

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CITY CODE SECTIONS 3-1-1, 3-2-3, AND 3-7-2  
RELATING TO REQUIREMENTS FOR THE RETAIL SALE OF CATS AND  
DOGS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** City Code Section 3-1-1 (*Definitions*) is amended to amend the definition of “pet trader” to read:

(9) PET TRADER means a person who exchanges for consideration [~~more than fifteen~~] dogs or cats, including puppies and kittens, regardless of age of the dog or cat[~~or both, in a year~~]. The term excludes the City of Austin animal shelter or a City of Austin animal shelter certified partner [~~person who makes an exchange that is not for profit~~] or a not for profit 501(c)(3) animal welfare organization registered with the City.

**PART 2.** City Code Section 3-1-1 is amended to add a new definition of “off-site retail sale” and a new definition of “retail sale” to read as follows and to renumber the remaining definitions accordingly:

(8) OFF-SITE RETAIL SALE means the exchange of consideration for a cat or dog, regardless of the age of the cat or dog, at a location other than where the cat or dog was bred.

(11) RETAIL SALE means the exchange for consideration for a cat or dog, regardless of the age of the cat or dog.

**PART 3.** City Code Section 3-2-3 (*Commerce in Live Animals*) is amended to read:

**§ 3-2-3 COMMERCE IN LIVE ANIMALS.**

(A) A pet trader commits an offense if the pet trader conducts a retail sale in violation of Subsections (E) through (G) of this section.

(B) A pet trader commits an offense if the pet trader conducts an off-site retail sale.

[~~(A)~~] (C) A person commits an offense if the person sells, trades, barter, leases, rents, gives away, or displays for a commercial purpose a live animal on a roadside, public right-of-way, or commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.

1       ~~[(B)]~~(D) This section does not apply to:

2           (1) The City of Austin animal shelter or a City of Austin animal shelter  
3               certified partner, or a not for profit 501(c)(3) animal welfare organization  
4               registered with the City ~~[, a sale held on privately owned property with~~  
5               ~~the permission of the owner]; or~~

6           (2) ~~[a parking lot where the seller has the owner's permission; or~~

7           ~~(3)—[an event primarily for the sale of agricultural livestock such as hooved~~  
8               ~~animals or animals or fowl commonly raised for food, dairy, or fiber~~  
9               ~~products[;] or~~

10          (3) An adoption at which consideration is paid if it occurs at a mobile pet  
11               adoption establishment that is operated by an organization that is exempt  
12               pursuant to paragraph (C)(1) of this section.

13       ~~[(C)]~~(E) A pet trader who exchanges a dog or cat for consideration shall pay an  
14               animal processing fee prescribed by ordinance, except that the fee is not  
15               required for a spayed female or neutered male dog or cat, or a dog or cat  
16               certified by a licensed veterinarian to be incapable of breeding or being bred.

17       ~~[(D)]~~ (F) A pet trader shall implant an identification microchip in the dog or cat before  
18               an exchange. Registration information regarding the microchip shall be  
19               provided to the new owner.

20       ~~[(E)]~~ (G) This subsection prescribes requirements for disclosure of information by a  
21               pet trader to a recipient of the dog or cat.

22           (1) A pet trader shall deliver to a recipient of a dog or cat at the time of  
23               exchange the following information on a form prescribed by the city  
24               manager:

25               (a) the breeder's name and address, and license information if the  
26                   breeder is licensed by the United States Department of Agriculture;  
27               ~~[if known, and if the person from whom the dog or cat is obtained~~  
28               ~~is a dealer licensed by the United States Department of~~  
29               ~~Agriculture, the dealer's name, address, and federal dealer~~  
30               ~~identification number];~~

31               (b) the date of the dog or cat's birth~~[, if known, and the date the trader~~  
32               ~~received the dog or cat];~~

- 1 (c) the breed, sex, color, and identifying marks at the time of exchange,  
2 if any;
- 3 (d) a record of each inoculation and worming treatment administered,  
4 if any, to the dog or cat, including the date of administration and  
5 the type of vaccine or worming treatment;
- 6 (e) a record of veterinarian treatment or medication received by the  
7 dog or cat while in the possession of the pet trader including a  
8 receipt or other documentation from a licensed veterinarian  
9 documenting the dog or cat was spayed or neutered, if the dog or  
10 cat was spayed or neutered; and
- 11 (f) a document signed by a veterinarian licensed in the State of Texas:
- 12 (i) stating that the dog or cat has no known disease or illness[;  
13 ~~and that the dog or cat has no known congenital or~~  
14 ~~hereditary condition~~] that adversely affects the health of the  
15 dog or cat at the time of the exchange or that is likely to  
16 adversely affect the health of the dog or cat in the future; or
- 17 (ii) describing any known disease, illness[~~, or congenital or~~  
18 ~~hereditary condition that adversely affects the health of the~~  
19 ~~dog or cat, or~~] that is likely to adversely affect the health of  
20 the dog or cat in the future; and
- 21 (iii) documenting that the veterinarian spayed or neutered the  
22 dog or cat, if the veterinarian performed this surgery.
- 23 (2) A pet trader shall sign the completed form to certify the accuracy  
24 of the information, and the recipient of the dog or cat shall sign the  
25 completed form to acknowledge receipt of the information.
- 26 (3) In addition to providing the completed and signed form to the  
27 recipient, the pet trader shall verbally disclose the information on  
28 the form to the recipient.
- 29 (4) A pet trader shall:
- 30 (a) retain a copy of each completed and signed form for a period  
31 of not less than two years after the exchange of the dog or  
32 cat; and

(b) make each completed and signed form available for inspection or copying by a humane officer, animal control officer, or law enforcement officer during business hours.

**PART 4.** City Code Section 3-7-2 (*Offense and Penalty*) is amended to add a new Subsection (G) to read:

(G) The minimum fine for an offense under Section 3-2-3 (*Commerce in Live Animals*) is \$200 for each animal sold in violation of the Section.

**PART 5.** This ordinance takes effect on \_\_\_\_\_, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_, 2010      §  
   §  
   § \_\_\_\_\_  
   Lee Leffingwell  
   Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
Acting City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk