



## Legislation Details (With Text)

**File #:** Ord 14-41    **Version:** 2    **Name:** Companion Animal Protection Act Ordinance  
**Type:** Ordinance    **Status:** Passed  
**In control:** City Council  
**Final action:** 11/5/2014

**Title:** Creating Chapter 200A of the St. Paul Legislative Code to require that private or public groups organized to care for stray, homeless, relinquished, or abandoned dogs and cats reduce unnecessary euthanasia.

**Sponsors:** Kathy Lantry

**Indexes:**

**Code sections:**

**Attachments:** 1. Carter letter re CAPA, 2. Chagrin letter re CAPA, 3. Backstrom support of CAPA, 4. Version 2 Amendment Language

Date	Ver.	Action By	Action	Result
11/10/2014	2	Mayor's Office	Signed	
11/5/2014	2	City Council	Adopted	Pass
10/22/2014	2	City Council	Amended and Laid Over for Final Adoption	Pass
10/15/2014	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
10/8/2014	1	City Council	Laid Over to Third Reading/Public Hearing	
10/1/2014	1	City Council	Laid Over to Second Reading	

Creating Chapter 200A of the St. Paul Legislative Code to require that private or public groups organized to care for stray, homeless, relinquished, or abandoned dogs and cats reduce unnecessary euthanasia.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### Section 1

Chapter 200A of the Saint Paul Legislative Code is hereby enacted to read as follows:

Sec. 200A.01. Definitions. As used in this chapter the terms herein defined shall have the following meanings.

- (a) Animal means a dog or cat.
- 1) Cat means a mammal that is wholly or in part of the species Felis domesticus. An adult cat is 5 months of age or older. A kitten is a cat under 5 months of age.
  - 2) Dog means a mammal that is wholly or in part of the species Canis familiaris. An adult dog is a dog 5 months of age or older. A puppy is a dog under 5 months of age.
- (b) Impounded animal means an animal seized or taken into protective custody by a public authority that is being held for redemption by the owner.
- (c) Owner-relinquished animal means any animal taken into custody by a public or private sheltering

agency because the owner has voluntarily agreed to transfer ownership of the animal to that agency for the purposes of re-homing or euthanasia.

(d) Irremediably suffering animal means an animal with a medical condition that has a poor or grave prognosis for being able to live without severe, unremitting pain as determined by a veterinarian licensed to practice in this state.

(e) Non-rehabilitatable animal means an animal with severe illness or injury whose prognosis for rehabilitation is either poor or grave as determined by a veterinarian or an animal with historical or observed behavior that poses a potential safety risk to humans and other dogs or cats that cannot be reasonably managed.

(f) Private sheltering agency means a shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group designated as a nonprofit under section 501 (c)(3), of the Internal Revenue Code, that:

1) accepts animals into a physical facility other than a private residence; and

2) places into new homes stray or owner-relinquished animals or animals who have been removed from a public or private sheltering agency.

(g) Public sheltering agency means a public animal control shelter that receives funding or has a contract with a city, town, or municipality under which it accepts stray or owner-relinquished animals.

(h) Rescue group means a collaboration of individuals not operated for a profit and designated as a nonprofit by section 501(c)(3) of the Internal Revenue Code, whose primary stated purpose is animal adoption or animal rescue, or which is formed for the prevention of cruelty to animals.

(i) Savable animal means any animal that is either healthy or treatable and is not a dangerous or potentially dangerous dog as defined under Minn.Stat. Sec. 347.50 subdivisions 2 and 3 or Saint Paul Legislative Code Secs. 200.11 and 200.12.

(j) Stray animal means an animal that is running at large and has been impounded by a public authority without a known owner present or captured and relinquished by a private citizen with no known owner.

(k) Treatable animal means an animal that is sick or injured whose prognosis for rehabilitation of that illness or injury is excellent, good, fair, or guarded as determined by a veterinarian.

(l) Unweaned animal means a neonatal animal that, in the absence of its mother, requires supplemental bottle feeding by humans in order to survive and is no more than four weeks of age.

#### Sec. 200A.02. Stray Animal Holding Periods.

(a) The required holding period for any stray animal held by a public or private sheltering agency is five regular business days, unless otherwise provided in this section, except that holding periods established under Chapter 200 for potentially dangerous or dangerous dogs, or under Chapter 202 for feral cats shall control in those cases.

(b) Stray animals with significant health conditions may be transferred to a private sheltering agency or rescue group immediately after intake, subject to the same rights of redemption by the owner.

(c) Irremediably suffering animals must be euthanized without delay, upon a verbal or written determination made by a licensed veterinarian.

(d) Unweaned animals held without their mother may be euthanized so long as the shelter has exhausted efforts to place the animals in foster care, made an emergency appeal under the requirements of section 200A.05, and is unable to provide the needed care and feeding in its facility.

#### Sec. 200A.03. Holding Period; Owner Relinquished animal.

The required holding period for an owner-relinquished animal in custody of a public or private sheltering agency is twenty-four hours from the time of relinquishment, with the same duties as those owed to stray animals, except as follows:

1) An irremediably suffering animal;

2) Owner requested euthanasia for non-rehabilitatable animal

3) Euthanasia in the case a non-rehabilitatable animal where the owner does not request euthanasia but the sheltering agency believes it is necessary to protect other animals or staff.

4) The above does not prohibit the agency from placing the animal prior to the end of the 24 hour hold

period.

Sec. 200A.04. Animal Care Standards

- (a) Except as otherwise provided in this section, public and private sheltering agencies shall, as reasonably able, provide all animals during the entirety of their shelter stay with environmental enrichment to promote their psychological well-being such as socialization, and toys and treats. As can reasonably be accommodated, public and private sheltering agencies must exercise animals regularly.
- (b) Notwithstanding paragraph (a), public and private sheltering agencies must work with a veterinarian to develop and follow a care protocol that is for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, geriatric animals, or animals needing therapeutic exercise. This care protocol must specify any deviation from the standard requirements of paragraph (a) and the reasons for the deviation.
- (c) During the entirety of their shelter stay, animals must be provided prompt and necessary cleaning of their cages, kennels, or other living environments no fewer than two times per day, to ensure environments that are welcoming to the public, hygienic for both the public and animals, and to prevent disease. This cleaning must be conducted in accordance with a protocol developed in coordination with a veterinarian.
- (d) During the entirety of their shelter stay, all animals must be provided with prompt and necessary veterinary care, including but not limited to preventative vaccinations to promote herd health within the shelter, cage rest, fluid therapy, pain management, and antibiotics, sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow them to leave the shelter in reasonable condition., even if the animals are not candidates for redemption, transfer, or adoption.
- (e) Public and private sheltering agencies must work with a veterinarian to develop and follow a protocol to prevent the spread of disease, including, but not limited to, appropriate evaluation and testing of newly held animals, administration of vaccines, proper isolation and handling of sick animals, and measures to protect those animals most vulnerable to infection.

Sec. 200A.05 Additional Programs and Duties.

- (a) All public and private sheltering agencies that euthanize animals must maintain a registry of organizations willing to accept animals as follows:
  - 1) Public or private sheltering agencies, and rescue groups designated as nonprofits by section 501(c)(3) of the Internal Revenue Code, may be placed on this registry upon their request, provided they are located within 200 miles of the public or private agency and the agency or group complies with the articulated rescue approval process of the public or private agency. The public or private agency shall post their rescue approval process on their website or on premise for public review. The sheltering agency retains the discretion to deny registration if there is reason to believe the animals will not be treated in a humane manner;
  - 2) The public or private sheltering agency may, but is not required to, include on the registry any individual rescuers or rescue groups that are not designated as nonprofits under section 501 (c)(3) of the Internal Revenue Code;
  - 3) The registry must include the following information as provided by the registered organization: organization name, mailing address, and telephone number;. Web site and email address, if any; emergency contact information for the organization; the types of animals about which the organization wishes to be contacted, including species and breed; and whether or not the organization is willing and able to care for unweaned animals, sick or injured animals, or aggressive animals;
  - 4) A sheltering agency may require that registered organizations provide the following summary information on no more than a monthly basis: The total number of animals the organizations currently has in its care, the number of foster homes they have in use and available, the total number of animals the organization has taken from the agency who have been adopted, died, were transferred, were euthanized, or are still under the organization's care, which information may be provided in an informal format, such as via electronic communication; and

(b) No public or private sheltering agency may euthanize a savable animal unless and until the agency has notified, or made a reasonable attempt to notify, all organizations on the registry described in paragraph (a) that have indicated a willingness to take an animal of that type. The notification must take place at least 24 hours prior to the euthanizing of the animal unless medically necessary as determined by a veterinarian. At a minimum, the notification must include verifiable electronic communication. A notification is considered complete as to each individual group when this has been accomplished. No animal may be euthanized if an organization on the registry indicates, before the euthanizing of the animal, its willingness to take possession of the animal. The agency having possession of the animal may find another disposition for the animal if the organization agreeing to take the animal does not take possession of the animal within 2 business days. No fee may be assessed for animals released to organizations listed on the registry.

Nothing in this section prevents a sheltering agency from euthanizing an irremediably suffering animal which must be euthanized without delay. The determination that an animal is irremediably suffering must be made upon verbal or written determination by a licensed veterinarian.

#### Sec. 200A.06. Identification.

Public and private sheltering agencies must take appropriate action to ensure that all animals are checked for all currently acceptable methods of identification, including microchips, identification tags, and licenses. Public and private sheltering agencies must maintain regularly updated lists of animals reported lost in a manner that allows the public to access the list, self-report their lost animal and match their lost reports with animals reported found and animals in the shelter. As soon as is reasonably feasible after an animal is taken into custody, the agencies must make all reasonable efforts to post notice of all stray animals on the Internet with sufficient detail and a photograph within 24 hours of being taken into custody to allow them to be recognized and claimed by their owners. If a possible owner is identified, the agency must undertake reasonable efforts to notify the owner or caretaker of the whereabouts of the animal and any procedures available for the lawful recovery of the animal. These efforts may include, but are not limited to, notifying the possible owner by telephone, email, mail, to the last known address. Upon the owner's or caretaker's initiation of recovery procedures, the agencies must retain custody of the animal for not less than the holding period to allow for the completion of the recovery process.

#### Sec. 200A.07. Adoption or Transfer Criteria.

No public or private sheltering agency shall ban, bar, limit, or otherwise obstruct the adoption or transfer of any animal based on arbitrary criteria, such as breed, age, color, or any other criteria except as to the individual animal's medical condition and behavioral condition or the adopter's fitness to adopt.

#### Sec. 200A.08. Euthanasia

(a) No savable animal in a public or private sheltering agency may be euthanized simply because the holding period has expired. Before an animal is euthanized, public and private sheltering agencies must work with a veterinarian to develop a protocol that includes the following conditions:

- 1) That the sheltering agency does not have the resources to care for the animal, including but not limited to:
  - (a) available housing
  - (b) budget
  - (c) staff

2) A foster home is not available;

3) Organizations listed in the registry described in Sec. 200A.05 are unable to accept the animal;

The director of the agency or his /her designee must ensure the protocol is implemented.

(b) Animals may only be euthanized by lethal intravenous injection of sodium pentobarbital, except as follows:

- 1) intraperitoneal injections may be used only under the direction of a veterinarian and only

- when the determined method is an established protocol; and
- 2) intracardiac injections may be used only when intravenous injection is not possible for animals that are completely unconscious or comatose or for exotic animals such as rats after proper sedation, and then only under the direction of a veterinarian.
- (c) No animal may be allowed to witness another animal being euthanized or being tranquilized or sedated for the purpose of being euthanized or see the bodies of animals that have been euthanized.
  - (d) Animals may be sedated or tranquilized as necessary to minimize their stress or discomfort or, in the case of vicious animals, to ensure staff safety, except that neuromuscular blocking agents must not be used.
  - (e) Following their injection, animals must be lowered to the surface on which they are being held and not be permitted to drop or otherwise collapse without support.
  - (f) An animal may not be left unattended between the time procedures to euthanize the animal are commenced and the time death occurs, nor may the body be disposed of until death is verified.
  - (g) Verification of death must be confirmed for each animal in all of the following ways:
    - 1) by lack of heartbeat, verified by stethoscope;
    - 2) by lack of respiration, verified by observation;
    - 3) by lack of eye response, verified if lid does not blink when eye is touched.
  - (h) The room in which animals are euthanized must be cleaned and regularly disinfected as necessary, but no less than once per day on days the room is used, except that the area where the procedure is performed must be cleaned and disinfected between each procedure.
  - (i) The room in which animals are euthanized must have adequate ventilation that prevents the accumulation of odors.
  - (j) Only a veterinarian or a trained euthanasia technician working under the direct or indirect supervision of a veterinarian is allowed to euthanize animals in this city.

#### Sec 200A.09 Public Accountability

- (a) A public or private sheltering agency must post on the agency's web site the information listed under paragraph (b) for each of the following categories of animals held by the agency:
  - 1) Adult dogs;
  - 2) Puppies;
  - 3) Adult cats, and
  - 4) Kittens.
- (b) A public or private sheltering agency must maintain the following information related to the animals held by the agency:
  - 1) The total number of live animal intakes categorized as follows:
    - (i) the number of stray animals received by the shelter;
    - (ii) the number of animals that were relinquished by the animal's owner;
    - (iii) the number of animals that were requested to be euthanized by the animal's owner;
    - (iv) the number of animals that were received from other agencies; and
    - (v) any other live animal intake; and
  - 2) The final outcomes of the animals received by the shelter categorized as follows:
    - (i) the number of animal that were adopted;
    - (ii) the number of animals that were reclaimed by the animal's owner;
    - (iii) the number of animals that were transferred to another agency;
    - (iv) the number of animals that died while in the care of the shelter;
    - (v) the number of animals that were lost in care;
    - (vi) the number of animals that were euthanized at the request of the owner; and
    - (vii) the number of animals that were euthanized at the direction of the shelter.
- (c) The information required to be posted under this section must be updated quarterly of each year. The information must be posted for at least one year from the date of the posting.

#### Section 2

This ordinance shall take effect and be in force ninety (90) days following its passage, approval and publication.