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The ACO Voice

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Your Local Animal Control Ordinance



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Your Local Animal Control Ordinance

By the late, great Mike Burgwin

Whether an animal control agency is large or small, made up of many officers or just one part-time officer, it operates by the authority granted to it by a specific set of laws. These laws begin with the United States Constitution and are contained in the state constitution. Eventually by authority granted at the state level, the city or county passes an ordinance to address the local animal problems.

Some agencies operate under state laws and do not have a local ordinance to help with specific problems. Because quite often local jurisdictions have problems that are peculiar to their specific locality, states under certain circumstances grant a city or county the authority to address the problem by enacting an ordinance.

If your agency is considering an ordinance, you should first check with your city or county attorney and ascertain whether your local government has the authority to enact an ordinance of the type you seek. If they do

have this authority, find out what restrictions, if any, the state has placed on that authority. For instance, if you want to increase your dog license fees to \$7.00 for a sterile dog and \$25.00 for a fertile bitch and the state law rules that no pet license shall exceed \$10.00 per year, you have a problem. You must either change your figures or change the state law.

For the rest of this article, it is assumed there is full authority to write an ordinance of choice. But remember, before you start such a project, always ask, "By what authority?"

Determining the Need for a New Ordinance

Do you really need a new or amended ordinance or can the problem be best solved by better enforcement of your present laws? Ordinances by themselves have only a minimal effect on the problems they address. Lasting

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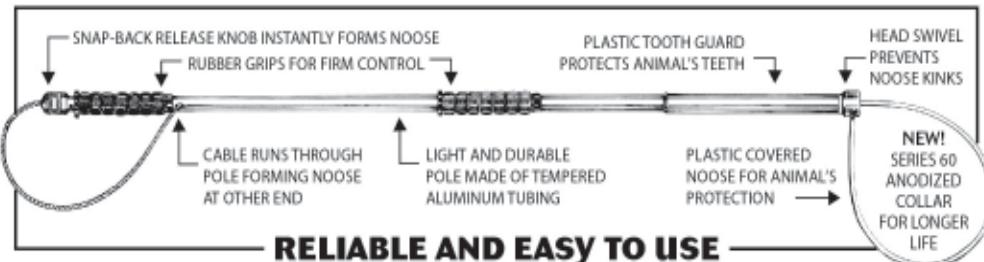
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effect is caused by continued proper enforcement. For instance, did the judge find the owner of a vicious dog not guilty because the law was not specific enough, or because you failed to prove the elements of the case? Did you fail to properly investigate the alleged violations? If so, then you do not need an ordinance change; you need training or possibly more personnel so that enough time can be allotted for a proper investigation.

It is not unusual for an officer to have to work with an ordinance that is vague. Successful prosecution is the result of a proper investigation which proves violation of a specific section or sections of a particular ordinance. You can determine that an owner did not feed and water his animal. It is much more difficult to prove that he was cruel to the animal. Proving a state of mind is very difficult. Proving that a particular violation occurred at a specific time and place is not nearly as difficult.

If your jurisdiction has problems which your state or local laws do not address properly, then you need to either obtain an ordinance or amend your present one. To determine if you should attempt to obtain a new or amended ordinance, list your animal control problems and ascertain whether the present laws address them in a workable fashion.

Problem: Animal abuse. Too many cases lost.

Present Law: Vague; Just states it is unlawful to be cruel to an animal.

Action: Need specific wording so officer, prosecutor and court are all talking the same language.

Problem: Too many animals running at large. Many complaints from residents.

Present Law: Law very specific and enforceable, but not enough officers to spend the time required to properly enforce.

Action: Request additional personnel in the next budget.

Problem: Many complaints about dogs defecating on private property and their owners not cleaning up after them.

Present Law: No law addressing this issue.

Action: Need a law prohibiting such behavior.

You have determined there are problems which need to be addressed by law. You have also determined that some of them are peculiar to your area; for example, your city needs a scoop law, but the rural area surrounding the city has expressed no such need. Therefore, you have

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Surplus Item for Sale - Coda Netgun - Standard Model

This item is an early version produced by Coda. I was advised that the device is in working order, however, it does require new nets which can be purchased directly from Coda. This device is the standard 4-barrel system and includes two net canisters; one net (needs replacement) and associated weights; metal case; and several blank cartridges (propellants for the Netgun; includes some yellow and blue loads). The trigger guard on the device also should be replaced.

The Coda Netgun is classified by the U.S. Bureau of A.T. F. as a tool rather than a firearm. This classification greatly facilitates the purchase, shipment, transport, and use of the tool.

If you are interested, please contact John Mays at jmays@accacademy.net



determined that your problems are best addressed by a local ordinance rather than a state statute.

Creating a Demand for the Ordinance

Laws do not work if they are not wanted. There are numerous ways to create this demand.

1) Present your documented problems to your supervisor and request a committee be appointed by your local government head. Said committee to prepare an ordinance for the city or county to consider for adoption.

2) Request the people who are complaining about animals to advise their elected officials that there is a problem and they want a committee appointed to look into the matter.

3) Contact the media and present your documented problems and request their assistance.

The committee is to be appointed from a list of names that you have submitted. Your list consists of names of people who are concerned about animals either for or against and a majority of those who are neutral on the subject.

The committee is formed and consists of one or two people who believe that all animals are born free and should not be restricted. Also on the committee are one or two people who believe that the only good dog is a dead dog. The rest of the committee is made up of an attorney, a doctor, a veterinarian, a police officer, and three to five people unfamiliar with government or animal husbandry. The ideal committee contains: a medical doctor who is familiar with zoonosis, bite victims, and human psychology; a veterinarian who is familiar with animal requirements and sanitation; an attorney who is familiar with proper structure and language of an ordinance; a police officer who is familiar with law enforcement and its pitfalls, the practical side of enforcing a law; the animal worshipper who can state animal rights; the animal hater who believes in only human rights; and the balance of everyday people who will be required to obey the law. About 12 to 15 people should make up the committee. You should act as staff to the committee, by attending every meeting and by having the facts and figures available at all times.

Preparing the Ordinance

The objective of the committee is to develop an ordinance that will: 1) address the local animal problems; 2) be enforced with available resources or with resources that can reasonably be expected to be budgeted by local government; and 3) be accepted by a large majority of the public.

The committee should hear testimony from judges, pet shop owners, animal trainers, postal employees, meter readers, school authorities, representatives of the elderly, animal breeders, and any other group concerned about any aspect of animals. It is important to settle your differences in the committee and present one unified front to your local governing body. Remember they do not like dissent. If you have fights at their hearings, they are likely to table the matter and you will be left without your needed ordinance.

The most effective ordinances are those that are easy to read and understand - by you, the prosecutor, the judge, and the general public. Wide sweeping statements do not belong in the law. Do not say it is unlawful to be cruel to an animal unless you add: 1) by failing to provide potable water; 2) by depriving it of proper nutrition; 3) by failing to provide medical care; and 4) by failing to provide proper shelter. Make it clear that neglecting any one of these can be a violation. The owner does not have to violate all of them in order to be guilty of cruelty. Be specific!

The ordinance should state each violation in simple, clear words. For instance, stating that an animal owner must not allow an accumulation of feces is not specific. Instead, write something such as, "Feces must be removed a minimum of every 24 hours." This informs the pet owner specifically what is required and a violation is easily proven.

When the committee has written its proposed ordinance, have your agency's attorney approve the format and wording. Do make sure that the intent remains as written by the committee.

Now you have a proposed ordinance which the city or county attorney states is in the proper legal format. You also have the support of the committee and various and assorted groups of pet fanciers as well as animal critics. If the proposed ordinance does not have their support, you should at least have neutralized them. They may not speak in favor of the ordinance, but also they have agreed not to speak against it.

Gathering Public Support

The best way to get the support of the public is to form a speakers pool consisting of some or all of the committee and yourself. Take a moment to develop a PowerPoint presentation. Write out what is to be said; the message must be the same no matter who gives it. First, state the problem and then the section in the proposed ordinance which addresses that particular

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problem. Explain how it will do what is needed. Go carefully through each problem and its suggested cure. Then listen to the response. Do not become overly protective of the proposed ordinance, in spite of all your careful work, because the committee could have missed an important factor. When the package is ready, talk to schools, service clubs, political parties, unions, anyone that will listen. SELL! SELL! SELL! Let them know you care about their problems and you believe you have an answer that will help them. Do not forget to present your package to any elected government official who will listen. Make sure your proposed ordinance will not create extra work for another agency, or if it does, make sure they are aware of it and agree with you. Talk to the editors of your local newspapers, TV and radio stations, and enlist their aid. You should allow 60-90 days prior to the city council or board of county commissioners hearing to make your public contacts.

Presenting the Ordinance

If you have progressed to this point with a minimum of animosity, you are ready to present your case to the local legislature. If possible, have the chairman of your appointed committee make the official presentation speech before the legislature. Line up your speakers in advance and prepare them for the task. Provide them with technical information, illustrative charts, slides, etc. Take charge of the hearing, or dissidents will. A well thought out ordinance with the support of the community will receive approval from your city council or board of county commissioners.

