County is licensing 17 percent of all dogs compared to 29 percent in Fairfax County.

TABLE 9. ESTIMATED LICENSING RATE USING AHA ESTIMATES OF PET OWNERSHIP, FY 97

	Number of Households	Estimated Dog and/or Cat Population	Number of Dog and/or Cat Licenses Sold	Percent of Licensed Dogs and/or Cats
Jurisdiction				
Montgomery County	275,000	195,250	23,716	12.1%
Prince George's County	281,928	200,169	19,705	9.8%
Jurisdiction				
Montgomery County	275,000	107,250	18,320	17.1%
Fairfax County	321,696	125,461	35,821	28.6%

Source: OLO, DACHT, Prince George's County, Fairfax County

How has the number of spay/neuter operations changed since FY 94?

OLO was unable to use licensing data to measure the change in the population of altered animals because DACTH only maintains data on the number of each license type sold but not the number of each type of pet licensed at any one time. As an alternative, OLO surveyed County veterinarians to see if they had experienced any changes in the number of spay/neuter procedures that they perform. Of the 96 surveys sent out, 27 were returned (29%). Of the vets who responded:

- 52% (14) reported the number of procedures had remained about the same,
- 22% (6) reported the number of procedures they performed had decreased, and
- 22% (6) reported an increase in the number of spay/neuter procedures they perform each year.

OLO also obtained data from MCHS on participation in the County's low-cost spay/neuter program, again to see if there had been an increase in the number of procedures since FY 91 or FY 92. It is difficult to draw any conclusions because MCHS does not have data for FY 91 to FY 94. However, the available data indicates a steady increase in the number of procedures between 1986 -1995. The data also show that the number of procedures in the last two years has remained stable.

TABLE 10. NUMBER OF COUPONS SOLD FOR LOW COST SPAY/NEUTER PROGRAM

Fiscal Year	1986	1987	1988	1990	1991-1994	1995	1996
Coupons	4,345	4,642	4,921	5,045	NA	5,756	5,624

Source: MCHS

C. NEW FEES AND LICENSE FEE INCREASES

Section 5-21 established a new field service fee

County law requires owners who reclaim their pets at the shelter to pay impoundment and boarding fees to help defer costs. The fees are collected by MCHS and periodically remitted to the County. Bill 54-91, Section 5-21(a)(1), added a field service fee to the redemption fees that an owner must pay. This fee is assessed for animals brought to the animal shelter by DACTH or MCHS. (Pets dropped off by citizens are charged the boarding and impoundment fees but are not billed for the field service fee.)

Executive Regulation 9-93, adopted on October 26, 1993, set the field service fee at \$25. The regulation specifies that the collection of fees be jointly administered by MCHS, DACTH and the Department of Finance. According to the Executive Regulation, MCHS must submit weekly lists to DACTH of owners who may have redeemed their pets but are still required to pay the field service fee. DACTH, in turn, submits monthly lists to the Department of Finance and the Department of Finance must bill owners for the redemption costs.

MCHS indicated to OLO that it sent weekly lists to DACTH. DACTH, in turn, stated that they did not have the resources to follow through with its responsibilities. Staff

in the Department of Finance stated that they have never received a list from DACTH of owners to be billed for field service fees.

In FY 96, of the 3,900 stray dogs and cats brought into the shelter, approximately 40 percent (1,491) were brought in by DACTH or MCHS. A total of 882 of these stray animals were returned to their owners, and MCHS and DACTH collected 770 field service fees and almost \$59,000 in revenues. According to MCHS, the fees are sometimes waived because of large veterinarian bills or as a trade-off for the purchase of a low cost spay/neuter coupon in order to promote the altering of animals.

During the discussion of the bill, a concern was raised about whether the new field service fee would cause people to leave their pets at the shelter. To determine whether this has happened, OLO tried to examine trends in the number of animals returned to their owners before and after the County started charging the \$25 field service fee in FY 93. OLO was not able to compile data for FY 93 and prior years because MCHS did not track who brought animals to the shelter at that time. OLO was not able to collect data for FY 94 because this was the first year the Chameleon system was used and a consistent data entry form had not been established.

Table 11 shows the total number of pets brought to the shelter and returned to their owners for FY 95 and FY 96. Between FY 95 and FY 96, the percentage of dogs and cats returned to their owners increased slightly. Although this data is incomplete, it suggests that the new \$25 field service fee has not affected whether or not owners will redeem their animals from the shelter.

TABLE 11. TOTAL NUMBER OF ANIMALS RETURNED TO THEIR OWNERS

	FY 95	FY 96
Animals into the shelter by DACTH or MCHS	1,422	1,491
Returned to owner	821	882
Number of field service fees paid	696	770
Percent returned to owner	58%	59%
Percent of field service fees paid by owners	85%	87%

Source: OLO and DACTH. Data not available for 1994.

Bill 54-91 also requires the owner of an impounded animal to pay the redemption fees even if the animal is not redeemed. This section of the Code is not being implemented because MCHS and DACTH have no way of identifying the owners to be billed.

Sections 5-67(a) (b) and (c) modified business license fees

County regulations require annual inspections of pet shops, commercial kennels and fanciers and the licensing of these businesses for a fee. In FY 96, 18 pet shops, 25 commercial kennels and 81 fanciers licensed in the County paid a total of \$7,790 in licensing fees. (NOTE: The law provides that dogs and cats kept under a commercial kennel license or a fanciers' license are exempt from the individual animal licensing requirement.) Bill 54-91 increased the license fees for pet shops, commercial kennels and fanciers.

Pet shops

Before the adoption of Bill 54-91, pet shops paid a \$100 licensing fee, regardless of whether or not the store sold cats and dogs. Since Bill 54-91 went into effect, pet shops that sell cats and dogs must pay a flat fee plus a surcharge based on the number of dogs and cats the store sold or gave away the year before. The flat fee for a pet shop license since Bill 54-91 went into effect has been \$125. The surcharges based on cat and dog sales and giveaways are: \$25 for one to ten sales or giveaways, \$40 for 11 to 20 sales or giveaways, and \$75 for 21 or more sales or giveaways. In FY 96, DACTH issued 18 pet shop licenses: 17 of these licenses did not include a surcharge and one had a surcharge for the sale of 21 or more pets.

Commercial Kennels

Commercial kennels which breed, board, groom, sell or train dogs or cats for a fee must be inspected and licensed annually. For kennels with 25 or fewer animals, the annual licensing fee is \$75. Kennels with more than 25 animals pay a licensing fee of \$125. In FY 96, a total of 25 commercial kennels were licensed, 15 with fewer than 25 animals and 10 with 25 animals or more.

In addition to the flat fee, the fee structure for commercial kennels was to include a surcharge based on the number of sales, similar to the surcharge for pet shops. Executive Regulation 33-93 established commercial kennel license fees but did not establish any surcharges based on the number of sales.

Dog and Cat Fanciers

The law defines a fancier as someone who owns three or more dogs or cats for the non-commercial purposes of hunting, show, or field and obedience trials. Bill 54-91 changed the fee structure of the fancier's license. Before the adoption of Bill 54-91, the license fee had two levels depending on the number of animals owned by the fancier. Bill 54-91 added a third level to the license fee and included cats in the definition. The current annual fee for inspecting and licensing a dog or cat fancier is \$25 for three to five animals; \$40 for six to ten animals, and \$65 for 11 or more animals. In FY 96, a total of 81 licenses were issued.

Table 12 summarizes the fees, number of licenses and revenues for animal related business between FY 93 and FY 96.

TABLE 12. FEES, NUMBER OF LICENSES AND REVENUES FOR ANIMAL RELATED BUSINESSES

LICENSE FEES	FY 93	FY 94	FY 95	FY 96
Pet Shops	\$100	\$125	\$125	\$125
surcharge for up to 10 sales	N/A	\$25	\$25	\$25
surcharge for 11 to 20 sales	N/A	\$40	\$40	\$40
surcharge for 21 or more sales	N/A	\$75	\$75	\$75
Commercial Kennels				
up to 25 animal	\$50	\$50	\$75	\$75
26 or more animals	\$100	\$100	\$125	\$125
Fanciers				
3 to 5 animals	\$20	\$20	\$25	\$25
6 to 10 animals	\$40	\$40	\$40	\$40
11 or more animals	\$40	\$40	\$65	\$65
LICENSES ISSUED	FY 93	FY 94	FY 95	FY 96
Pet Shops	22	23	18	17
surcharge for up to 10 sales	N/A	0	0	0
surcharge for 11 to 20 sales	N/A	0	0	0
surcharge for 21 or more sales	N/A	0	1	1
Pet Shop Total	22	23	19	18
Commercial Kennel				
up to 25 animal	10	13	9	15
26 or more animals	13	11	14	10
Commercial Kennel Total	23	24	23	25
Fancier				
3 to 5 animals	56	53	36	35
6 to 10 animals	17	15	34	31
11 or more animals	N/A	N/A	15	15
Fancier Total	73	68	85	81
REVENUES	FY 93	FY 94	FY 95	FY 96
Pet Shops	\$2,200	\$2,300	\$2,450	\$2,325
Commercial Kennels	\$1,800	\$1,750	\$2,425	\$2,375
Fanciers	\$1,700	\$1,660	\$3,235	\$3,090
TOTAL REVENUES	\$5,700	\$5,710	\$8,110	\$7,790

Source: DACT

What has been the effect of the higher license fees for animal related businesses established as a result of Bill 54-91?

During the debate on Bill 54-91, questions were raised about the effect the legislation would have on businesses that sell animals. The concern was whether the new fee structures would lead to declining business for the County's pet dealers or a decline in the number of animal related businesses.

Table 13 summarizes the number of animal related business licenses issued between FY 93 and FY 96. The table shows no measurable change in the number of pet shop, fancier, and commercial kennel licenses. The number of commercial kennel licenses remained steady. The number of pet shop licenses decreased slightly, and the number of fancier licenses increased. Total revenues from these licenses have increased by almost \$2,100 since the bill has become effective.

TABLE 13. NUMBER OF LICENSES ISSUED FOR ANIMAL RELATED BUSINESSES, FY 93 - FY 96

LICENSES ISSUED	FY 93	FY 94	FY 95	FY 96
Pet Shop Total	22	23	19	18
Commercial Kennel Total	23	24	23	25
Fancier Total	73	68	85	81
TOTAL LICENSES	118	115	127	124
TOTAL REVENUES	\$5,700	\$5,710	\$8,110	\$7,790

Source: DACTH

D. PENALTY AND ENFORCEMENT CHANGES

In FY 96, animal control officers received and investigated a total of 6,794 complaints. The majority of the complaints concerned animals creating a nuisance e.g., dogs at-large, barking, defecating, damaging property. The next two largest categories of complaints concerned cruelty to animals and animal bites. Other complaints included loose farm animals, failure to comply with orders of the Animal Matters Hearing Board and animals encountered during police activities and tenant evictions.

In FY 96, DACTH issued 141 civil citations. This represents a substantial drop from more than 1,200 citations issued in FY 90 or almost 600 citations issued in FY 92. In FY 96, approximately 30 percent of the citations were for unlicensed animals, 30 percent were for dogs found at-large, and the remaining 40 percent were for violations of Animal Matters Hearing Board orders and failure to vaccinate animals against rabies.

Table 14 shows the number of complaints investigated and citations issued between FY 90 and FY 96. The data show that the number of complaints has remained fairly steady; however, there has been a substantial drop in the number of civil citations issued in the early 1990's compared to the last three years.

TABLE 14. COMPLAINTS, CITATIONS AND VIOLATIONS, FY 90-FY 96

INDICATOR	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
Complaint responses	7,418	7,300	6,763	6,116	6,412	6,259	6,794
Civil Citations	1,233	1,528	596	242	86	100	141

Source: Recommended Budgets FYs 95-98 and DACTH

Section 5-26(a) added unaltered cats to the prohibition of pets which are not allowed to run at-large

Section 5-26(a) of Chapter 5 prohibits pet owners from letting pets run at-large. Bill 54-91 expanded the scope of this prohibition, which had included only dogs, to include unaltered cats. During its survey of veterinarians, OLO spoke with some veterinarians who said that this was a much needed revision to the law since they have seen an increase in the number of feral cat colonies. Because these feral cat colonies carry diseases and are exposed to other animals that carry rabies, some veterinarians think they are becoming an increasingly serious problem in some parts of the County.

DACHT field officers indicate that this section of the law is difficult to enforce because, in the field, it is time consuming to capture an at-large cat and then determine whether or not the cat has been altered. In FY 96, DACHT issued a total of 38 citations for pets found at-large. None of those citations were for cats.

Section 5-26(b) established a mandatory waiver of the first at-large violation for altered dogs

Section 5-26(b) requires the Director to waive the first at-large violation for altered dogs or unaltered cats. The intent of this provision is to give the owners of altered dogs (who are incapable of reproducing and adding to the overpopulation problem) an initial break in the enforcement of the prohibition against at-large animals. OLO reviewed the 38 at-large citations issued in FY 96 to see how this section of the law was being administered and enforced. Of the 38 at-large citations issued, 19 were for pets that were altered and 19 were for pets that were not.

DACHT administers this section of the law by attaching a note to an animal's computer record indicating that a waiver has been granted. OLO's review of the computer records identified the following types of inconsistencies with this record keeping practice. Of the 19 citations for altered pets, three had a note attached indicating that a waiver had been granted previously. The other 16 had either no memo attached or no record for the animal, making it difficult to know whether these cases had received their first time waiver or not. OLO also found that one of the waivers was for an unaltered dog.

Section 5-26, (c) added mandatory altering for pets which violated the at-large provision in three times in one calendar year

Bill 54-91 requires DACHT to alter, at the owner's expense, any unaltered dog or cat that violates the at-large provision three times in one calendar year. A violation exists after an owner pays the fine or is found guilty by a district court judge. The law entitles the owner to a hearing before the Animal Matters Hearing Board within ten days of the third violation. The law does not clarify whether the term calendar year refers to the period beginning January 1 and ending December 31, or refers to a 12 month period that begins on the date of the first violation.

DACHT has not ordered the mandatory altering of an animal since the law became effective. In FY 96, for example, of the 38 at-large violations there was no instance where the at-large provision was violated three times in one calendar year.

DACHT reports that due to staffing limitations and the size of the County, it is unlikely that they would see any animal at-large three times in the same calendar year. DACHT recommends that the law be changed to allow the altering of a dog or cat if it is impounded at the shelter more than three times for any reason. This proposal would make two changes to the current law. First it would require altering if an animal comes into the shelter three times in a year for any reason, not just for an at-large violation. Second, the law would apply regardless of who brought the animal into the shelter all three times.

To evaluate the effect of this proposed change, OLO compiled information on all animals brought into the shelter in FY 96. OLO found that of the 7,643 animals brought into the shelter in FY 96, 43 were impounded three times or more. OLO also found 37 of the 43 were altered by the third time the animal was impounded. Under the proposed revision to the law, DACHT could have required six mandatory alterings.

Section 5-40A added a prohibition of the public display of dogs or cats for sale

Before the enactment of Bill 54-91, the County prohibited the sale or giving away of baby chickens, ducklings or other fowl under three weeks of age or rabbits under two months of age as pets, toys, premiums or novelties. Bill 54-91 added a provision to this section that prohibits the display of dogs or cats in public places for the purpose of selling or giving the animal away. Supporters of this provision were concerned that sales in this manner did not fully inform prospective owners of the responsibilities and costs of pet ownership. The enforcement of this provision (there are no penalties) was added as a new responsibility of the field officers in DACHT.

According to MCHS, this provision helps the shelter prevent people from giving their animals away in front of the shelter (instead of turning the animal over to MCHS for adoption). MCHS advises people about this section of the law and asks that they bring the animal into the shelter to be put up for adoption through MCHS.

Section 5-65 prohibits a person from taking ownership of pet unless the license fee has been paid to DACHT

Bill 54-91 added a new section to Article VI of Chapter 5, Dog and Cat licenses. This section prohibits a person from taking ownership of a dog or cat until the person has paid a license fee for the animal to the Department. The section also prohibits the seller from transferring ownership unless the prospective owner produces a receipt showing the license fee has been paid.

This section conflicts with Section 5-59(c) of the existing law which states that an owner must obtain a license within ten days after acquiring a dog or cat that must be licensed under this section. It also does not address the practical issues of how licenses could be obtained for pets being sold who are less than four months old or how owners

could obtain the rabies vaccination needed to license the pet before they are in possession of the animal. Given the conflict with the existing law, DACT has not enforced this provision.

Section 5-66 added stiffer penalties for failure to license unaltered versus altered animals

A frequent question raised during the debate on Bill 54-91 was whether significantly higher license fees for unaltered animals would deter owners from licensing their animals at all. To encourage owners to license their pets, even if they chose not to alter them, Bill 54-91 left the penalty for failure to license an altered animal as a Class C violation with a \$50 fine for the first offense; however, the bill made the failure to license an unaltered animal a more serious, Class B violation which carries a \$100 fine for the first offense. The law provides that the owner of an unaltered pet may reduce the penalty to a Class C violation (and a \$50 fine) if the animal is altered within seven days of the violation.

The law also allows the Director to waive the fine for the first violation if the unaltered animal is licensed within seven days after the citation is issued. The law does not provide a similar waiver provision for the first violation for an unlicensed, altered animal.

V. SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Council included an evaluation in Bill 54-91 because it recognized that the law was making several licensing fee and regulatory changes to the County's animal control programs. The intent of Bill 54-91 was enforceable legislation that addresses the pet overpopulation problem, and particularly the number of euthanasias at the shelter, without adversely affecting licensing rates or penalizing responsible pet owners.

This chapter summarizes the report's findings and recommendations and is organized as follows:

- **Section A** presents the findings and recommendations for the permits and licenses including the changes to licenses for unaltered pets, the breeder permit and the juvenile license.
- **Section B** presents the findings and recommendations for the new fees in Bill 54-91 including the field service fee, and the restructured fees for pet shops, commercial kennels and fancier licenses.
- **Section C** presents the findings and recommendations for the penalty and regulatory changes including the modifications to the at-large provision, the transfer of ownership prohibition and the differential penalties for failure to license an altered versus an unaltered pet.

Table 15 (on the next page) summarizes the major changes to fees, permits and enforcement actions in Bill 54-91 and OLO's findings in each of these areas. Table 16 summarizes OLO recommendations.

A. PERMITS AND LICENSES

Bill 54-91 established a substantially higher license fee and a mandatory three year term for unaltered pet licenses, a new breeder permit and a new juvenile license. Supporters of the legislation hoped that this set of actions would lead to an increase in the number of altered animals and a drop in the number of euthanasias at the shelter. Opponents of the legislation were concerned that these changes would lead to a drop in the number of licensed pets and adversely affect licensing rates.

FINDINGS ON PERMITS AND LICENSES

DACHT did not implement the mandatory three year term for unaltered licenses because the department did not want to require owners to re-vaccinate their pets if the vaccination expired in less than three years. Instead, DACHT set up a system of pro-rated

TABLE 15. SUMMARY OF CHANGES TO ANIMAL CONTROL LAWS IN BILL 54-91

PERMIT OR LICENSING CHANGES			
Section	Category	Description of Change	Summary of OLO findings
Sec. 5-59	Fees for Unaltered Animal Licenses	Law intended mandatory 3 year license and fee increase to \$75. In practice, license fees are \$26 for 1 year; \$52 for 2 years; and \$78 for 3 years.	Data show higher fee created a disincentive to license unaltered pets and that all licensing rates declined. Number of unaltered licenses fell from 10,220 in FY 93, to 743 in FY 94 and to 980 in FY 96.
Sec. 5-59 (b)	Juvenile License	New with the bill. Free license to shield unaltered juveniles from higher unaltered license fees.	Data show 5,093 juvenile licenses were issued from FY 94 to FY 96. A 3 year sample showed 57% of licenses renewed.
Sec. 5-40b	Breeder's Permit	New with the bill. Owner must obtain \$25 permit each time an animal is bred.	Number of breeder permits sold lower than the expected level of 550 per year. 91 permits were issued from FY 94 to FY 96. Most ads do not include permit number.
FEE CHANGES			
Section	Category	Description of Change	Summary of OLO findings
Sec 5-21 (a)	Field Service Fee	Owner must pay a \$25 fee each time the animal is picked up at-large. Added to existing impoundment and boarding fees (\$16 and \$5 per day).	Available data show fee did not deter owners from reclaiming pets. The County has collected \$58,956 in field service fees since FY 93.
Sec. 5-67 (a)	Pet Shop License Fees	Imposed a surcharge based on number of cats and dogs sold. \$125 flat fee plus surcharges of \$20 for 1-10 animals; \$40 for 11-20 animals, \$75 for 21 or more animal sold	Higher fees did not adversely affect the number of pet shops. 22 licenses were issued in FY 93 and 18 licenses were issued in FY 96.
Sec. 5-67 (b)	Commercial Kennel License Fee	Modified fee based on number of dogs or cats in kennel. Required kennel # in advertisements. Imposed a surcharge based on number of cats and dogs sold. Fees were established at \$75 for 25 or fewer animals, \$125 for 26 or more animals.	Number of commercial kennel licenses has stayed steady. 23 licenses were issued in FY 93 and 25 licenses were issued in FY 96. No surcharge based on number of sales has been implemented. Most ads do not include license number.
Sec. 5-67 (c)	Fancier's License	Changed fee structure and required license # in advertisements. New fee structure: \$25 for 3-5 animals; \$40 for 5-10 animals; \$65 for 11+ animals.	The number of fancier licenses issued has increased from 73 in FY 93 to 81 in FY 96. Most ads do not include license number.
PENALTY OR ENFORCEMENT CHANGES			
Section	Category	Description of Change	Summary of OLO findings
Sec. 5-26 (a)(b)(c)	At-Large Provision	Added unaltered cats to the at-large prohibition. Added a waiver for first time violation for altered but not unaltered animals. Required mandatory altering for 3 violations of at-large section in one calendar year.	There have been no at-large citations for cats. Half of 38 at-large violations in FY 96 were for altered animals but records did not show whether all were waived. No mandatory alterings were performed since no pet was cited 3 times in one year.
Sec. 5-65	Transfer of ownership	Prohibits transfer of ownership without proof of licensing fee paid to DACHT.	DACHT has not implemented this section because it is inconsistent with other sections of the law and unworkable.
Sec. 5-66	Penalties for failure to license	Fine is \$100 for unaltered animal and \$50 for altered animal. Fine for unaltered animal reduced to \$50 if animal is altered. Fine for an unaltered animal can be waived if animal is licensed.	The lack of a waiver for unlicensed, altered pet appears to be an oversight since intent of bill was to provide better treatment for altered animals.

