

Memorandum



CITY OF DALLAS

DATE October 3, 2017

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scott Griggs, B. Adam McGough, Omar Narvaez

SUBJECT Chapter 7 Recommendations for Tethering, Ordinance Update

On Monday, October 9, 2017, you will be briefed by the Interim Director of Dallas Animal Services, Ryan Rogers, on changes to Chapter 7 of the City Code regarding tethering. The briefing materials are attached for your review.

Please feel free to contact me if you have any questions or concerns.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

[Attachment]

c: Honorable Mayor and Members of City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billierae Johnson, City Secretary (Interim)
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Chapter 7 Recommendations for Tethering, Ordinance Update

Quality of Life, Arts &
Culture Committee

October 9, 2017

Ryan Rogers, Interim Director
Dallas Animal Services



City of Dallas

Presentation Overview

- Background
- Chapter 7 recommendations on tethering
- Roadmap to compliance
- Staff's recommendation

Tethering Background

- Quality Of Life August 28, 2017
 - Committee agreement on unattended tethering
 - Voted not to move forward with recommendations due to concerns
- Tethering Workgroup formed
 - AAC Subcommittee and Citizen committee members
 - Supported by DAS staff, City Manager and City Attorney's Offices
 - Convened 3 work sessions
 - Objectives
 - Ban unattended tethering
 - Clarify and simplify tethering regulations
 - Ensure enforceability and compliance
 - Roadmap to compliance/education
 - Address potential disproportionate impacts

Tethering Workgroup Proposed Changes

- Definitions:
 - **Removed** “adequate shelter”
 - **Removed** “livestock” from “domestic animal” definition
 - **Added** “or livestock” to “loose” definition
 - **Added** “properly fitted” definition
 - **Added** “livestock” to “regulated animal”
 - **Added** “tether” definition
 - **Added** “tethering device” definition

Tethering Workgroup Proposed Changes

- Section 7-3.1 Loose Animals
- (a) An owner commits an offense if the owner fails to restrain the animal, at all times:
 - In a fenced yard
 - An enclosed pen
 - In a structure, or
 - By a tethering device, but only if the animal is in the owner's immediate possession and accompanied by the animal's owner, and, if the animal is a dog, the owner complies with the requirements in Section 7-4.7 of this chapter ~~(or leash)~~

Tethering Workgroup Proposed Changes

- Section 7-3.1 Loose Animals (continued)
- (b) An owner commits an offense if the owner restrains a domestic animal without providing the domestic animal access, at all times, to potable water and shelter which protects the domestic animal from direct sunlight, standing water, and extreme weather conditions, including conditions in which:

Tethering Workgroup Proposed Changes

- Section 7-3.1 Loose Animals (continued)
- (b)
 - (1) The actual or effective outdoor temperature is below 32 degrees Fahrenheit;
 - (2) A heat advisory has been issued by a local or state authority or jurisdiction;
 - (3) A hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.
- **Removed:** Tethering language (cleanup item)

Tethering Workgroup Proposed Changes

- Section 7-3.1 Loose Animals (continued)
- (d)
 - **Added:** It is a defense to prosecution under subsection (b) that:
 - (1) the domestic animal was a dog
 - (2) The dog was restrained by a tethering device while in the owner's immediate possession and accompanied by the dog's owner; and
 - (3) the owner was in compliance with the requirements in Section 7-4.7 of this chapter
 - **Removed:** Reference to 7-4.7 and three (3) hour maximum (unenforceable)

Tethering Workgroup Proposed Changes

- Section 7-4.7(a) Tethered Dogs
- **Added:** Tethering provisions
 - owner may only tether a dog if the dog is in the owner's immediate possession and accompanied by the owner, as required by Section 7-3.1 of this chapter. In addition, the owner of a tethered dog shall:
 - “not... allow the dog to become entangled or injured;”
 - use a properly fitted harness or collar that is specifically designed for the dog; and
 - attach tethering device to the dog's harness or collar and not directly to the dog's neck
- **Removed:** Tethering provisions cleanup

Roadmap to Compliance

- Citizen given multiple opportunities to comply
 - Location's case history is evaluated
 - If no history, mail sent for 1st & 2nd complaints
 - Officer sent to evaluate on third complaint
- Enforcement discretion applied to situation
- Staff recommends ongoing working group
 - Limited 12 month duration (sunsets February 2018)
 - Assists with outreach / education
 - Identify resources
 - Metric tracking

Recommendation

- Staff recommends approval of the proposed changes to Chapter 7 definitions, Section 7-3.1 “Loose Animals” and Section 7-4.7 “Tethered Dogs” with an ordinance effective date of February 1, 2018 for public education and forward such to the City Council for consideration and possible action.

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October 9, 2017

Ryan Rogers, Interim Director
Dallas Animal Services



City of Dallas

**FOR DISCUSSION
PURPOSES ONLY**

(~~5~~[6]) ANIMAL SERVICES OFFICER means an employee of animal services whose duty it is to enforce the provisions of this chapter.

(~~6~~[7]) ANIMAL SHELTER means a city-owned and operated animal shelter facility established for the impoundment, quarantine, care, adoption, euthanasia, and other disposition of unwanted, loose, diseased, or vicious animals.

(~~7~~[8]) ANIMAL WELFARE ORGANIZATION means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.

(~~8~~[9]) AUTHORIZED REGISTRAR means a person issued written permission by the director to register dogs and cats in compliance with this chapter.

(~~9~~[10]) CHIEF OF POLICE means the head of the police department of the city of Dallas or a designated representative.

(~~10~~[11]) COMPETITION CAT means a pedigreed cat not used for breeding that:

(A) is of a breed recognized by and registered with an approved cat breed registry, such as the American Cat Fanciers Association, the Cat Fanciers' Association, the International Cat Association, or any other cat breed registry approved by the director; and

(B) competes in cat shows or other competition events sponsored by an approved cat breed registry.

(~~11~~[12]) COMPETITION DOG means a pedigreed dog not used for breeding that:

(A) is of a breed recognized by and registered with an approved dog breed registry, such as the American Kennel Club, the United Kennel Club, the American Dog Breeders Association, or any other dog breed registry approved by the director; and

(B) shows or competes in a confirmation, obedience, agility, carting, herding, protection, rally, sporting, working, or other event sponsored by an approved dog breed registry.

(~~12~~[13]) CONTACT INFORMATION means the owner's name, mailing address, telephone number, and electronic mail address, if any.

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(13[14]) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. “Conviction” includes disposition of charges against a person by probation, deferred adjudication, or deferred disposition.

(14[15]) CURRENTLY VACCINATED means vaccinated against rabies by a licensed veterinarian, with a rabies vaccine licensed by the U.S. Department of Agriculture, and:

(A) not more than 12 months have elapsed since the animal’s most recent vaccination date, if the most recent vaccination was with a one-year rabies vaccine or was the animal’s initial vaccination; or

(B) not more than 36 months have elapsed since the animal’s most recent vaccination date, if the most recent vaccination was with a three-year rabies vaccine and the animal is a dog or cat that has received at least two vaccinations.

(15[16]) DIRECTOR means the director of the department designated by the city manager to perform the duties assigned in this chapter or the director’s authorized representative.

(16[17]) DOMESTIC ANIMAL means:

(A) [~~livestock;~~]

[~~(B)~~] a dog;

(~~B~~[C]) a cat;

(~~C~~[D]) a ferret;

(~~D~~[E]) any bird, other than one in the Falconiforms or Strigiforms Order, that is commonly kept as a human’s companion;

(~~E~~[F]) any “pocket pet,” such as a mouse, hamster, gerbil, guinea pig, or rabbit, that is commonly kept as a human’s companion;

(~~F~~[G]) any fish, such as a goldfish or tropical fish, that is commonly kept as a human’s companion; and

(~~G~~[H]) any non-venomous and non- constrictor reptile or amphibian that is commonly kept as a human’s companion.

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(17[18]) EUTHANASIA means to put an animal to death in a humane manner.

(18[19]) FENCED YARD means an area that is completely surrounded by a substantial fence of sufficient strength, height, construction, materials, and design as to prevent:

(A) any animal confined within from escaping; or

(B) the head of a dog confined within from extending over, under, or through the fence.

(19[20]) FERAL CAT means any homeless, wild, or untamed cat.

(20[21]) LICENSED VETERINARIAN means a person licensed to practice veterinary medicine within the United States, or an authorized representative under that person's direct supervision.

(21[22]) LIVESTOCK means any fowl, horse, mule, burro, ass, cattle, sheep, swine, goat, llama, emu, ostrich, or other common farm animal.

(22[23]) LOOSE means an unrestrained domestic animal or livestock that is outside the boundaries of the premises owned, leased, or legally occupied by the animal's owner.

(23[24]) MICROCHIP means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of the animal by its owner.

(24[25]) ONE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog, cat, or ferret against rabies for one year.

(25[26]) OWN means to have legal right of possession or to otherwise have care, custody, possession, or control of an animal.

(26[27]) OWNER means any person owning, harboring, or having care, custody, possession, or control of an animal. An occupant of any premises on which a dog or cat remains, or customarily returns to, is an owner for purposes of this chapter. If a person under the age of 17 years owns an animal, the parent, legal guardian, or head of the household is the owner for purposes of this chapter. There may be more than one owner for an animal.

(27[28]) PERMITTEE means a person issued a breeding permit under Section 7-4.11 of this chapter.

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(28[29]) PERSON means an individual or group of individuals acting in concert, a firm, partnership, association, corporation, or other legal entity.

