



General Assembly

**Substitute Bill No. 5151**

February Session, 2016

\* \_\_\_\_\_HB05151PD\_\_\_\_\_032816\_\_\_\_\_\*

**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2 repealed and the following is substituted in lieu thereof (*Effective from*  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27 repealed and the following is substituted in lieu thereof (*Effective from*  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 2016 supplement to the general statutes  
37 is repealed and the following is substituted in lieu thereof (*Effective*  
38 *from passage*):

39 If any dog does any damage to either the body or property of any  
40 person, the owner or keeper, or, if the owner or keeper is a minor, the  
41 parent or guardian of such minor, shall be liable for the amount of  
42 such damage, except when such damage has been occasioned to the  
43 body or property of a person who, at the time such damage was  
44 sustained, was committing a trespass or other tort, or was teasing,  
45 tormenting or abusing such dog. If a minor, on whose behalf an action  
46 under this section is brought, was under seven years of age at the time  
47 such damage was done, it shall be presumed that such minor was not  
48 committing a trespass or other tort, or teasing, tormenting or abusing  
49 such dog, and the burden of proof thereof shall be upon the defendant  
50 in such action. In an action under this section against a household  
51 member of a law enforcement officer to whom has been assigned a dog

52 owned by a law enforcement agency of the state, any political  
53 subdivision of the state or the federal government for damage done by  
54 such dog, it shall be presumed that such household member is not a  
55 keeper of such dog and the burden of proof shall be upon the plaintiff  
56 to establish that such household member was a keeper of such dog and  
57 had exclusive control of such dog at the time such damage was  
58 sustained. For the purposes of this section, "property" includes, but is  
59 not limited to, a companion animal, as defined in section 22-351a and  
60 the common elements of a common interest community, as defined in  
61 section 47-202, and "the amount of such damage", with respect to a  
62 companion animal, includes expenses of veterinary care, the fair  
63 monetary value of the companion animal and burial expenses for the  
64 companion animal.

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

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

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

74 (a) No owner or keeper of any dog shall allow such dog to roam at  
75 large upon the land of another, including, but not limited to, any  
76 property that is part of the common elements of a common interest  
77 community, as defined in section 47-202, and not under control of the  
78 owner or keeper or the agent of the owner or keeper, nor allow such  
79 dog to roam at large on any portion of any public highway and not  
80 attended or under control of such owner or keeper or his agent,  
81 provided nothing in this subsection shall be construed to limit or  
82 prohibit the use of hunting dogs during the open hunting or training  
83 season. The unauthorized presence of any dog on the land of any

84 person, including, but not limited to, any property that is part of the  
85 common elements of a common interest community, as defined in  
86 section 47-202, other than the land of the owner or keeper of such dog  
87 or on any portion of a public highway when such dog is not attended  
88 by or under the control of such owner or keeper, shall be prima facie  
89 evidence of a violation of the provisions of this subsection. Violation of  
90 any provision of this subsection shall be an infraction.

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

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

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

102 The owner or keeper of a dog shall restrain and control such dog on  
103 a leash when such dog is not on the property of its owner or keeper or  
104 is on property that is part of the common elements of any common  
105 interest community, as defined in section 47-202, and is in proximity to  
106 a blind, deaf or mobility impaired person accompanied by his guide  
107 dog, provided the guide dog is in the direct custody of such blind, deaf  
108 or mobility impaired person, is wearing a harness or an orange-colored  
109 leash and collar which makes it readily-identifiable as a guide dog and  
110 is licensed in accordance with section 22-345. Any person who violates  
111 the provisions of this section shall have committed an infraction. If an  
112 owner or keeper of a dog violates the provisions of this section and, as  
113 a result of such violation, such dog attacks and injures the guide dog,  
114 such owner or keeper shall be liable, as provided in section 22-357, as  
115 amended by this act, for any damage done to such guide dog, and such

116 liability shall include liability for any costs incurred by such blind, deaf  
117 or mobility-impaired person for the veterinary care, rehabilitation or  
118 replacement of the injured guide dog and for reasonable attorney's  
119 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 Subst.*

**PD**        *Joint Favorable*