Source: OLO.

terms and fees. In the course of compiling data for this study, OLO found this system is complicated to explain, difficult to administer and overly complex when it comes to extracting information about the number of licenses issued or number of licensed animals at a particular point in time.

The data OLO collected for this evaluation show that the institution of higher fees for unaltered animal licenses was accompanied by a significant drop in the number of licenses for these animals. In FY 93, before the fees were increased, the County issued more than 10,000 licenses for unaltered animals. In FY 94, the first year the higher fees went into effect, the County issued only 743 licenses. OLO believes the legislative strategy of imposing a very high fee for unaltered animals (through a combination of a high fee and a mandatory three year term) has not worked efficiently or effectively.

OLO was not able to collect reliable data on the number of licensed animals for each year the legislation has been in effect to address whether the bill adversely affected licensing rates. As an alternative, OLO compiled data on the number of cats and dogs licensed this year, which can be compared with data from FY 91. Because FY 91 is the last year the County issued only one year licenses, this data provides the last reliable indicator of the number of licensed pets . **OLO found that, between FY 91 and FY 97, the number of licensed animals in the County dropped by 26,000 and that the overall licensing rate declined from 27% to 14%.**

Because the number of licensed animals has not remained constant since the legislation was adopted, OLO was not able to use license data to measure whether the population of spayed or neutered animals in the County has increased as the legislation intended. As an alternative indicator, OLO surveyed veterinarians and compiled data on participation in the County's low cost spay/neuter program. **Although the data are limited, neither the survey of veterinarians nor the participation data from the spay/neuter program show a large increase in the number of spay/neuter procedures since the legislation was adopted. Specifically:**

- OLO's survey of veterinarians found that 14 respondents reported no change in the number of procedures, 6 reported an increase and 6 reported a decrease. OLO believes the changes in the number of procedures for individual veterinarians could be due to business changes and not indicative of any overall trend.
- Similarly, data from the spay/neuter program, while not complete, showed that the number of coupons sold has remained stable since the legislation became effective.

Over the same six year period that licenses declined by 26,000, the number of animals euthanized each year at the shelter dropped by almost 50 percent (1,241 animals) and the adoption rate increased from 58 to 69 percent. Since Bill 54-91 became effective, in FY 94, the number of euthanasias at the shelter has declined by 21.5 percent (compared to a 34 percent drop before the Bill became effective). Between FY 94 and FY 96, a decrease in the number of euthanasias occurred as adoption rates increased from 66 to 69 percent.

In the three years since the law was enacted, DACT issued 91 breeder permits and collected \$2,275 in revenues. The average of 30 permits per year is substantially lower than the estimate of 550 permits DACT and OMB anticipated in the fiscal impact analysis

prepared for the bill. OLO found that many breeders are not displaying a permit number when they advertise to sell their animals, generally because they are not aware of the requirement. Also, there is no evidence to indicate whether breeders are filling out juvenile license applications for offspring likely to stay in the County. DACHT reported that it has not had the resources for follow-up enforcement actions that might make the law more effective.

DACHT has issued a total of 5,100 juvenile licenses since the legislation was enacted. OLO sampled 300 juvenile licenses (100 in each of three years) and found that, in the first two fiscal years, almost half of the owners obtained adult licenses when the juvenile license expired. In the last fiscal year, the renewal rate increased to over 70%. Of the licenses renewed, 116 were for altered pets, 19 were for unaltered pets, and 36 were not categorized.

TABLE 16. SUMMARY OF OLO RECOMMENDATIONS

Number	Section	PERMIT OR LICENSING RECOMMENDATIONS
1.	5-59(e) 5-40B 5-59(b)	The Council should return to fee and term structure in place before Bill 54-91 and eliminate the breeder permit and juvenile license.
2.		The Council should receive annual reports on licensing rates and the number of euthanasias as part of the budget approval process. If the reports show an increase in the number of euthanasias, the Council may wish to reconsider the breeder permit or the Council may wish to request an evaluation in 4 years.
3.		The Council should discuss the changes in licensing numbers, euthanasia rates and shelter activity levels that cannot be explained by the legislative changes in Bill 54-91 when it discusses the upcoming revisions to Chapter 5.
Number		FEE CHANGE RECOMMENDATIONS
4a.	5-21(a)(1)	The County should retain the field service fee.
4b.	5-67	The County should retain the new fee structure for pet shops.
4c.	5-67(b)	The County should retain the fee structure for commercial kennels and add a surcharge based on number of sales.
Number		PENALTY OR ENFORCEMENT CHANGES
5.	Sec. 5-26(a)	The Council should add altered cats to at-large prohibition.
6a-6d	Sec. 5-26(b)	The Council should revise the mandatory waiver for a first time at-large violation to make it discretionary. The Council should add a provision that would allow a waiver for an unaltered animal if it is altered within 14 days. DACHT needs to improve method it uses to track waivers.
7.	Sec. 5-26(c)	The Council should revise the mandatory altering to apply to pets brought to shelter 3 times in 12 month period for any reason.
8.	Sec. 5-65	The Council should eliminate the prohibition against ownership transfer without proof of licensing .
9.	Sec. 5-66	The Council should add a waiver for an altered animal which violates the licensing provision if the animal is licensed within seven days.