(29[30]) PET means a domestic animal to be kept as a human's companion.

(30[34]) PROHIBITED ANIMAL means:

(A) a "dangerous wild animal" as that term is defined in Section 822.101 of the Texas Health and Safety Code, as amended;

(B) a margay, badger, wolf, dingo, elephant, hippopotamus, rhinoceros, non-human primate (other than a spider monkey or capuchin), crocodile, alligator, caiman, gavial, venomous amphibian or reptile, racer, boa (other than a red-tail boa), water snake, python (other than a ball python), hawk, eagle, vulture, and owl; and

(C) any hybrid of an animal listed in Paragraph (A) or (B) of this subsection (other than a dog-wolf hybrid).

(31) PROPERLY FITTED means, with respect to a collar or harness used for a dog, a collar or harness that:

(A) does not impede the dog's normal breathing or swallowing; and

(B) is attached to the dog in a manner that does not allow for escape and does not cause injury to the dog.

(32) PROTECTIVE CUSTODY means the holding of an animal in a city animal shelter:

(A) due to the arrest, eviction, hospitalization, or death of the animal's owner;

(B) pursuant to a court order; or

(C) at the request of a law enforcement agency.

(33) REGULATED ANIMAL means any animal other than a prohibited animal, livestock, or domestic animal.

(34) RETAIL PET STORE means a business that regularly sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business.

(35) SERVICE ANIMAL means:

**FOR DISCUSSION
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(A) any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; and

(B) any trained animal used by a governmental agency in police and rescue work.

(36) TETHER means restraining an animal or the act of chaining, tying, fastening, or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.

(37) TETHERING DEVICE means a cable, chain, cord, leash, rope, or other means of attaching an animal to a stationary object.

(38) THREE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog or cat against rabies for three years."

SECTION 2. That Section 7-3.1, "Loose Animals," of Article III, "Care and Treatment of Animals," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-3.1. LOOSE ANIMALS.

(a) An owner commits an offense if the owner fails to restrain the animal, at all times:

- (1) in a fenced yard; [;]
- (2) in an enclosed pen; [or]
- (3) in a structure; [;] or
- (4) by a tethering device, but only if the animal is in the owner's immediate possession and accompanied by the animal's owner, and, if the animal is a dog, the owner complies with the requirements in Section 7-4.7 of this chapter [or leash].

(b) An owner commits an offense if the owner restrains a domestic animal without providing the domestic animal access, at all times, to potable water and shelter which protects the domestic animal from direct sunlight, standing water, and extreme weather conditions, including conditions in which:

(1) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;

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or

(2) a heat advisory has been issued by a local or state authority or jurisdiction;

(3) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

~~[No animal may be restrained by a tether or leash unless the animal is in the immediate possession of and accompanied by the animal's owner.]~~

(c) It is a defense to prosecution under Subsection (a) that the animal was:

(1) a dog in an off-leash site established under Section 32-6.1 of this code; or

(2) a feral cat participating in a trap, neuter, and return program approved by the director.

(d) It is a defense to prosecution under Subsection (b) that:

(1) the domestic animal was a dog;

(2) the dog was restrained by a tethering device while in the owner's immediate possession and accompanied by the dog's owner; and

(3) the owner was in compliance with the requirements in Section 7-4.7 of this chapter ~~[tethered:~~

~~(1) in a manner complying with Section 7-4.7 of this chapter; and~~

~~(2) for a reasonable period of time, not to exceed three hours in a 24 hour period, and no longer than necessary for the owner to complete a temporary task that required the dog to be restrained].”~~

SECTION 3. That Section 7-4.7, “Tethered Dogs,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-4.7. TETHERED DOGS.

~~[(a)]~~ An owner of a dog may only tether a dog if the dog is in the owner's immediate possession and accompanied by the owner, as required by Section 7-3.1 of this chapter. In addition, the owner of a tethered dog shall: ~~[commits an offense if he tethers the dog or]~~

(1) not allow[s] the dog to be tethered in any manner or by any method that allows the dog to become entangled or injured; [;]

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dog; and

(3) attach the tethering device to the dog's harness or collar and not directly to the dog's neck.

~~[(1) allows the dog to leave the premises owned, leased, or occupied by the dog's owner;~~

~~(2) allows the dog to become entangled;~~

~~(3) does not allow the dog access to food, water, and appropriate shelter if outside; or~~

~~(4) does not meet the requirements for tethering a dog under Subsection (b) of this section.~~

~~(b) The following requirements apply to a dog tethered within the city:~~

~~(1) The dog must be properly fitted with and wearing a harness or collar made of leather or nylon.~~

~~(2) The tether must be attached to the dog's harness or collar and not directly to the dog's neck.~~

~~(3) The tether must be at least 10 feet long.]”~~

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 5. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

SECTION 6. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

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SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect February 1, 2018, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

