

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of
Columbia
Official Code*

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To require the District Department of the Environment to license individuals performing wildlife control activities, to create qualifications and conditions for licensure, to set restrictions on the capture, handling, and transport of wildlife, to set restrictions on euthanasia of wildlife, to establish control requirements for specified species, to require the compilation of service records and annual reporting, to create standards for suspension of licensure, and to authorize the Mayor to establish fees for licensure.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Wildlife Protection Act of 2010”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Animal Care and Control Agency” means the agency established by section 3 of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1802).

(2) “Department” means the District Department of the Environment.

(3) “Director” means the Director of the District Department of the Environment.

(4) “Licensed wildlife rehabilitator” means a wildlife rehabilitator licensed in any state or the District.

(5) “Wildlife” shall include any free-roaming wild animal, but shall not include:

- (A) Domestic animals;
- (B) Commensal rodents;
- (C) Invertebrates; and
- (D) Fish.

(6) “Wildlife control” means to harass, repel, evict, exclude, possess, transport, liberate, reunite, rehome, take, euthanize, or kill wildlife.

(7) “Wildlife control operator” means a person who is licensed to perform wildlife control services under section 5, but shall not include the Animal Care and Control

Agency or a property manager as defined by D.C. Official Code § 47-2853.141.

(8) “Wildlife control services provider” means the operator of a business which involves the charging of a fee for services in wildlife control.

Sec. 3. Wildlife control service providers.

(a) A wildlife control services provider shall recommend and employ nonlethal means in preference to lethal means for the control of problem wildlife.

(b) All traps and exclusion devices used by a wildlife control services provider shall be labeled with the name, address, and phone number of the wildlife control service provider.

(c) Traps used by a wildlife control services provider shall be set in a manner designed to catch the target animal and in the manner likely to avoid capture of and harm to non-target animals.

(d) Wildlife shall be captured, handled, and, when permissible, transported, in a manner to ensure against causing unnecessary discomfort, behavioral stress, or physical harm to the animal, including providing protections against weather extremes.

(e) All traps shall be checked by the wildlife control services provider in a timely and reasonable manner, but no more than 24 hours after being set, and at least once every 24 hours thereafter; provided, that traps shall be checked more frequently if environmental conditions require.

(f) Captured non-target wildlife shall be released immediately at the site of capture. Captured non-target wildlife that pose an unreasonable risk to the health and safety to persons or domestic animals or that are injured and need veterinary care and rehabilitation shall:

(1) With permission of the property owner, be relocated to a suitable location where nuisance problems are unlikely to occur;

(2) Transferred to a wildlife rehabilitator, if the animal is sick, injured, or abandoned; or

(3) Euthanized if relocation or rehabilitation are not feasible.

(g) Captured target wildlife shall be:

(1) Released at the site of capture;

(2) With permission of the property owner, be relocated to a safe location where nuisance problems are unlikely to occur;

(3) Transferred to a wildlife rehabilitator, if the animal is sick, injured, or abandoned; or

(4) If none of the other options are feasible, euthanized.

(h) Wildlife expressing symptoms of disease shall be taken to a licensed wildlife rehabilitator or surrendered to the Animal Care and Control Agency for evaluation and assessment. Outbreaks or potential widespread occurrence of suspect diseases, such as avian botulism, shall be reported to the Department.

(i) A wildlife control services provider shall make every reasonable effort to preserve family units using humane eviction or displacement and reunion strategies and shall not knowingly abandon dependent young wildlife in a structure.

(j) Wildlife shall not be kept in captivity longer than 36 hours unless specifically authorized by the Department or unless reunion attempts are being employed. In the case of attempted reunion, a wildlife control services provider may hold wildlife in captivity for up to 72 hours.

(k) Captured wildlife shall be transported in covered, secure containers in such a way as to:

(1) Minimize stress to the animal and its exposure to the elements by covering the trap or vehicle with appropriate material;

(2) Ensure that the covering is of such material that the animal has an adequate supply of air to prevent overheating; and

(3) Minimize potential hazards to the general public.

(l) A wildlife control services provider shall not use sticky or glue traps to control any wildlife.

(m) A wildlife control services provider shall not use leghold and other body-gripping traps, body-crushing traps, snares, or harpoon-type traps to control any wildlife.

(n) A wildlife control services provider shall kill wildlife only by methods that conform to the most recently published Report of the American Veterinary Medical Association Panel on Euthanasia, unless otherwise prohibited by this act or rules promulgated by the Department.

(o) A wildlife control services provider shall use the available method of euthanasia that is the quickest, least stressful, and least painful to the animal under the circumstances.

Sec. 4. Notice to clients.

Before undertaking any control measures, a wildlife control services provider shall provide to the client, in writing, the following:

(1) An assessment of the problem, including identification of possible causes of the problem;

(2) The methods and practices that may be used to resolve the problem, clearly specifying possible lethal and nonlethal means;

(3) Agreed-upon disposition of the animal;

(4) An estimate of the fee to be charged; and

(5) Where applicable, the methods and practices which the client may employ in the future to limit recurrence of the problem.

Sec. 5. Wildlife control operator license.

(a) The Department shall implement a licensing program for wildlife control operators. After the program is implemented, a wildlife control operator shall not engage in the business of providing wildlife control services unless the person is licensed to do so under this act.

(b) The Director may deny a license if the Director has a reasonable belief that issuing a license to the applicant would pose a threat:

- (1) To public health or safety; or
- (2) Of cruelty to animals.

(c) The Director shall deny a license if the applicant has been convicted of an offense involving wildlife or cruelty to animals within the previous 10 years.

Sec. 6. General wildlife control operator license conditions.

(a) To obtain a wildlife control operator license, an applicant shall:

- (1) Be at least 18 years of age;
- (2) Complete a wildlife control operator training class approved by the Department;
- (3) Pass an examination approved by the Department;
- (4) Pay a fee in an amount specified by the Department; and
- (5) Comply with all additional licensing requirements established by the Department.

Department.

(b) A wildlife control operator may perform wildlife control only for wildlife that are designated on his or her license.

(c) The Department shall identify, by rule, the species of wildlife that may be controlled and specify the methods that may be used to control each species.

(d) Wildlife, or parts thereof, shall not be sold, bartered, traded, given to another person, or retained for any purpose; provided, that an animal may be given to a wildlife rehabilitator, veterinarian, or animal control officer for rehabilitation or euthanasia.

(e) The Department may, by rule, establish:

(1) Minimum liability insurance requirements for wildlife control operators to ensure protection of District residents; and

(2) Additional licensing requirements for wildlife rehabilitators.

(f) A wildlife control operator license shall not be transferable.

(g) A wildlife control operator license shall be renewed biennially.

Sec. 7. Control of specific species.

(a) The use of any toxicant to control pigeons, European starlings, or house sparrows shall be prohibited. The Department may limit the use of toxicants on other species of wildlife where it is determined that the wildlife can be reasonably controlled using less harmful methods.

(b)(1) The Department, in consultation with the Department of Health, shall establish rules governing the control of feral dogs and cats in the District by wildlife control operators.

(2) The Department's rules shall be consistent with the District's policy in favor of trap, neuter, return, and adoption for controlling feral cats, as established by the Animal Care and Control Agency pursuant to section 3 of the Animal Care and Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1802).

(3) When no other methods of control have been adequate, the Department may authorize a wildlife control operator to control feral dogs or cats. Wildlife control operators controlling feral dogs or cats under such a permit shall abide by the requirements set forth in this act.

Sec. 8. Service records and annual reports.

(a) A wildlife control operator shall maintain records of all wildlife control services documenting the following information at each service call:

- (1) Client's name and address;
- (2) Date of service;
- (3) Nature of the complaint;
- (4) Methods employed to alleviate problem;
- (5) Number and species of wildlife handled; and
- (6) Method of disposition of all animals, including place of disposition of all

animals.

(b) On or before January 15 of each year, a wildlife control operator shall submit an accurate summary of activities of the preceding calendar year on forms provided by the Department. The summary shall contain the following information:

- (1) Name, phone number, and address of wildlife control operator;
- (2) Total number of complaints;
- (3) Number and kinds of wildlife handled and their disposition;
- (4) Number of wildlife euthanized and method of euthanasia employed; and
- (5) Period covered.

(c) A wildlife control operator shall keep all required records for 3 years and shall make the records available for inspection by the Director or his or her designee at any reasonable time.

(d) The Department shall keep records of all wildlife control operator summary reports and shall regularly compile and publish the information online.

(e) Within 2 years after the effective date of this act, the Department shall provide a report to the Council on the effectiveness of the regulation of wildlife control services, including the prohibitions on the use of certain control techniques, and recommendations for further legislation to improve regulation of wildlife control.

Sec. 9. Suspension or revocation of license.

(a) The Department may suspend or revoke the license of a wildlife control operator if the applicant:

- (1) Violates the provisions of this act or the conditions of the license; or
- (2) Engages in fraudulent business practices.

(b) The Department shall suspend or revoke the license of a wildlife control operator if the applicant is convicted of an offense set forth in Chapter 106 of the Acts of the Legislative Assembly, adopted August 23, 1871 (D.C. Official Code § 22-1001 *et seq.*), and section 6a of An act to prevent cruelty to children or animal in the District of Columbia, and for other purposes, effective June 8, 2001 (D.C. Law 13-303; D.C. Official Code § 22-1015).

Sec. 10. Fees.

(a) The Mayor shall establish a schedule of fees for licenses issued under section 5.

(b) The Mayor may require reimbursement of costs for inspections, pursuant to section 8.

Sec. 11. Complaints.

The Department shall keep a record of any written or oral complaints lodged against a wildlife control services provider and shall document action taken by the Department in response to the complaint.

Sec. 12. Enforcement.

(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

(b) The Mayor may bring an action in the Superior Court of the District of Columbia to enjoin the violation or threatened violation of any provision of this act or of any rules promulgated under this act.

Sec. 13. Applicability.

Sections 5 through 10 shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.

Sec. 14. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 15. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia