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Protect Your Rights

AFA has found that almost all cities and towns, counties and most states have ordinances or laws regulating behavior and ownership responsibility for animals. Since each locality starts with its own set of ordinances and local laws, some research is required for your particular locality. Often these laws were written with dogs and cats in mind, especially city and county animal control ordinances, or pertain to livestock in state laws. Therefore, you will need to do some homework to prepare yourself to inform and educate your legislators, city council, or whoever is responsible for enacting laws in your area. The American Federation of Aviculture has developed this brochure as a quick reference guide.

Be prepared as much as possible before you go to argue your cause but do not worry if you can not cite exact ordinance numbers, sections and paragraphs on every possible point. Do get as many of them as you can. Most concerned citizens are not lawyers. The important thing is that you are aware of what is being proposed and that you show up to voice your opinions.

Bring as many people with you as possible and present an obviously united front. Know what you want to have happen before you get to the meeting and agree among yourselves on key issues. Do not be distracted from your main objective by side issues. Do not argue among yourselves in front of the opposition. It is extremely important to look like you are a cohesive group of responsible voters to people who have the power to outlaw birds.

Decide before the meeting who will be the main spokesperson for your group. Encourage every other person to repeat one fact made by the main spokesperson. We do not want silent people to be

counted as part of the opposition. Individuals proposing restrictive legislation may range from the extreme fanatic who believes no one has the right to keep pets or use animal products, to people who have been misled by staged film propaganda to believe that they are saving birds and other animals from torture and a cruel death. Regardless of each person's beliefs or opinions, they have a right to express themselves. They do not have the right to impose their will on the rest of us. Do not be intimidated or afraid to tell your elected officials what you want. Always be polite to everyone. We want to be the reasonable, good citizens in any disagreement.

Finally, please share your experiences with us. We need to build on your successes and learn from other failures. Keep a log of everything that happens; names, dates, events. We will use what each person has learned to help the next one. One of the chief arguments you will hear is regarding health and safety questions related to the keeping of birds. Psittacosis (more correctly called ornithosis) is usually the chief concern. The following facts may dispel the myths:

1. This disease is endemic in the wild bird population in the United States. (University of Pennsylvania study showed 70% of pigeons in the city parks tested positive for psittacosis. Dr Joel Murphy estimates that "this bacteria is carried by 70% - 90% of wild pigeons and at least 100 other species of wild birds in North America without causing disease").

2. Psittacosis is rarely diagnosed in people. This disease produces mild to strong flu-like symptoms in most people who do catch it. It is not generally a life-threatening disease and is easily treated with antibiotics.

Birds Are Not An Animal Control Problem

Birds do not present a problem for Animal Control like dogs and cats do. Birds are not a threat to public

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safety. Birds do not require collecting of strays. Birds do not require housing and feeding of strayed or unwanted pets. Birds are not produced in sufficient quantities to require them to be euthanized as excess pets. Birds do not cost the city or its taxpayers anything. Indeed, most species of birds are difficult to breed, needing specific amounts of light, food, space, and temperature in order to reproduce. Most species of birds are not produced in sufficient quantities, period. Many species are in danger of becoming extinct.

If you become aware of any situations that concern avian regulations either local, county, state, or federal level, please contact the AFA office at (816) 421-2473 or fax (816) 421-3214 for further assistance.

Now that you have made the decision to become actively involved, what can you do to start? First, obtain the names, addresses and phone numbers of your state and local representatives. Then your next step is simple:

At State Level

Contact your state senator and representative via a certified letter. Request distribution of information regarding proposed legislation and changes in laws that pertain to keeping and breeding birds and animals.

Phone your state senators or representative's office to determine how to contact your state's information bureau. Each state should publish each of the two documents listed below. Obtain one of each to keep yourself better informed.

The *Legislative Status* which lists by title every bill introduced, giving its status in the legislative process. Check under titles such as Animals, Birds, Wild Animals, etc. If you think you see a bill that involves exotic animals issues, order a copy of the bill from the Bill Room if your state senator or representative can not provide you with a copy of the bill in a timely fashion.

The *State Register* publishes every rule and regulation proposed for change and gives the period for

comments. Check with your senator or representative for ordering information. (These may be in local libraries.)

In Your Own Backyard

Most government entities (including county commissions, city councils, zoning committees) are required by law to conduct only business that is included on an agenda for each meeting. That agenda must be made public in advance of the meeting. Determine procedures for acquiring the agendas in advance and do so on a routine basis.