Are there sections that may be too controversial for the legislature to approve? For example, the proposed ordinance states that license fees shall be \$5.00 for sterile animals and \$25.00 for fertile animals. Your present law states that all dog licenses shall be \$7.50 annually. Be prepared with alternative language, because if you are not, they will either drop that section of the ordinance or put in wording of their own. Alternate language may say that the committee recognizes the drastic change in the license requirements and suggests that license fees could be \$5.00 for sterile animals and \$15.00 for fertile animals. You will have at least established the acceptance of license fees being more for fertile animals than for sterile animals. And you can approach the legislature again after a year or so of working with the new fees.

Enforcing the Ordinance

Once the ordinance has been enacted, do not rush
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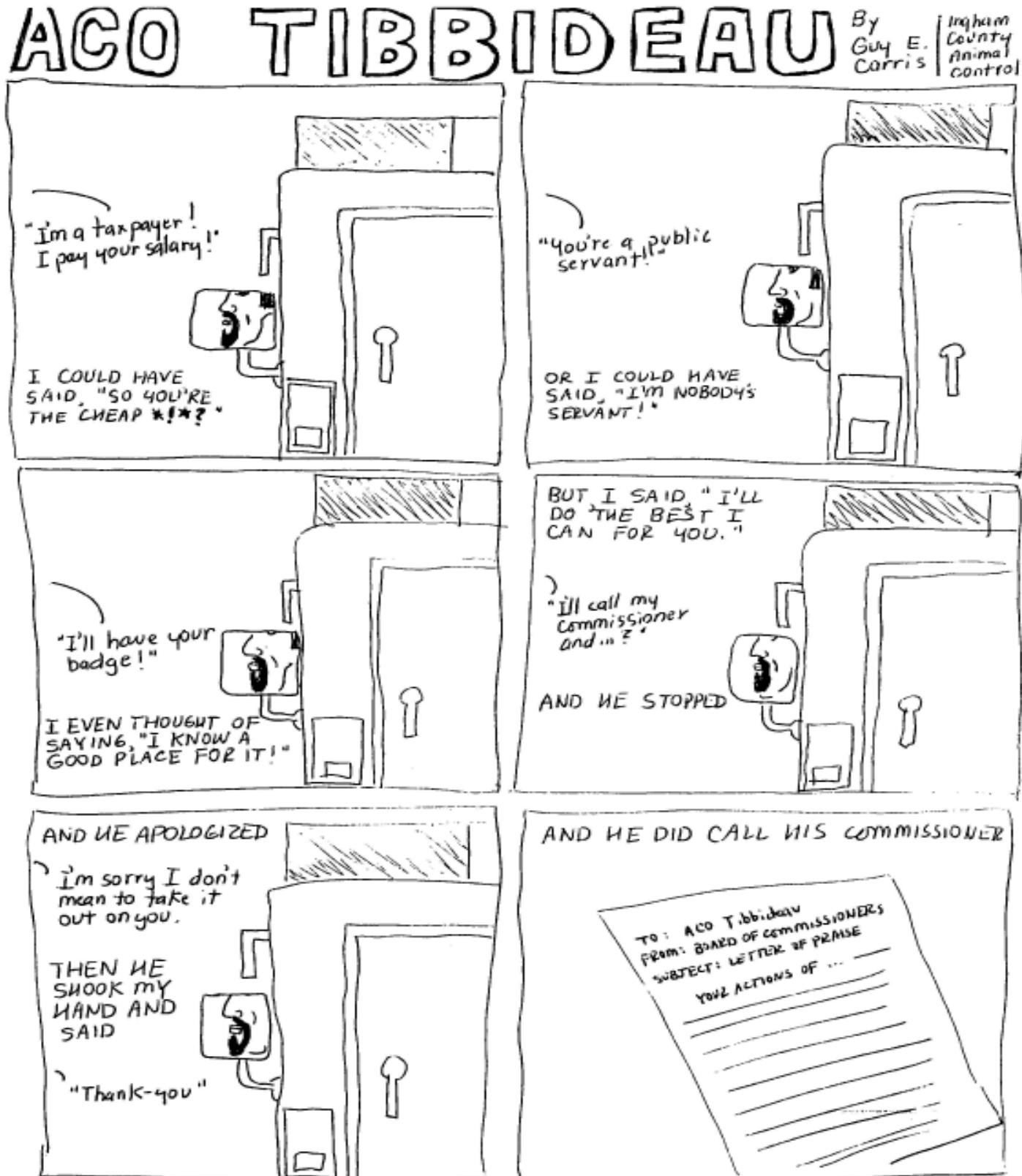
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into enforcement. Enlist the aid of the media. Let the people know what the new laws are; remind them of why they are in existence. Apply the pressure slowly but firmly. Give the public time to adjust. Remember, unless the vast majority complies willingly, your new ordinance will be worthless. You will never have the resources it takes to force all the citizens to comply. Be sure to include the

prosecutor and the courts in your explanation. Make sure they both understand the purpose of the ordinance. Do not assume they know.

One final word, you are paid to enforce the laws created by the society you live in. You are not paid to create your own laws. Get everyone involved; it is the American way and it works.



ACCA Training Schedule

For a registration form, visit www.accacademy.net or call 913-515-0080

Chemical Immobilization Certification

Hosted by the Ozark Police Department

October 8, 2020 - Ozark, Alabama

Schedule of Training: Chemical Immobilization Certification

Basic Animal Control Officer Certification

Hosted by the Southwestern Community College - Public Safety Training Division

October 13-16, 2020 - Franklin, North Carolina

Schedule of Training: Laws and Enforcement Procedures; Interpersonal Communication; Officer Safety and Protection; Basic Animal Control Officer Investigations; Evidence Law and Collection; Courtroom Testimony and Report Writing; Canine Behavior and Aggressive Dogs; Safe Animal Handling/Capture and Restraint Equipment

Training Course for Animal Control Professionals

Hosted by Barbour County Animal Control

October 19-23, 2020 - Belington, West Virginia

Schedule of Training: Understanding the “Link” in Animal Abuse; Understanding the ADA and Service Animals; Stress Management/Compassion Fatigue; Sovereign Citizens; Performing Animal Exhibitor Inspections; Illegal Animal Fighting; Investigative Techniques for Cruelty and Neglect Complaints; Chemical Immobilization Certification; Baton/Bitestick Certification

Basic Animal Control Officer Certification

Hosted by the Williamson County Animal Shelter

October 26-29, 2020 - Franklin, Tennessee

Schedule of Training: Laws and Enforcement Procedures; Interpersonal Communication; Officer Safety and Protection; Basic Animal Control Officer Investigations; Evidence Law and Collection; Courtroom Testimony and Report Writing; Canine Behavior and Aggressive Dogs; Safe Animal Handling/Capture and Restraint Equipment

Calhoun County Cruelty Certification Training

Hosted by Calhoun County Animal Control

November 2-4, 2020 - Saint Matthews, South Carolina

Schedule of Training: Laws and Enforcement Procedures; Canine Behavior and Aggressive Dogs; Investigative Techniques for Cruelty/Neglect Complaints; Understanding the “Link” in Animal Abuse

Chemical Immobilization Certification

Hosted by Calhoun County Animal Control

November 5, 2020 - Saint Matthews, South Carolina

Schedule of Training: Chemical Immobilization Certification

ACCA Training Schedule

For a registration form, visit www.accacademy.net or call 913-515-0080

Basic Animal Control Officer Certification

Hosted by the Sturgis Police Department

November 18-20, 2020 - Sturgis, South Dakota

Schedule of Training: Laws and Enforcement Procedures; Interpersonal Communication; Officer Safety and Protection; Basic Animal Control Officer Investigations; Evidence Law and Collection; Courtroom Testimony and Report Writing; Canine Behavior and Aggressive Dogs; Safe Animal Handling/Capture and Restraint Equipment

Basic Animal Control Officer Certification

Hosted by Kane County Animal Control

November 30 - December 3, 2020 - St. Charles, Illinois

Schedule of Training: Laws and Enforcement Procedures; Interpersonal Communication; Officer Safety and Protection; Basic Animal Control Officer Investigations; Evidence Law and Collection; Courtroom Testimony and Report Writing; Canine Behavior and Aggressive Dogs; Safe Animal Handling/Capture and Restraint Equipment

Baton/Bitestick Certification

Hosted by Kane County Animal Control

December 4, 2020 - St. Charles, Illinois

Schedule of Training: Baton/Bitestick Certification

Basic Animal Control Officer Certification

Hosted by the Jefferson County Sheriff's Office

December 7-10, 2020 - Golden, Colorado

Schedule of Training: Laws and Enforcement Procedures; Interpersonal Communication; Officer Safety and Protection; Basic Animal Control Officer Investigations; Evidence Law and Collection; Courtroom Testimony and Report Writing; Canine Behavior and Aggressive Dogs; Safe Animal Handling/Capture and Restraint Equipment

Advanced ACO/HLEO Certification Course

Hosted by the Jefferson County Sheriff's Office

December 14-18, 2020

Golden, Colorado

Schedule of Training: Animal Attack Investigation and Reporting; Animal Control in the Criminal Justice System; Animal Crime Scene Photography, Videography and Sketching; Animal Hoarding Investigations; Illegal Animal Fighting; Livestock and Exotics Cases; Obtaining and Executing Search Warrants; Officer Safety in the Field; Proactive Animal Control; Using Forensics in Animal Cruelty Investigations