



NAIA Trust for the Protection of Animals, Animal Owners and Animal Enterprises

*Educating the Public about the Critical Difference between Animal Welfare and Animal Rights:
Supporting Animal Welfare Using Common Sense, Science and Reason.*

February 24, 2006

Metro Council
Louisville Metro Hall
527 West Jefferson Street
Louisville, Kentucky 40202

To the Council:

In Re: Opposition to the animal control ordinance under consideration:

The National Animal Interest Alliance Trust is a coalition of animal owners and public, private and commercial organizations dedicated to animal welfare, responsible animal ownership, and maintaining the rights of owners to responsibly keep and enjoy pets and livestock. NAIA Trust backs reasonable laws designed to advance the well-being of animals and strongly opposes laws that ignore science, punish responsible animal owners with high license fees and burdensome provisions, and reinforce the hate tactics used by radical groups against individuals whose practices they oppose.

NAIA Trust has reviewed the animal control ordinance under consideration at the request of members in your jurisdiction and opposes it for these reasons:

1. The ordinance's stricter requirements on intact pets than on spayed/neutered pets represents unsubstantiated bias and encourages the government, the media, and the general public to believe that conscientious breeders and owners cause and intensify community animal control problems.
2. Designation of a dog as a public nuisance without a court hearing is a violation of due process. Owners should be allowed to present evidence to a judge prior to being required to comply with requirements to keep a dog that is noisy, destructive, or barks along its property line. Furthermore, public nuisance designation is not necessary if noise and at-large ordinances are enforced.
3. Designation of a dog as potentially dangerous or dangerous without a court hearing is also a violation of due process. (In September 2004, the Ohio Supreme Court determined that that state's dangerous dog law was unconstitutional because it allowed dog wardens to force compliance with the confinement and insurance provisions before they had a day in court.)
4. The ordinance has too many opportunities for animal control officers to seize pets, force extra taxes and costs on owners, charge high impound fees without a court decision, and require that intact pets undergo sterilization. Dog wardens are complainants or investigators, not judges, and they should not be allowed to assess guilt, levy fines and costs, or keep a pet if the owner declines or does not have the financial ability to pay.
5. The ordinance also has too many opportunities for dog wardens to enter private property without a court order.
6. "Omission or unintentionally failing: ... to detect the need for or withholding veterinary care, including the care and maintenance of skin and coat, ..." in the definitions of cruelty and neglect offer too many opportunities for specious charges to be filed against animal owners who may treat their own animals for minor skin problems or fail to keep animals groomed according to a standard applied by the animal control agency.

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7. Provisions that could severely impact the socialization and showing of intact dogs by limiting opportunities for them to meet and greet other dogs and people are likely to increase unwanted incidents. Ironically, these provisions are contradicted by the section on neglect, which states: "Failing to provide to a pet any social or human interaction that such pet is chronically isolated from any animal or human contact."

8. Isolation of a dam with puppies or kittens limits opportunities for socialization and could help create temperament problems in the offspring. Most breeders carefully select visitors and take steps to make sure the dam is well-socialized prior to giving birth, so isolation serves no purpose but to further stigmatize breeders and intact dogs.

9. The "unwanted contact" limited to intact dogs in the definition of restraint ignores the fact that unwanted contact by any dog can be a nuisance or worse. A person walking a dog in public doesn't care if other dogs on the path or sidewalk are intact, he cares if they are under control and do not molest his pet.

WAVE-3 TV in Louisville reported that animal control director Dr. Gilles Meloche said in regard to the exhibitor license fee in the ordinance: "When you're a responsible pet owner, you want to promote something, you should lead by example. The idea was to say how we have this great show – everybody should show that every dog should be licensed. It doesn't matter; it could be 50 cents, it could be one cent!"

NAIA Trust members believe it does matter. Pet owners, breeders, and exhibitors should be invited to be leaders, not conscripted and forced to pay for that rather dubious privilege. Rather than charge fees to own intact dogs or multiple dogs or to exhibit dogs, NAIA Trust recommends an animal control program that rewards responsible ownership, builds good relationships between animal control agencies and the public, and punishes only those who refuse or neglect to properly confine and control their pets.

We suggest:

- Strict enforcement of reasonable nuisance and control laws.
- License fee reductions for owners who provide proof of sterilization, proper fencing, obedience training, permanent identification, or other evidence that they are responsible owners.
- A free ride home for any pet picked up at large if it is identified with a microchip, tattoo, or license tag.
- Annual community education programs that encourage responsible ownership.

The NAIA report *Responding to the Data: A Guide to Constructing Successful Pet Friendly Ordinances* puts the animal control dilemma in perspective. It is available at <http://www.naiaonline.org/body/pdfs/PetFriendlyGuide.pdf>. NAIA and NAIA Trust are also available to aid in drafting pet-friendly ordinances that help responsible animal owners and animal control agencies to work together for the good of the community. Do not hesitate to contact us.

Sincerely,

Patti L. Strand, Trustee

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