



Thursday, October 05, 2006

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**Health and Human Services
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 7

Subject: Approve an ordinance amending Title 3 of the City Code relating to animal regulation and care.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

Additional Backup Material
(click to open)

- ☐ **Animal Control -- Title 3
Amendments**
- ☐ **Ordinance**

For More Information: Dorinda Pulliam, HHSD Assistant Director for Animal Services, 972-6088; Linda Terry, Agenda Coordinator, 972-5023.

Boards and Commission Action: Recommended by the Animal Advisory Commission.

ANIMAL CONTROL – TITLE 3 AMENDMENTS

Background

Intake at the Town Lake Animal Shelter has steadily increased causing the shelter euthanasia rate to rise. Likewise, as the City's population increases, more complaints of animal cruelty are received by the Austin Police Department (APD) Animal Cruelty Unit. Many of the complaints involve the provision of basic animal care.

The proposal changes detailed below will

- Reduce animal shelter intake and have a positive impact on the euthanasia rate; and
- Improve animal welfare by requiring appropriate shelter, care, and feeding of animals.

Recommended Ordinance Amendments

The animal control ordinance-Title 3 will be modified as follows:

(1) Changes to reduce animal shelter intake.

- Require a microchip to be inserted in all animals upon reclaim of the animal. Most animals (80%) coming into the shelter are not identified by tag or microchip. The microchip requirement will permanently identify the animal as well as register the owner and contact information in the shelter data base. Should the animal become lost again, shelter staff we will be able to quickly reunite the pet and owner. Each animal control truck carries the equipment to scan for microchips, so animals with microchips can be identified and taken back to their home rather than entering the shelter. The microchip insertion is a simple procedure utilizing an injection technique similar to vaccinations.
- Requires that the third time an animal is taken into the shelter, the animal will be sterilized prior to reclaim by the owner. Intact animals that repeatedly enter the shelter are a demonstrated problem to the community through continued roaming as well as the potential for creating unwanted litters that become a burden to the community. Sterilization will reduce the hormonal urges that may be causing the repeated roaming and will eliminate any possibility of creating unwanted litters. This will reduce intake into the shelter, reduce the threat of bites or other injury to people that can be caused by roaming animals, and reduce the possibility of injury or accident (hit by car, attack from other animals) that can happen to the animal when at-large.

(2) Changes to improve animal welfare and reduce the occurrences of animal cruelty and neglect:

- An animal must be kept in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact.
- An animal must have food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, and where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely.

- That the animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering.
 - Prohibit any person from keeping any animal in a vehicle or other enclosed space in which the temperature is either so high or so low, or the ventilation is so inadequate, as to endanger the animal's life or health. A peace officer, or animal control officer, may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in above subsection.
 - No person shall transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle (including, but not limited to convertibles, pick-up trucks, jeeps, and flatbed trucks), the animal shall be confined in a humane manner in order to prevent the animal from falling or jumping from the vehicle or becoming strangled.
- (3) Change the language related to animal rabies vaccination requirements to comply with state law.

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 3 OF THE CITY CODE RELATING TO ANIMAL REGULATION.

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

PART 1. Section 3-1-22 (*Impound Fees And Charges*) of the City Code is amended to read:

§ 3-1-22 IMPOUND FEES AND CHARGES.

Except as provided in Section 3-1-23 (*Fee Waivers*), the city manager shall collect a fee prescribed by ordinance from the owner or purchaser of an animal for the cost to:

- (1) seize and impound the animal;
- (2) feed and care for the animal after the first day of impound; ~~and~~
- (3) implant an identification microchip in accordance with Section 3-1-28 (*Identification Microchip*) or sterilize the animal in accordance with Section 3-1-29 (*Sterilization*); and
- (4) ~~(3)~~ sell the impounded animal.

PART 2. Section 3-1-23(A) (*Fee Waivers*) of the City Code is amended to read:

(A) The city manager or the manager of an animal shelter may waive a fee assessed against an owner reclaiming an impounded animal if:

- (1) the animal shelter intends to destroy the animal;
- (2) the owner presents a written statement of inability to pay; or ~~and~~
- (3) the animal is sterile or the owner agrees to sterilize the animal.

PART 3. Chapter 3-1 (*General Provisions*) of the City Code is amended to add Sections 3-1-28 and 3-1-29 to read:

§ 3-1-28 IDENTIFICATION MICROCHIP.

The city manager or the manager of an animal shelter may implant an identification microchip in an impounded animal or a dangerous animal.

1 **§ 3-1-29 STERILIZATION.**

2 The city manager or the manager of an animal shelter may sterilize an animal if it
3 has been impounded three or more times.

4 **PART 4.** Chapter 3-2 (*Restrictions On Animals*) of the City Code is amended to add
5 Sections 3-2-5 and 3-2-6 to read:

6 **§ 3-2-5 PROPER CARE OF ANIMALS.**

7 (A) An animal's owner shall keep the animal in a clean, sanitary, and healthy
8 condition.

9 (B) An animal's owner or handler shall provide for the animal:

- 10 (1) regular and adequate amounts of nutritious food that is appropriate for
11 the species and that maintains the animal in good health;
- 12 (2) a constant and adequate supply of clean, fresh, potable water that keeps
13 the animal hydrated for environmental conditions; and
- 14 (3) care and medical treatment for injuries, parasites, and diseases that is
15 sufficient to maintain the animal in good health and minimize suffering.

16 (C) An animal's owner shall provide the animal with shelter that:

- 17 (1) is large enough for the animal to enter, stand, turn around, and lie down
18 in a natural manner;
- 19 (2) keeps the animal dry;
- 20 (3) provides the animal with natural or artificial shade from direct sunlight;
- 21 (4) protects the animal from excessive heat and cold and other adverse
22 weather conditions; and
- 23 (5) is adequately ventilated.

24 (D) An animal's owner may not confine the animal to the extent that it is forced to
25 stand, sit, or lie in its own excrement.

26 (E) An animal's owner shall regularly maintain the animal and its shelter to
27 prevent odor or a health or sanitation problem.

28 (F) An animal's owner shall provide the animal with exercise space that is large
29 enough to prevent injury and keep the animal in good condition.

- 1 (G) It is an affirmative defense to prosecution under this section that the animal's
2 treatment was as directed by a licensed veterinarian.

3 **§ 3-2-6 SAFETY OF ANIMALS IN MOTOR VEHICLES AND ENCLOSED**
4 **SPACES.**

- 5 (A) A person may not transport an animal in a motor vehicle on a public roadway
6 unless:

- 7 (1) the animal is safely enclosed within the vehicle; or
8 (2) if the animal is transported in an unenclosed vehicle, including a
9 convertible, pick-up truck, flatbed truck, or motorcycle, the animal is
10 restrained or confined in a manner that prevents the animal from falling
11 or jumping from the vehicle or otherwise being injured.

- 12 (B) A person may not keep an animal in a motor vehicle or other enclosed space in
13 which the animal's health or life is endangered by high temperature, low
14 temperature, or inadequate ventilation.

- 15 (1) A peace officer or animal control officer may, after attempting to locate
16 the animal's owner, remove the animal from a vehicle or enclosed space
17 using any reasonable means, including breaking a window or lock. If
18 professional services are required to remove the animal, the owner is
19 responsible for the cost.

- 20 (2) A peace officer or animal control officer who removes an animal from a
21 vehicle or enclosed space in accordance with this subsection is not liable
22 for any resulting property damage.

23 **PART 5.** Section 3-3-2 (*Vaccination Required For A Dog Or Cat*) of the City Code is
24 amended to read:

25 **§ 3-3-2 VACCINATION REQUIRED FOR A DOG OR CAT.**

26 An ~~[Except as provided in Subsection (B), an]~~ owner or handler of a dog or cat shall
27 have the dog or cat inoculated with rabies vaccine as required by state law.

28 ~~[(B) An owner or handler of a dog or cat that files the following documents with~~
29 ~~the health authority, is not required to vaccinate the dog or cat against rabies:~~

- 30 ~~(1) a certificate from a veterinarian certifying that the dog or cat should not~~
31 ~~be inoculated with rabies vaccine for a valid medical reason, including a~~
32 ~~description of the medical condition; and~~

1 (2) ~~an affidavit from the owner or handler stating that the dog or cat is kept~~
2 ~~in a manner that prevents the animal from:~~

3 ~~(a) contact with other animals; or~~

4 ~~(b) becoming a threat to public health; and~~

5 ~~(c) a description of how the animal is kept.~~

6 ~~(C) An owner or handler of a dog or cat shall have the animal revaccinated as~~
7 ~~required by state law.]~~

8 **PART 6.** Section 3-7-2 (*Offense And Penalty*) of the City Code is repealed and replaced
9 with a new Section 3-7-2 to read:

10 **§ 3-7-2 OFFENSE AND PENALTY.**

11 (A) A person who violates this title commits a ~~Class C~~ misdemeanor punishable
12 by:

13 (1) a fine not to exceed \$500; or

14 (2) if the person acts with criminal negligence, a fine not to exceed \$2,000.

15 (B) Each day that a violation occurs is a separate offense.

16 (C) Proof of a higher degree of culpability than criminal negligence constitutes
17 proof of criminal negligence.

18 (D) Except as provided in Subsections (E) and (F), the minimum fine for an offense
19 under this title is \$10.

20 (E) The minimum fine for an offense under Chapter 3-5 (*Dangerous Animals*) is
21 \$100.

22 (F) The minimum fine for an offense under Section 3-4-1 (*Unrestrained Dog*
23 *Prohibited*) is \$200 if the animal is not sterilized.

1 **PART 7.** This ordinance takes effect on _____, 2006.

2 **PASSED AND APPROVED**

3
4
5
6 _____, 2006

§
§
§

7 _____
8 Will Wynn
9 Mayor

10
11 **APPROVED:** _____
12 David Allan Smith
13 City Attorney

14
15 **ATTEST:** _____
16 Shirley A. Gentry
City Clerk

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