



House of Representatives

General Assembly

File No. 366

February Session, 2006

House Bill No. 5751

House of Representatives, April 4, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING ADDITIONAL POWERS OF MUNICIPAL ANIMAL CONTROL OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-331 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) In each municipality of the state having a population of more
4 than twenty-five thousand which has adopted the provisions of
5 chapter 113, or otherwise provided for a merit system for its
6 employees, the chief of police, or such other appointing authority as
7 the charter may designate, shall, appoint a full-time municipal animal
8 control officer and such assistants as are deemed necessary, subject to
9 the provisions of said chapter 113 or other merit system, to administer
10 and enforce the laws relating to dogs or other domestic animals. Any
11 person so appointed may be or become a member of the police
12 department and for such purpose the legislative body of such
13 municipality may waive any requirements as to age, sex, physical
14 condition, education and training applicable to other members of the

15 police department. Any person so appointed as a member of the police
16 department shall be fully eligible to participate in the retirement
17 system of such department.

18 (b) Except as provided in section 22-331a, the chief or
19 superintendent of police in each other city or town having a police
20 department and the selectmen or chief executive officer in each town
21 which has no police department, or such other appointing authority as
22 the charter of such town may designate, in their respective
23 jurisdictions, shall appoint a municipal animal control officer and such
24 assistants as are deemed necessary to administer and enforce the laws
25 relating to dogs. Such officer and assistants shall have such
26 qualifications as the commissioner may prescribe and shall serve for a
27 term of at least one year.

28 (c) Each appointment made under the provisions of this section
29 shall be reported promptly to the commissioner. Each person
30 appointed under the provisions of subsection (a) of this section shall,
31 and any person appointed under the provisions of subsection (b) of
32 this section may, be paid a salary and expenses in lieu of the fees
33 provided in section 22-334 and the amount thereof shall be transferred
34 from the dog fund account to the appropriation of the proper
35 department.

36 (d) The municipal animal control officer so appointed in any city the
37 limits of which are not coterminous with those of the town in which it
38 is located shall have authority as such municipal animal control officer
39 throughout such town, and the town treasurer or other fiscal officer
40 shall annually reimburse the city, from the dog fund account, for the
41 salaries and expenses of such officer or his assistants. The municipal
42 animal control officer so appointed in any town having a borough
43 within its limits shall have authority as such municipal animal control
44 officer throughout the limits of such town. If, in any city or town, the
45 officer or officers charged with such duty fail to report such
46 appointment, the commissioner shall notify such officer or officers to
47 make and report such appointment within ten days of receipt of such

48 notification, and, if such appointment is not made within such time,
49 the commissioner shall appoint a municipal animal control officer for
50 such city or town.

51 (e) Any municipality may, by ordinance adopted by its legislative
52 body, permit a municipal animal control officer appointed pursuant to
53 this section to issue citations for any violation of chapter 435. The
54 ordinance shall establish the amount of any fine to be imposed thereby
55 and shall specify the time period for uncontested payment of fines for
56 any alleged violation. No fine imposed under the authority of this
57 section may exceed one hundred fifty dollars for each day a violation
58 continues. Any fine shall be payable to the treasurer of the
59 municipality.

60 (f) The hearing procedure for any citation issued pursuant to this
61 section shall be in accordance with section 7-152c, except that no
62 municipal animal control officer or assistant municipal animal control
63 officer or employee of the municipal body exercising authority to issue
64 the citation may be appointed to be a hearing officer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	22-331

ENV *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	Revenue Gain/Cost	Potential Minimal	Potential Minimal

Explanation

The bill allows municipalities to permit their municipal animal control officers to issue citations for violations of ordinances they choose to adopt. Any increase in workload is anticipated to be minimal and since the bill is permissive, undertaken when municipal resources are available. The potential increase in municipal revenue due to establishment of fines is anticipated to be minimal.

The Out Years

The ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis
HB 5751**

***AN ACT CONCERNING ADDITIONAL POWERS OF MUNICIPAL
ANIMAL CONTROL OFFICERS.***

SUMMARY:

This bill expands municipal animal control officers' (ACO) powers to allow them to issue citations for violations of municipal ordinances concerning dogs, other animals, kennels, and pet shops. It allows municipalities' legislative bodies to give ACOs this power.

The bill specifies that the hearing procedure for citations issued by ACOs is the same as the procedure for other municipal citations (e.g., parking tickets). The bill prohibits ACOs, assistant ACOs, or anyone exercising authority to issue such a citation from being a hearing officer.

EFFECTIVE DATE: October 1, 2006

CITATIONS FOR VIOLATIONS

The ordinance must establish the fine that an ACO may impose and specify the deadline for paying an uncontested fine for an alleged violation. Fines cannot exceed \$150 for each day a violation continues and are payable to the municipality's treasurer.

BACKGROUND

Hearing Procedure for Citations

The law requires municipalities to designate the ordinances and regulations that will be enforced through citations and it allows them to designate certain officers or employees to issue the citations. The law creates a hearing procedure for contesting citations. A person must be given a written warning before being given a citation. He can either

pay the fine or request a hearing before a municipal hearing officer. If he does neither within 10 days, the town can enforce the citation in Superior Court. A person dissatisfied with a hearing officer's decision may seek judicial review.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 27 Nay 0 (03/20/2006)