Source: OLO.

RECOMMENDATION #1

The County should eliminate the breeder permit and the juvenile license and return to the fee and term structure for pet licenses that was in effect before the adoption of Bill 54-91.

This recommendation is based on the following conclusions drawn from the data OLO collected for this study.

- **The data show a 50 percent drop in euthanasia rates since FY 91, including a 22 percent decline since the Bill went into effect. The data also show a decline in the number of young pets brought to the shelter over the same six year period. These indicators represent a marked improvement in the problem of pet overpopulation which provided the original impetus for the law.**
- **The lack of any evidence showing a dramatic increase in the number of spay/neutering procedures, the decline in the number of unaltered licenses and the limited number of breeder permits issued all suggest that the legislative changes in Bill 54-91 that were meant to provide incentives to alter and license animals and control breeding, in fact, had little to do with bringing the pet overpopulation problem under control.**
- **The significant drop in the number of unaltered licensed pets and the lack of a dramatic increase in the number of spay/neuter procedures suggests that higher fees for unaltered licenses created a disincentive for owners to license their animals.**
- **The decrease in the number of unaltered and altered licenses plus the decline in citations suggest that the implementation of Bill 54-91 may have diverted attention from existing animal control responsibilities.**

OLO believes it makes sense to return to one or three year license terms for unaltered animals so that the licenses can be easily linked to the expiration date of the rabies vaccination. It makes sense to return to the lower fees for unaltered licenses because there is no evidence that the higher fees provided an incentive for pet owners to alter their animals and, in fact, the higher fees may have created a disincentive for owners to license their pets.

OLO is especially concerned that, in its effort to track licensing data by the many different categories established by Bill 54-91, DACHT did not identify the drop in the number of licensed animals in the County. While OLO acknowledges that many other factors related to the administration of DACHT could explain this lapse, OLO believes that simplifying license terms and limiting the types of permits will make it easier for DACHT to manage the licensing program.

OLO thinks it is important to recognize that the County is not likely to increase resources for animal control programs in the near future. One implication of these ongoing constrained resources is that the County must choose any new program initiatives carefully and recognize the effect implementation might have on existing program responsibilities.

RECOMMENDATION #2

OLO recommends that the Council receive annual reports on licensing rates and the number of euthanasias as part of the budget approval process.

OLO understands that many advocates of Bill 54-91 continue to believe that the breeder permit is an important legislative strategy. Given this view and the lack of an explanation for why the number of euthanasias dropped, OLO recommends that the Council receive annual reports on licensing rates and the number of euthanasias as part of the budget approval process. If the reports show a significant increase in the number of euthanasias, it may make sense for the Council to re-consider the breeder permit. Alternatively, the Council may wish to ask for another evaluation of the euthanasia rates and licensing rates in four years.

RECOMMENDATION #3

The Council should discuss the findings concerning licensing rates, euthanasia rates and shelter activity levels that cannot be explained solely by the legislative changes in Bill 54-91 when it considers the Executive's new legislative proposals.

Some of the issues beyond the scope of this evaluation include: why shelter intake, euthanasia and licensing rates have changed; what relationship, if any, exists between these changes and the complexity of the County's animal control laws; and, what implications there may be for further revisions to Chapter 5. OLO understands that the County Executive is working on new legislation that will propose several additional revisions to the County's animal control laws. OLO believes it is important to address these issues when the Council considers these revisions.

B. FEES

Bill 54-91 established a new \$25 field service fee; raised the base fee for pet shops, and added a surcharge based on number of dog and cat sales and giveaways; and modified the fee structure for the fancier license and the commercial kennel license.

FINDINGS ON FEES

Unlike the higher licensing fees for unaltered animals, most of the new or increased business fees instituted through Bill 54-91 have not affected people's willingness to get licenses or permits. Specifically:

- There is no evidence that the establishment of a \$25 field service fee has affected people's willingness to reclaim their pets from the shelter.

- There have been no significant changes in the number of licenses for pet shops or commercial kennels and the number of fanciers has increased.

Bill 54-91 did call for a surcharge based on the number of sales for commercial kennels but this requirement has not been implemented to date.

RECOMMENDATIONS

- 4a. The County should retain the \$25 field service fee since there is no indication that it has dissuaded owners from picking up their pets.**
- 4b. The County should retain the new fee structure for animal related businesses since there is no evidence that they have affected pet shop businesses in the County.**
- 4c. The County should adopt a surcharge for commercial kennels based on the number of pet sales to implement Bill 54-91 as originally enacted.**

OLO recommends that DACHT revise the process for collecting fees from owners who redeem animals at the shelter but for some reason do not pay the field service fee at the time they picked up the animal. OLO found that MCHS was notifying DACHT of owners who had not paid the fees, but that DACHT was not following up with the Department of Finance. DACHT should discuss with MCHS and the Department of Finance ways to streamline or automate the administration of this task.

C. REGULATIONS AND PENALTIES

Bill 54-91 changed the at-large provision in the law to require :

- unaltered cats to be added to the at-large prohibition,
- a mandatory waiver of the first violation of the at-large provision for altered dogs, and
- mandatory altering for three violations of the at-large provision in one calendar year.

Bill 54-91 also prohibited transfer of ownership unless a licensing fee had been paid to DACHT, and established a higher penalty for an unlicensed, unaltered animal than for an unlicensed, altered animal.

