

ORDINANCE NO. 20061005-007

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

§ 3-1-29 STERILIZATION.

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

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

§ 3-2-5 PROPER CARE OF ANIMALS.

- (A) An animal's owner shall keep the animal in a clean, sanitary, and healthy condition
- (B) An animal's owner or handler shall provide for the animal
 - (1) regular and adequate amounts of nutritious food that is appropriate for the species and that maintains the animal in good health,
 - (2) a constant and adequate supply of clean, fresh, potable water that keeps the animal hydrated for environmental conditions, and
 - (3) care and medical treatment for injuries, parasites, and diseases that is sufficient to maintain the animal in good health and minimize suffering
- (C) An animal's owner shall provide the animal with shelter that
 - (1) is large enough for the animal to enter, stand, turn around, and lie down in a natural manner;
 - (2) keeps the animal dry,
 - (3) provides the animal with natural or artificial shade from direct sunlight,
 - (4) protects the animal from excessive heat and cold and other adverse weather conditions; and
 - (5) is adequately ventilated
- (D) An animal's owner may not confine the animal to the extent that it is forced to stand, sit, or lie in its own excrement.
- (E) An animal's owner shall regularly maintain the animal and its shelter to prevent odor or a health or sanitation problem
- (F) An animal's owner shall provide the animal with exercise space that is large enough to prevent injury and keep the animal in good condition

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

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

- (A) A person may not transport an animal in a motor vehicle on a public roadway unless
- (1) the animal is safely enclosed within the vehicle, or
 - (2) if the animal is transported in an unenclosed vehicle, including a convertible, pick-up truck, flatbed truck, or motorcycle, the animal shall be confined in a secure and appropriately sized vented container or confined in a manner that prevents the animal from falling or jumping from the vehicle or otherwise being injured
- (B) A person may not keep an animal in a motor vehicle or other enclosed space in which the animal's health or life is endangered by high temperature, low temperature, or inadequate ventilation
- (1) A peace officer or animal control officer may, after attempting to locate the animal's owner, remove the animal from a vehicle or enclosed space using any reasonable means, including breaking a window or lock. If professional services are required to remove the animal, the owner is responsible for the cost
 - (2) A peace officer or animal control officer who removes an animal from a vehicle or enclosed space in accordance with this subsection is not liable for any resulting property damage

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

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

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

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

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

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

~~(a) contact with other animals, or~~

~~(b) becoming a threat to public health, and~~

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

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

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

§ 3-7-2 OFFENSE AND PENALTY.

(A) A person who violates this title commits a Class C misdemeanor punishable by

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

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

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

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

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

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

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

PART 7. This ordinance takes effect on October 16, 2006

PASSED AND APPROVED

October 5, 2006

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A Gentry
City Clerk