

AGENDA



Thursday, December 16, 2010

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

Item No. 24

Subject: Approve an ordinance amending City Code Sections 3-1-1, 3-2-3, and 3-7-2 (Animal Regulation, Commerce in Live Animals, and Offense and Penalty) relating to commerce in live animals, specifically cats and dogs, and establishing a fine for a failure to comply.

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

For More Information: Filip Gecic, Interim Animal Services Officer, 972-6057; Charles Kemp, Agenda Coordinator, 972-5023, Leela Fireside, Staff Attorney, 974-2163

Prior Council Action: February 28, 2010 - Council approved a change to the City Code relating to commerce in live animals and amended the fee schedule to add an animal processing fee.

July 29, 2010 - Council approved Resolution No. 20100729-090 directing the City Manager to develop an ordinance to ban the retail sale of dogs and cats in Austin pet stores.

In February 2008, Council approved changes to the City Code related to pet traders and established a pet trader fee. Subsequently, concerns were expressed that these Code provisions needed to be revised to make them more enforceable, and to further restrict the sale of cats and dogs. The Animal Advisory Commission discussed potential changes, received citizen input at a number of meetings, and voted on June 2, 2010 to forward a recommendation for changes to the City Council. On July 29, 2010, Council adopted a resolution directing the City Manager to develop an ordinance to ban the retail sale of dogs and cats in Austin pet stores.

There are two parts to the proposed city code changes. The first part is the revision of the pet trader portion to make it more enforceable. The second part is the part that prohibits the sale of cats and dogs at a location other than where they are bred.

The proposed ordinance clarifies definitions and the requirements for pet microchipping and sterilization. The proposed ordinance also establishes a minimum fine for an offense.

The purposes of the proposed amendments to the section 3-1-1 of the City Code are to:

1. Change the pet trader definition to include all dogs and cats regardless of age;
2. Exclude City of Austin Animal Shelter certified not-for-profit 501(c) 3 animal welfare partners from the ordinance's mandates; and
3. Add a definition of retail sale to make it clear that a retail sale means the exchange of consideration for a cat or a dog, regardless of age of the cat or dog, and add a definition of "off-site retail sale" which is a sale at a location other than where the cat or dog was bred.

The purposes of the proposed amendments to the section 3-2-3 of the City Code are to:

1. Prescribe that a pet trader commits an offense if the pet trader conducts a retail sale without providing the required consumer information, and either paying the fee or neutering the dog or cat;
2. Prohibit sales of dogs or cats except where they have been bred; and

3. Require pet traders to provide registration information regarding the microchip to the new owner; and
4. Require pet traders to provide a licensed veterinarian certificate documenting that the dog or cat has been spayed or neutered if the pet trader is representing to the purchaser that the animal has been spayed or neutered.

The purpose of the proposed amendments to the section 3-7-2 of the City Code is to:

1. Prescribe that 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.

PERFORMANCE

Related Department Goal:

Promote responsible pet ownership to reduce animal homelessness and decrease shelter intake per 100,000 population from 2,164 to 1,384 by 2012.

There is no direct performance impact associated with this action.