FINDINGS ON REGULATIONS AND PENALTIES

Modifications to the At-Large Prohibition

OLO learned DACHT believes it is time consuming and difficult to enforce the present distinction the law makes between unaltered and altered cats. OLO also found that cats and

kittens comprise over 75 percent of all euthanasias. OLO believes that the County might further decrease the number of euthanasias by adding altered cats to the at-large prohibition so that the County can focus on the problem of at-large and stray cats.

OLO examined data on at-large citations to evaluate the mandatory waiver of the at-large violation for altered dogs. OLO found DACTH is not administering this section of the law consistently. Of the 38 at-large citations issued in FY 96, DACTH's records indicate that waivers were given for some first time offenders and not for others and that, in one instance, a waiver was granted even though the dog was not altered.

DACTH believes it is important for officers in the field to maintain their discretionary authority to issue a citation or not. Section 5-26(b), which imposes a mandatory waiver for first time, at-large violations, limits that discretion. DACTH is concerned that this requirement sets up a situation where the Director may be required to waive a first time at-large violation, despite the fact that, while at-large, the animal attacked or bit a person or damaged property.

OLO found that the requirement for mandatory altering of pets which violate the at-large provision three times in a calendar year has not been used because no animal has been cited for a violation three times in one year.

Transfer of ownership

OLO found that DACTH is not enforcing the section of the law that requires proof of licensing before the ownership of an animal is transferred for many reasons. First, it is inconsistent with another section of the law that gives an owner 10 days to obtain a license. Second, the requirement is unworkable because many pets sold are younger than four months, when they are too young to be licensed. Third, for pets four months or older, prospective owners must obtain temporary custody to have the pet vaccinated, or re-license the animal if it has already been vaccinated.

Differential penalties for unlicensed pets

OLO found an unintentional error in the codification of the penalty provisions for unlicensed animals. The law provides that the Director may waive the fine for the first violation for an unaltered animal if the animal is licensed within seven days. However, a similar provision is not available for an unlicensed, altered animal. This appears contrary to the intent of most of the legislation changes in Bill 54-91 which established preferential treatment for altered animals.

RECOMMENDATION #5

The County should amend Section 5-26(a) to include both unaltered and altered cats in the at-large prohibition.

OLO believes that felines are over represented in the number of young pets brought to the shelter and that the number of euthanasias suggests the need for better control of the cat and kitten population. OLO believes that including both altered and unaltered cats in the at-large

prohibition would ease DACHT's enforcement responsibilities and might further decrease the number of euthanasias.

RECOMMENDATIONS #6a-#6d

- 6a. DACHT should modify its procedures for administering Section 5-26(b), the mandatory waiver for the first at-large violation, to more clearly track citations that are issued and then waived.**
- 6b. The County should amend Section 5-26(b) to give the Director the option of waiving the at-large citation for a first time offense instead of making it mandatory.**

Changing the law to give the Director the option of waiving a citation would allow the Director not to waive the citation if other circumstances such as the destruction of property or biting of a child justified issuing the citation.

- 6c. If cats are added to the at-large provision as recommended above, a discretionary waiver should also be available for altered cats.**
- 6d. The County should amend Section 5-26(b) to allow a waiver to be granted if an unaltered animal is altered within 14 days.**

The higher fines for an unaltered animal plus the cost of a spay/neuter procedure could provide an incentive for some owners to alter their animals.

RECOMMENDATIONS #7a and #7b

- 7a. The County should modify the requirement for mandatory altering to include animals brought to the shelter for any reason, not just for at-large citations.**
- 7b. The County should revise the law to replace the term "calendar year" with any twelve month period beginning on the date the animal is first brought into the shelter.**

Of more than 7,600 animals brought into the shelter, only 43 were impounded 3 times or more. Of these 37 were altered by the third time the animal was impounded. This suggests that even as amended, the effect of this provision would be limited.

RECOMMENDATION #8

The Council should delete Section 5-65 which requires proof of licensing prior to ownership transfer because it is unworkable and inconsistent with other sections of the law.

RECOMMENDATION #9

The Council should amend Section 5-66 so the waiver provision available for owners of unlicensed, unaltered animals is also available for unlicensed, altered animals who obtain a license within seven days.

OLO believes it was an unintentional oversight not to give altered animals which obtain a license the same option for a waiver as that available to unaltered animals.



OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

MEMORANDUM

Bruce Romer
Chief Administrative Officer

May 28, 1997

TO: Sue Richards, Program Evaluator
Office of Legislative Oversight

FROM: Bruce Romer, Chief Administrative Officer

SUBJECT: Office of Legislative Oversight DRAFT OLO Report 97-3,
An Evaluation of Bill #54-91, Revisions to the County's Animal Control Law

Thank you for the opportunity to comment on the DRAFT OLO Report 97-3, An Evaluation of Bill #54-91, Revisions to the County's Animal Control Law. This report is an excellent reference document on the legislative history and implementation of Bill #54-91. The data on licensing, adoptions, euthanasia rates, and animal control enforcement activities are useful in evaluating the impact of the legislation. We welcome the opportunity to discuss these issues with the Council.

As you know, the County Attorney established a Chapter 5 Revision Committee to revise and update the County's Animal Control Law. The committee has discussed OLO's preliminary recommendations and will incorporate the majority of them into its revisions to Chapter 5. Of specific note, we will address the issue pertaining to granting discretionary waivers for certain citations by providing the Director with the authority to waive any citation. Also, the Police Department supports the recommendations that pertain to policy and practice of the Division of Animal Control and Humane Treatment.

Our process for revising and updating Chapter 5, Animal Control, includes discussions with community groups. Our timeline has these discussions occurring in the summer and fall and our forwarding the legislation to the Council before the end of the year.

We appreciate the opportunity to comment on this draft report. We look forward to participating with the Council in its review of this report and consideration of our proposed legislation to revise Chapter 5.

BR:rsd

cc:

Carol Mehrling, Chief, Department of Police
Timothy Firestine, Director, Department of Finance
Robert K. Kendal, Director, Office of Management and Budget
Charles W. Thompson, Jr., County Attorney
Brian Stone, Division of Animal Control and Humane Treatment
Ramona Bell-Pearson, Assistant County Attorney

APPENDIX A

Fort Wayne

OLO spoke with a representative of Fort Wayne Animal Care and Control about the effect their legislation had in the areas of licensing, permits and penalties. Legislation in Fort Wayne established a major and a minor breeder classification based on the number of litters a household has in one 12 month period. A minor breeder is defined as any household that has one litter in a 12 month period and a major breeder is any household that has more than one litter in a 12 month period.

The minor breeder's permit fee is \$40 per household. The fee can be reduced to \$10 if the animal is spayed within ten weeks of the litter being born or if the adult animal is turned over to the animal control department. The permit requirement can be waived if the litter is turned over to animal control.

The fee for major breeders is \$100 per household per year. Unlike the minor breeder, major breeders do not have the option to waive portions of the permit fee. Instead, the law regulates major breeders as professional businesses. As such, they must comply with standards for professional businesses in the zoning ordinance.

The cruelty statute in another section of the animal control law includes standards of care that applies to both major and minor breeders. The cruelty statute also regulates over-breeding by forbidding the breeding of any animal that would result in more than one litter in a 12 month period.

Staff in Fort Wayne indicated that 90 percent of the 80-100 permits sold annually come from investigations into newspaper advertisements or people turning their litters into the shelter. Following adoption of the law, the department worked out an arrangement with the two local papers in the Fort Wayne area. These papers will not accept classified advertisements for pets without a breeder permit number.

Licensing in Fort Wayne has not suffered as a result of the breeder permit or other pet population control measures. Like Montgomery County, Fort Wayne has a licensing fee differential for altered and unaltered animals. The fee for an altered animal is \$4 and the fee for an unaltered animal is \$25. All licenses are issued for one year because the state of Indiana recognizes the effective period for a rabies vaccinations as only one year.

Licensing requirements are enforced, in part, when citizens drop animals off at the animal shelter. If someone gives up a litter from one of their pets at the counter, the staff checks to make sure the animal is licensed. If its not, staff requires the owner to purchase a license. The breeder permit requirements are also enforced at this time.

Fort Wayne instituted a juvenile license program after a change in state law required animals to be vaccinated against rabies at three months old. The juvenile license is effective for three months, from three to six months of age. When an animal is six

months old, the owners must purchase an adult altered or unaltered license. According to Fort Wayne staff, the juvenile license has not been very successful because of a lack of staff to enforce it.

Fort Wayne charges a redemption fee to reclaim an animal from the shelter that is similar to the County's field service fee. Unlike the County's program, the redemption fee is established on a per household basis and increases for each subsequent impoundment at the shelter. For the first impoundment, the redemption fee is \$10 plus a charge to microchip the animal. For the second redemption, the fee is \$25. For the third impoundment, the fee increases to \$50; and for the fourth and each redemption, the fee is \$75. Fort Wayne does not have a fine differential for at-large altered and unaltered cats and dogs.

Fort Wayne makes a significant investment in educational initiatives and the promotion of animal control programs. The humane education director is a full time staff person with \$50,000 in operating funds in FY 97. The City has also been able to advertise in both local, daily newspapers and on all three major networks in the Fort Wayne area. Reminders about licensing requirements are also sent out with local water bills.

King County, Washington

King County, Washington passed its breeder permit legislation in 1993. Unlike most other breeder programs, the breeder certification program in King County is a voluntary program administered by a citizen's advisory committee established with the help of King County Animal Control. Membership on the committee is made up of different animal welfare groups. The committee, which has established standards of care for animals kept under a breeder permit, offers permits that cost up to \$200 per year for 20-30 animals. The animals kept under a breeder permit are exempt from the licensing provision of the County. Hobby kennels or those that do not sell animals could fall under the breeder permit requirements while commercial kennels do not.

King County also maintains a licensing differential for altered and unaltered animals. A one year cat or dog license is \$55 for unaltered animals and \$10 for altered animals. Since 1993, licensing has increased from approximately 60,000 animals to over 104,000 animals. According to King County Animal Control staff, much of this increase can be attributed to an intense public education effort on licensing requirements and innovative programs aimed at making licensing as convenient as possible for clients. Two of the most successful programs offer license applications at grocery stores and through a door-to-door countywide canvassing effort. Promotional direct mailings have also increased the number of licenses obtained by mail.

King County also implemented a juvenile pet license program, but with little success. The juvenile license is valid until the animal is six months old after which the owner must obtain an altered or unaltered adult license. According to staff, there has not been very much enforcement of this provision because so much more time is spent on adult licensing.

A differential for altered and unaltered animals is also maintained in the fine structure for at-large dogs and cats.

San Mateo County

San Mateo County's breeder permit requires that anyone intending to breed an animal purchase a permit for \$25. The permit is valid for one year. The permit sets minimum standards of care for the animal and its offspring and requires that a breeder take back any animal placed in a home that does not work out for up to one year after the animal has been placed.

San Mateo County has a differential fee for animals at-large. The first time an unaltered animal is picked up at-large, the owner must purchase a \$35 spay/neuter coupon before they can redeem the animal. If the animal is altered within 30 days, the \$35 fee is returned. An unaltered animal that is impounded two times in any three year period must be altered. Boarding and impoundment fees are also higher for unaltered animals.