Find out the schedule of these meetings. Most of the meetings which concern government business, policy making, and law are held as public meetings. Attend them. Study the people running the meeting and the way they conduct business and make rulings.

Monitor the local newspapers and electronic media for mention of bird or pet regulations. Recruit family and friends to help you monitor.

Immediately notify the American Federation of Aviculture if you find proposed rules or laws concerning birds and animals.

You can complain, petition and participate as often as you like. Remember, though, people who vote in elections are the only ones who count to politicians.

So if you want them to dance to your tune, you have to know the Ol' Two-Step: Register and Vote.

The only effective approach to fighting bad legislation is to stop it prior to its becoming law.

If you have been cited for an infraction of an ordinance and you elect to meet with the zoning commission, your preparations for the hearing must be precise and complete. Listed below are some of the actions to take prior to the hearing:

- Research all aspects of the zoning law. Quite often there are conflicts. Many times state laws will overrule local laws. Several local laws have never had a court challenge to prove their constitutionality.
- Hire a lawyer if at all possible.

The zoning commission will tell you that the hearing is informal but if you wish to have all of your rights protected you should have your own lawyer. The commission will probably have its lawyer present as part of the hearing.

- A bonded court stenographer is a must. The testimony during the hearing will be recorded by the commission, however, you will not have the right to obtain that testimony. The stenographer will be your record and protection. If you are found guilty during the hearing you must have the record for any appeals that you may wish to pursue.

- Plan your strategy for the appeal. Research and include all of the issues at the original hearing. If you only argue your case from one point, such as constitutional rights, your appeal may only address that issue. Points include: noise standards, rights, etc.)

- Challenge the qualifications of the code enforcement officer on your case. Ask that your receive documentation on his or her training and standing compared with other individuals in the department.

- On the day of the hearing dress for success. It will help your situation if you present yourself in the proper attire. Address the commission in a respectful manner, do not raise your voice.

Win or lose, the commissioners have government immunity and recovering legal fees or compensatory damages from the governmental body is not permitted under most laws. If you win on appeal, you can sue for reimbursement of expenses not including attorneys fees. (Court Recorder)

Commissioners have the right to interpret almost any ordinance in any way they wish. They can enforce that ordinance until such time as someone with the will or the money takes them to court and wins.

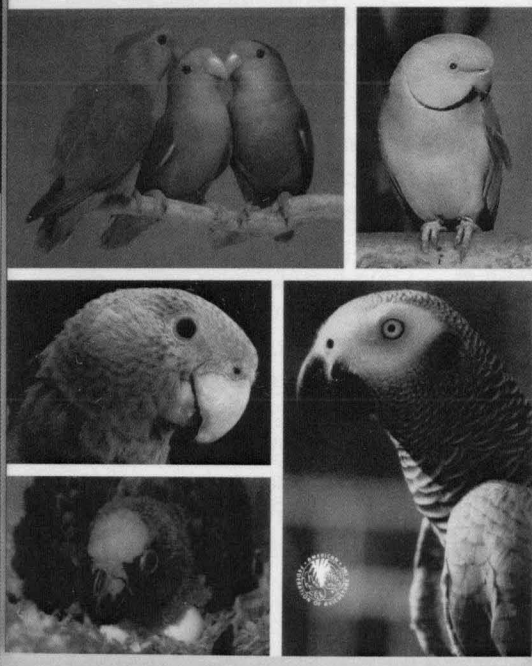
Contact the AFA office for a booklet entitled *The Birdkeeper's Legislative Handbook* for more information. ➔



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Rick Jordan & Jean Pattison



African Parrots

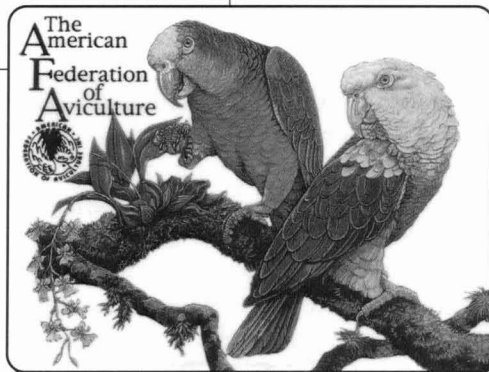
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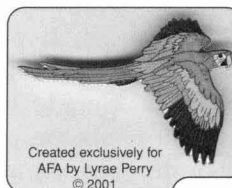
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