

ORDINANCE NO.

AN ORDINANCE REPEALING AND REPLACING SECTIONS 3-1-25 AND 3-1-26 OF THE CITY CODE RELATING TO THE RECLAMATION OF AN IMPOUNDED ANIMAL AND THE DISPOSITION OF AN UNCLAIMED IMPOUNDED ANIMAL AND MAKING CONFORMING CHANGES TO CITY CODE SECTION 3-2-32 RELATING TO THE RELEASE OR DESTRUCTION OF ANIMAL CAUSING INJURY.

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

PART 1. Sections 3-1-25 (*Reclamation by Owner Before Sale or Destruction*) and 3-1-26 (*Disposition of an Unclaimed Impounded Animal*) are repealed and replaced with a new Section 3-1-25 to read:

§ 3-1-25 DISPOSITION OF AN IMPOUNDED ANIMAL

(A) An animal surrendered by its owner to the health authority is immediately abandoned by its owner and is the property of the health authority. The health authority may transfer, place, or sell an animal surrendered by its owner at any time after intake.

(B) Except as provided in subsection (G), the health authority shall not euthanize an animal before the animal has been impounded for seven business days.

(C) Except as provided in subsection (D), the health authority shall hold an impounded animal not surrendered by its owner for a period of three business days following impoundment of the animal for owner reclamation. On the fourth business day, an impounded animal is the property of the health authority.

(D) In order to save the life of an impounded animal not surrendered by its owner, the health authority may transfer that animal to a 26 U.S.C. Section 501(c)(3) (*Exemption from tax on corporations, certain trusts, etc.*) organization located in Travis County that is an animal shelter, animal rescue organization, or other animal-welfare organization prior to the expiration of the period described in subsection (C) subject to the following conditions.

(1) The health authority shall maintain documentation, in physical and electronic form reviewable by the public, of an animal transferred under this subsection, including a photograph of the animal and all information pertaining to the animal's impoundment and transfer, at the health authority and on the

health authority's website for three business days following the impoundment of the animal at the health authority.

(2) An animal transferred under this subsection is considered abandoned by its owner, and becomes the property of the transferee organization, upon the expiration of three business days from impoundment by the health authority.

(3) Prior to the expiration of the period described in subsection (D)(2), the transferee organization is the designated caretaker of the animal.

(4) An animal transferred under this subsection remains subject to reclamation by its owner prior to the expiration of the period described in subsection (D)(2).

(E) An animal in the custody of the health authority solely for purposes of sterilization, vaccination, or microchipping, is not subject to a mandatory period of impoundment. The health authority is the designated caretaker, but not owner, of such animal during any period of custody.

(F) The health authority and any 26 U.S.C. Section 501(c)(3) organization that is an animal shelter, animal rescue organization, or other animal-welfare organization to which the health authority has transferred an impounded animal shall not sell or transfer an impounded animal, with or without consideration, to any person, entity, political subdivision, hospital, educational or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture or any other state or federal agency, for purposes of medical or biological teaching, research, study, or experimentation of any kind.

(G) Subsection (A) does not apply to an animal that is irremediably physically suffering, as determined and documented in writing by a veterinarian licensed to practice medicine. An animal is experiencing such suffering if it has a poor or grave prognosis for being able to live without severe, unremitting pain even with prompt, necessary, and comprehensive veterinary care.

(H) Subsections (A) through (D) do not apply to an animal that is a dangerous animal under Chapter 3-5 (*Dangerous Animals*) of this Code.

(I) For purposes of calculating time periods in this section, the date of initial impound is not counted.

(J) Each day the health authority's animal shelter is open to the public for reclamation and adoption is a business day.

PART 2. Subsection (C) of City Code Section 3-2-32 (*Release or Destruction of Animal Causing Injury*) is amended to read:

(C) The health authority may dispose of or destroy an animal confined under this article in accordance with [~~Section 3-1-26 (*Disposition of an Unclaimed Impounded Animal*)~~] 3-1-25 (*Disposition of an Impounded Animal*).

PART 3. This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

_____, 2016 §
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Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk