

Part 1. Purpose

The City of Austin has made significant progress toward reducing the number of animals euthanized at the City animal shelter. Despite these efforts, there still exists an animal overcrowding problem in the City shelter that results in a threat to public health and safety, inhumane treatment of animals, unwanted euthanasia of dogs and cats and rising costs in animal care and control.

The City finds that in addition to its ongoing No Kill efforts, additional tools will be required to mitigate these problems. Part of the solution is to license dogs and cats in order to reduce intake at regional animal shelters and to improve the shelters' ability to return the dog or cat to its proper owner.

The City finds that part of the solution is a tiered license fee for dogs and cats that will encourage owners to sterilize their animal(s) in order to qualify for the no-cost Altered License.

Part 2. Title 3-4 of the City Code is amended to read:

Article 4. Licensing of Dogs and Cats

§3-4-70 Definitions.

(A) "Animal" means, for purposes of this chapter, a dog or a cat.

(B) "Animal Services" means the City of Austin Animal Services Office, the entity responsible for enforcing animal-related laws.

(C) "Assistance animal" means an animal that is specially trained or equipped to help a person with a disability and that:

(1) is used by a person with a disability who has satisfactorily completed a specific course of training in the use of the animal; and

(2) has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type.

(D) "Director" means the Chief Animal Services Officer, or his/her designee.

(E) "Feral cat" means a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is totally unsocialized to people.

(F) "Owner" means any person harboring, keeping, or providing care or sustenance to an animal for 30 or more days on property within the City of Austin's jurisdiction. This definition does not apply to:

(1) Releasing agencies; or

(2) Veterinary facilities.

(G) "Releasing agency" means a public or private animal pound, shelter, or humane organization. Releasing agencies must sterilize animals prior to release for adoption or require a new owner to sign an agreement to have the animal sterilized. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

(H) "Veterinary facilities" means all premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof are being practiced.

§3-4-71 License Required

(A) Any owner within the limits of the City of Austin, owning or having custody of a dog or cat over the age of four (4) months of age is required to obtain a license and tag for each animal from the Director. Each applicant shall obtain a license on a fee schedule as established by the City Council.

(B) Owners shall register each animal with the City and obtain identification tags for each animal as follows:

(1) Within ten (10) calendar days of when the animal becomes four (4) months old; or

(2) Within ten (10) calendar days of acquiring the animal; or

(3) Within thirty (30) calendar days after the owner takes residence in the jurisdiction of the City of Austin, whichever occurs later.

(4) Upon transfer of a previously registered animal to a new owner, the owner shall have a period of thirty (30) days within which to comply with the requirements of this article.

(C) The application for license must contain:

(1) The name, address, and telephone number of the owner;

(2) A description of the animal;

(3) Current rabies certification number unless a licensed veterinarian exempts the animal from rabies vaccination for health reasons; and

(4) Any other information that the Director requires.

(D) A license shall be renewed annually either by the date of expiration of a previously issued City of Austin license or by the date of expiration of the animal's rabies vaccination, whichever comes first.

(E) A license tag issued for one dog or cat shall not be transferred from one animal to another or from one owner to another.

(F) The Director may establish by administrative rule a process by which third-party veterinary facilities, humane societies, or animal rescue organizations may issue licenses on behalf of the City. These third party vendors shall be required to submit license application information or other data to the Director as established by the rulemaking process.

(G) An owner of a sterilized animal shall be eligible for the Altered License. No owner shall possess or harbor within the city any dog or cat over the age of four (4) months that has not been sterilized unless such owner holds an Unaltered License, Unaltered Exempt License, or is otherwise exempted as set forth in subsection (J) below.

(H) An owner of an unaltered animal shall be eligible for the Unaltered Exempt License provided that the owner submits to the Director at the time of application written documentation that the unaltered animal meets all of the following criteria:

(1) Each dog or cat is registered for and participates in two American Kennel Club, United Kennel Club, International Cat Association, or the Cat Fanciers Association sanctioned events per year or each dog or cat has achieved a title; and

(2) The owner is a current member of a breed club or organization where each dog or cat is used for showing, training, agility trials, or tracking tests.

(I) Releasing agencies shall collect and submit licensing application materials to the Director on behalf of new owners seeking to adopt an animal in the care of the releasing agency.

(J) The following are exempt as specified:

(1) Dogs that are documented as having been appropriately trained and are actively used for public safety purposes at the request of a government entity shall be eligible for an Altered License whether or not the dog is sterilized.

(2) Assistance animals shall be eligible for an Altered License whether or not the dog is sterilized.

(3) Dogs and cats that are certified in writing by a licensed veterinarian as not being suitable subjects for sterilization due to health or age reasons will be eligible for the Altered License. If, at a later date, the animal is determined by the veterinarian that he/she is suitable for sterilization then the appropriate license will be obtained.

(4) Any person or organization that is providing care for feral cats and is making a reasonable effort to trap, sterilize, and release the animals is exempt from this chapter.

§3-4-72 Identification Required

(A) An owner shall provide each of his/her animals with a suitable collar, harness, or other device to which the license tag and owner identification shall be securely affixed or by another method of identification approved in writing by the Director. The owner shall ensure that the dog or cat wears such license tag and identification tag.

(B) The identification tag shall include the owner's telephone number or address and the animal's name.

(C) Whenever a license tag is lost, stolen, or damaged the owner shall apply for and obtain a replacement tag from Animal Services upon payment of the replacement fee.

§3-4-73 Low Cost Sterilization Fund Established

(A) The Director may establish a separate fund to assist low-income residents of the City of Austin in obtaining low or no cost sterilizations in order to comply with this article.

(B) Proceeds from licensing applications may be used to fund the Low Cost Sterilization Fund.

Part 3. Chapter 3-7 (*Enforcement and Penalties*) is amended to add:

§3-7-2 Offense and Penalty

(A) Except as provided in Subsections (H) below, a person who violates this title commits a Class C misdemeanor punishable by:

(H) Except a violation of a provision under Article 4 (*Licensing of Dogs and Cats*) is a civil offense.

(1) Upon the first violation, the owner shall be assessed a fine of not more than one hundred dollars (\$100.00) for each animal that is out of compliance. If the owner complies with the chapter within thirty (30) calendar days after receiving notice of said violation and presents proof of compliance, the fine shall be waived.

(2) Upon a second or subsequent violation, the owner shall be assessed a fine of not less than three hundred (\$300.00) for each animal that is out of compliance.

(3) In the event that the owner violating provisions of this chapter no longer possesses said animal, he/she is still responsible for any and all fines assessed to him/her.

(4) Nothing in this subsection shall be construed as preventing the director from instituting a proceeding in the municipal court for violation of this chapter where there has been no impoundment.

Attachment –

Annual Fee Schedule:

1. Unaltered: \$50
2. Unaltered Exempt: \$25
3. Altered: \$0