



# House of Representatives

General Assembly

**File No. 538**

January Session, 2015

House Bill No. 7011

*House of Representatives, April 8, 2015*

The Committee on Environment reported through REP. ALBIS of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING THE AUTHORITY OF ANIMAL CONTROL OFFICERS IN COMMON INTEREST COMMUNITIES.***

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

1 Section 1. Subsection (a) of section 22-332d of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) Any animal control officer for a municipality which has adopted  
5 an ordinance under subsection (b) of section 22-339d, as amended by  
6 this act, may take into custody any cat found to be: [damaging  
7 property] (1) Damaging: (A) Property other than property of its owner  
8 or keeper, or (B) property that is part of the common elements of a  
9 common interest community, as defined in section 47-202, or (2)  
10 causing an unsanitary, dangerous or unreasonably offensive condition  
11 unless such cat can be identified as under the care of its owner or a  
12 registered keeper of feral cats. The officer shall impound such cat at the  
13 pound serving the town where the cat is taken unless, in the opinion of  
14 a licensed veterinarian, the cat is so injured or diseased that it should

15 be destroyed immediately, in which case the municipal animal control  
16 officer of such town may cause the cat to be mercifully killed by a  
17 licensed veterinarian or disposed of as the State Veterinarian may  
18 direct. The municipal animal control officer shall immediately notify  
19 the owner or keeper of any cat so taken, if known, of its impoundment.  
20 If the owner or keeper of any such cat is unknown, the officer shall  
21 immediately tag or employ such other suitable means of identification  
22 of the cat as may be approved by the Chief Animal Control Officer and  
23 shall promptly cause a description of such cat to be published once in  
24 the lost and found column of a newspaper having a circulation in such  
25 town.

26 Sec. 2. Subsection (b) of section 22-339d of the general statutes is  
27 repealed and the following is substituted in lieu thereof (*Effective from*  
28 *passage*):

29 (b) A municipality may adopt an ordinance providing that no  
30 person owning or keeping any cat shall permit such animal to (1)  
31 substantially damage property other than the property of the owner or  
32 keeper, (2) substantially damage property that is part of the common  
33 elements of a common interest community, as defined in section 47-  
34 202, or [(2)] (3) cause an unsanitary, dangerous or unreasonably  
35 offensive condition. Violation of such provision shall be an infraction.

36 Sec. 3. Section 22-357 of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective from passage*):

38 If any dog does any damage to either the body or property of any  
39 person, the owner or keeper, or, if the owner or keeper is a minor, the  
40 parent or guardian of such minor, shall be liable for the amount of  
41 such damage, except when such damage has been occasioned to the  
42 body or property of a person who, at the time such damage was  
43 sustained, was committing a trespass or other tort, or was teasing,  
44 tormenting or abusing such dog. If a minor, on whose behalf an action  
45 under this section is brought, was under seven years of age at the time  
46 such damage was done, it shall be presumed that such minor was not  
47 committing a trespass or other tort, or teasing, tormenting or abusing

48 such dog, and the burden of proof thereof shall be upon the defendant  
49 in such action. For the purposes of this section, "property" includes,  
50 but is not limited to, a companion animal, as defined in section 22-351a  
51 and the common elements of a common interest community, as  
52 defined in section 47-202, and "the amount of such damage", with  
53 respect to a companion animal, includes expenses of veterinary care,  
54 the fair monetary value of the companion animal and burial expenses  
55 for the companion animal.

56 Sec. 4. Section 22-358 of the general statutes is amended by adding  
57 subsection (i) as follows (*Effective from passage*):

58 (NEW) (i) For purposes of this section, the premises of the owner or  
59 keeper of a dog, cat or other animal shall not be deemed to include any  
60 property that is part of the common elements of a common interest  
61 community, as defined in section 47-202.

62 Sec. 5. Subsection (a) of section 22-364 of the general statutes is  
63 repealed and the following is substituted in lieu thereof (*Effective from*  
64 *passage*):

65 (a) No owner or keeper of any dog shall allow such dog to roam at  
66 large upon the land of another, including, but not limited to, any  
67 property that is part of the common elements of a common interest  
68 community, as defined in section 47-202, and not under control of the  
69 owner or keeper or the agent of the owner or keeper, nor allow such  
70 dog to roam at large on any portion of any public highway and not  
71 attended or under control of such owner or keeper or his agent,  
72 provided nothing in this subsection shall be construed to limit or  
73 prohibit the use of hunting dogs during the open hunting or training  
74 season. The unauthorized presence of any dog on the land of any  
75 person, including, but not limited to, any property that is part of the  
76 common elements of a common interest community, as defined in  
77 section 47-202, other than the land of the owner or keeper of such dog,  
78 or on any portion of a public highway when such dog is not attended  
79 by or under the control of such owner or keeper, shall be prima facie  
80 evidence of a violation of the provisions of this subsection. Violation of

81 any provision of this subsection shall be an infraction.

82 Sec. 6. Section 22-364a of the general statutes is repealed and the  
83 following is substituted in lieu thereof (*Effective from passage*):

84 Any person who intentionally or recklessly releases a domestic  
85 animal that enters upon the real property of another person and causes  
86 damage to such real property in an amount in excess of one hundred  
87 dollars shall have committed an infraction. For purposes of this  
88 section, "real property" includes, but is not limited to, any property  
89 that is part of the common elements of any common interest  
90 community, as defined in section 47-202.

91 Sec. 7. Section 22-364b of the general statutes is repealed and the  
92 following is substituted in lieu thereof (*Effective from passage*):

93 The owner or keeper of a dog shall restrain and control such dog on  
94 a leash when such dog is not on the property of its owner or keeper or  
95 is on property that is part of the common elements of any common  
96 interest community, as defined in section 47-202, and is in proximity to  
97 a blind, deaf or mobility impaired person accompanied by his guide  
98 dog, provided the guide dog is in the direct custody of such blind, deaf  
99 or mobility impaired person, is wearing a harness or an orange-colored  
100 leash and collar which makes it readily-identifiable as a guide dog and  
101 is licensed in accordance with section 22-345. Any person who violates  
102 the provisions of this section shall have committed an infraction. If an  
103 owner or keeper of a dog violates the provisions of this section and, as  
104 a result of such violation, such dog attacks and injures the guide dog,  
105 such owner or keeper shall be liable, as provided in section 22-357, as  
106 amended by this act, for any damage done to such guide dog, and such  
107 liability shall include liability for any costs incurred by such blind, deaf  
108 or mobility-impaired person for the veterinary care, rehabilitation or  
109 replacement of the injured guide dog and for reasonable attorney's  
110 fees.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	22-332d(a)
Sec. 2	<i>from passage</i>	22-339d(b)
Sec. 3	<i>from passage</i>	22-357
Sec. 4	<i>from passage</i>	22-358
Sec. 5	<i>from passage</i>	22-364(a)
Sec. 6	<i>from passage</i>	22-364a
Sec. 7	<i>from passage</i>	22-364b

**ENV**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 16 \$	FY 17 \$
Various Municipalities	Potential Cost	See Below	See Below

**Explanation**

The bill provides animal control officers (ACO's) jurisdiction in common interest communities (such as condominium units).

To the extent that the bill expands ACO's area of jurisdiction, this may result in an increased number of animals seized by ACO's. Therefore, the bill may result in increased costs to various municipalities associated with animal care (i.e. food and medical expenses).

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of animals seized.

**OLR Bill Analysis****HB 7011*****AN ACT CONCERNING THE AUTHORITY OF ANIMAL CONTROL OFFICERS IN COMMON INTEREST COMMUNITIES.*****SUMMARY:**

This bill allows (1) municipalities to adopt ordinances prohibiting cats from damaging the common areas of a condominium or other common interest community and (2) animal control officers (ACOs) to impound these cats (§§ 1 & 2).

It also provides that certain laws concerning dogs (e.g., dogs causing damage, roaming, or near guide dogs) apply when the dogs are in the common areas of a condominium or other common interest community (§§ 3, 5-7).

Lastly, the bill specifies that the premises of an animal's owner or keeper does not include the common areas of a condominium or other common interest community for purposes of killing or quarantining a biting or attacking animal (§ 4).

EFFECTIVE DATE: Upon passage

**§§ 1 & 2*****Cat Damage Ordinances***

Under the bill, municipalities may adopt ordinances prohibiting anyone owning or keeping a cat from letting the cat cause substantial damage to the common areas of a condominium or other common interest community. A violation of such an ordinance is an infraction.

By law, municipalities may adopt ordinances making it an infraction for a cat's owner or keeper to allow it to (1) substantially damage property, other than the owner's or keeper's or (2) cause

unsanitary, dangerous, or unreasonably offensive conditions.

### ***Impoundment of Cats Causing Damage***

The bill allows ACOs in municipalities with a cat damage ordinance described above to impound cats doing damage to the common areas of a condominium or other common interest community. By law, ACOs may impound cats doing damage to other people's property or creating an unsanitary, dangerous, or offensive condition. But ACOs cannot impound feral cats identified as being under the care of a registered feral cat keeper and cats under an owner's control.

An ACO who impounds a cat from the common areas of a condominium or other common interest community must follow the statutory procedures for impounding other cats. This includes immediately notifying the cat's owner or keeper, if known, or publishing the cat's description in a lost and found column of a local newspaper. If the cat is not claimed and released to its owner within seven days of publishing the notice, the ACO may have the cat spayed or neutered and sell it to someone suitable.

An impounded cat's owner or keeper, or his or her agent, can redeem the cat with proper identification. He or she must be able to identify the cat, pay the municipally set redemption fee of up to \$15, and pay the cost of placing the newspaper notice. If the owner or keeper does not redeem the cat within 24 hours after receiving notice, he or she must also pay the cost of its care and impoundment. Failure to redeem a cat within five days of receiving notice is an infraction.

### **§ 3 – DAMAGE CAUSED BY DOGS**

By law, a dog's owner or keeper is liable when the dog hurts a person or damages property, unless the person was trespassing; committing a tort; or teasing, tormenting, or abusing the dog.

The bill specifies that the common areas of a condominium or other common interest community are included in the definition of "property" for which an offending dog's owner or keeper is liable for damages.

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**§ 4 – BITING OR ATTACKING ANIMALS**

The bill specifies that the premises of an animal's owner or keeper does not include the common areas of a condominium or other common interest community with respect to a biting or attacking animal.

Under the law, anyone who is bitten or attacked by a dog, cat, or other animal when he or she is not on the premises of the animal's owner or keeper may kill the animal during the attack. Also, an ACO may quarantine an animal that bites or attacks. If the animal bit or attacked while on the premises of its owner or keeper, the ACO must quarantine the animal on those premises. If the animal bit or attacked while not on the premises of its owner or keeper, the ACO must quarantine the animal at a public pound or other place the agriculture commissioner approves (e.g., a veterinary hospital or kennel).

**§ 5 – ROAMING DOGS**

By law, a dog's owner or keeper cannot let the dog roam on another's land while it is not under the owner's or keeper's control.

The bill specifies that another's land includes the common areas of a condominium or other common interest community. A dog's presence on another's land while unattended is prima facie evidence of a violation, which is an infraction by law.

**§ 6 – RELEASE OF A DOMESTIC ANIMAL**

By law, a person commits an infraction when he or she intentionally or recklessly releases a domestic animal that enters someone else's property and causes over \$100 in damage.

The bill provides that property includes the common areas of a condominium or other common interest community.

**§ 7 – CONTROL OF DOG NEAR GUIDE DOG**

By law, a dog's owner or keeper must restrain and control the dog on a leash when near a guide dog but not on the owner's or keeper's property. The bill also requires a dog's owner or keeper to restrain and

leash the dog when near a guide dog in the common areas of a condominium or other common interest community.

Violators are guilty of an infraction. If the dog attacks and injures the guide dog, the dog's owner or keeper is liable for the damage, including costs for veterinary care, rehabilitation or replacement of the guide dog, and attorney's fees.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 29 Nay 0 (03/25/2015)