

Memorandum



CITY OF DALLAS

DATE May 16, 2017

Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson
TO (Chair), Tiffinni A. Young (Vice-Chair), Rickey D. Callahan, Mark Clayton, Philip T.
Kingston, B. Adam McGough

SUBJECT **Animal Care Services, Chapters 2 & 7 Proposed Ordinance Changes**

On Monday, May 22, 2017 the Quality of Life & Environment Committee will be briefed on the Animal Services, Chapters 2 & 7 Proposed Ordinance Changes. Briefing materials are attached for your review.

Please contact me if you have questions or need additional information.

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

Joey Zapata
Assistant City Manager

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

Raquel Favela, Chief of Economic Development & Neighborhood Services
Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Cheritta Johnson, Chief of Community Services (Interim)
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Animal Care Services Chapters 2 & 7 Proposed Ordinance Changes

**Quality of Life &
Environment**

May 22, 2017

**Major Barbara Hobbs
Animal Care Services**



City of Dallas

Presentation Overview

- Purpose
- Background
- Review Final Draft of Proposed Ordinance
- Issues/Operational Concerns
- Proposed Action
- Next Steps

Purpose

- Review proposed Ordinance Changes to Chapters 2 and 7 of Dallas City Code
- Receive Committee input and direction to recommend any changes for consideration by City Council

Background

- In June 2016, The Boston Consulting Group (BCG) began development of strategic recommendations to:
 - Address the threat to public safety posed by loose dogs in Dallas
 - Continue to reduce euthanasia of dogs entering the animal shelter
- On August 30, 2016, BCG provided City Council a report with recommendations to meet these goals
- In September 2016, the City Manager:
 - Reassigned leadership of Animal Care Services (ACS) to a DPD team
 - Formed a standing task force to support implementation of the plan and speed the impact of improvements to services and operations

Background (continued)

- Significant results have been achieved and reported in quarterly updates in January and April 2017
 - Increased field impoundments
 - 63% (2,540) from October-March, FY16 to FY17
 - Increased citations and enforcement in all animal citations
 - 152% (2,949) from October-March, FY16 to FY17
 - Increased live releases (adoptions/rescues/redemptions)
 - 25% (1,994) from October-March FY16 to FY17

Background (continued)

- On April 24, 2017, the Committee recommended moving forward with a draft ordinance amending Chapters 2 and 7 and requested that a final ordinance be scheduled for further review on May 22, 2017
- In meetings on March 9 and April 27, 2017, the Animal Advisory Commission also recommended the proposed ordinance changes, as well as additional changes, which the Committee has not yet reviewed
- All recommended changes, including clarifying and structural changes, are in the attached draft ordinance and summarized in this presentation

Review Final Draft of Proposed Ordinance

- Changes previously recommended by the Committee and the Commission are:
 - Create a Department of Animal Care Services
 - Create a Director position for Animal Care Services
 - Include a process for municipal courts to dismiss certain citations if a citizen complies with the violation within a specific timeframe

Review Final Draft of Proposed Ordinance (continued)

- Changes previously recommended by the Committee and the Commission are:
 - Require a Breeder Permit for dogs and cats with defined requirements to replace intact animal permits
 - Require mandatory microchipping of all dogs and cats to replace pet registration
 - Strengthen the standards for humane tethering of a dog and remove the time requirement in the existing tethering ordinance

Review Final Draft of Proposed Ordinance (continued)

- Additional changes recommended by the Commission on April 27 include:
 - Making it an offense to confine a dog or cat in an unattended motor vehicle if a trained peace officer or animal services officer determines that the animal is in physical distress
 - Enhanced penalties for multiple convictions by an owner for the same animal within a consecutive (12) month period

Issues/Operational Concerns

- Proposed breeding permit requirements
 - Veterinarian approval to breed within 90 days of application for permit
 - Member of purebred animal club or Licensed by Texas Occupation Code
 - One permit per animal, renewed annually
 - Limits the number of litters per year
- Rationale
 - Strengthens responsible dog/cat breeding requirements
 - ~85% of dogs in southern Dallas not spayed or neutered, contributing to population growth, per BCG report
 - Intact Animal Permits have increased from 412 to 471 comparing first seven months of FY16 to FY17

Issues/Operational Concerns

- Proposed mandatory microchipping requirements
 - Owner information must be updated within 30 days of change of ownership, change of address or contact information
- Rationale
 - Increases ability to quickly identify pet owners for return of pets and accountability of owners
 - One time cost for pet owners, with free and low-cost programs
 - Nationally, pet registration compliance is under 15%
 - BCG report estimated 350k dogs in Dallas and approximately 46k dogs are registered annually, approximately 13%

Issues/Operational Concerns

- Proposed tethering requirements
 - Focus on dog's health, requiring adequate shelter and potable water
 - Require tether connection to a collar/harness, and tether cannot be a chain
 - Unobstructed range of motion and unlikely to get entangled and cause injury
- Rationale
 - Additional tool for owners to contain their dogs with specific requirements
 - 280 tethering complaints calls in FY15-16, and 217 in FY14-15
 - A tethered dog census has not been performed, similar to the BCG loose dog census that found ~8,700 loose dogs in southern Dallas
 - Ratio of the BCG dog estimate (~350k) to annual 311 animal complaint calls (~50k) is 7
 - Based on ~300 annual tethering complaint calls, a low estimate suggests 2,100 dogs may tethered daily in Dallas
 - Assuming tethering violations are under reported 1:5, an estimated 10,500 dogs may be tethered daily in Dallas

Issues/Operational Concerns

- Proposed requirements for confinement of dogs/cats in unattended motor vehicle
 - Applicable in extreme temperatures (hot/cold) and animal shows signs of distress
 - After reasonable attempts to locate owner, a Peace Officer or Animal Services Officer may remove the animal using reasonable means
- Rationale
 - Strengthens authority to assist animals in distress, including Animal Services Officer
 - Creates a violation to address animal neglect, in addition to potential animal cruelty violations
 - 105 reported complaint calls in FY15-16, and 76 in FY14-15

Issues/Operational Concerns

- Proposed ordinance for enhanced penalties for multiple convictions for certain offenses
 - Strengthens penalties for third conviction for proper restraint, vaccinations, microchip (registration) or breeder permit
 - Provides process for a hearing to determine:
 - Return of animal to owner
 - Animal excluded from city limits
 - Animal becomes property of city for disposition
- Rationale
 - Increases enforcement for repeat offenders

Proposed Action

- Committee support and recommendation for adoption by City Council for proposed changes
 - Stand-alone Animal Care Services department
 - Strengthen efforts to control unwanted pets in our community
 - Assist with returning pets to their owners
 - Add additional tools for citizens to contain their animals on their properties

Next Steps

- Receive Committee input and direction to recommend any changes for consideration by City Council

Animal Care Services Chapters 2 & 7 Proposed Ordinance Changes

**Quality of Life &
Environment**

May 22, 2017

**Major Barbara Hobbs
Animal Care Services**



City of Dallas

ORDINANCE NO. _____

An ordinance amending Chapter 2, “Administration,” and Chapter 7, “Animals,” of the Dallas City Code by amending Sections 2-155, 2-156, 2-157, 7-1.1, 7-2.4, 7-2.5, 7-3.1, 7-3.6, 7-4.1, 7-4.2, 7-4.7, 7-4.10, 7-4.11, 7-4.12, 7-4.13, 7-5.4, 7-8.2, and 7.8-3; creating the Department of Animal Care Services; creating a director for the department; providing duties for the director; amending the number of required meetings for the animal advisory commission; adding and clarifying definitions; retitling certain titles; providing a requirement to report likely rabies exposures; creating a duty for an animal owner to quarantine an animal following a likely rabies exposure; providing notice requirements for impounded animals; providing a presumption of transfer of ownership for certain impounded animals; providing an additional defense to prosecution if the owner remedies the violation within a certain time period for certain offenses; replacing registration with mandatory microchipping; amending dog tethering regulations; renaming the intact permit to breeding permit; amending breeding permit requirements; creating an offense for confining a dog or cat in an unattended motor vehicle under conditions that harm the dog or cat; amending the standard of review for appeal of a dangerous dog proceeding; providing enhanced penalties upon the third conviction of certain violations; making certain other structural, grammatical, and clarifying changes; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Article XXIII, “Reserved,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

**“ARTICLE XXIII.
DEPARTMENT OF ANIMAL CARE SERVICES [RESERVED].”**

SEC[S]. 2-155.

CREATED; DIRECTOR OF ANIMAL CARE SERVICES.

There is hereby created the department of animal care services of the city of Dallas, at the head of which shall be the director of animal care services who shall be appointed by the city manager. The department will be composed of the director of animal care services and other assistants and employees as the city council may provide upon recommendation of the city manager.

SEC. [THRU] 2-156.

DUTIES OF THE DIRECTOR OF ANIMAL CARE SERVICES.

The director of animal care services shall perform the following duties:

- (1) supervise and administer the department of animal care services;
- (2) perform such other duties as may be required by the city manager or the city council.”

SECTION 2. That Subsection (e) of Section 2-157, “Created; Membership; Meetings,” of Article XXIV, “Animal Advisory Commission,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(e) The commission must meet at least four [~~three~~] times a year and may hold additional meetings at the call of the chair.”

SECTION 3. That Section 7-1.1, “Definitions,” of Article I, “General,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-1.1. DEFINITIONS.

In this chapter:

(1) ADEQUATE SHELTER a clean and sturdy structure large enough to allow the dog to stand erect, sit, turn around, and lie down in normal manner.

(2[4]) ADOPTER means a person who adopts an animal from an animal shelter or an animal adoption agency.

(3[2]) ADOPTION AGENCY means an animal welfare organization or animal placement group approved by the director to take impounded dogs and cats from animal services for adoption to the public.

(4[3]) ANIMAL means any nonhuman vertebrate.

(5[4]) ANIMAL CARE SERVICES means the division of the department so designated by the director for the purpose of animal care and control and enforcement of this chapter.

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

(7[6]) 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 [stray], diseased, or vicious animals.

(8[7]) 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.

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

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

(11[10]) 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.

(12[11]) 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.

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

(14[12]) 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 or deferred adjudication or deferred disposition.

(15[13]) 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.

(16[14]) 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.

(17[15]) DOMESTIC ANIMAL means:

(A) livestock;

(B) a dog;

(C) a cat;

(D) a ferret;

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

(F) any "pocket pet," such as a mouse, hamster, gerbil, guinea pig, or rabbit, that is commonly kept as a human's companion;

(G) any fish, such as a goldfish or tropical fish, that is commonly kept as a human's companion; and

(H) any non-venomous and non-constrictor reptile or amphibian that is commonly kept as a human's companion.

(18[16]) EUTHANASIA means to put an animal to death in a humane manner.

(19[17]) 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.

(20[18]) FERAL CAT means any homeless, wild, or untamed cat.

(21[19]) LICENSED VETERINARIAN means a person licensed to practice veterinary medicine within the United States, or an authorized representative under that person's direct supervision.

(22[20]) LIVESTOCK means any fowl, horse, mule, burro, ass, cattle, sheep, swine, goat, llama, emu, ostrich, or other common farm animal.

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

(24[21]) MICROCHIP [~~IMPLANT~~] 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.

(25[22]) 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.

(26[23]) OWN means to have legal right of possession or to otherwise have care, custody, possession, or control of an animal.

(27[24]) 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 seventeen years owns an animal, the parent, legal guardian, or head of the household shall be the owner for purposes of this chapter. There may be more than one owner for an animal.

(28[25]) PERMITTEE means a person issued a breeding [~~intact animal~~] permit under Section 7-4.11 of this chapter.

(29[26]) PERSON means an individual or group of individuals acting in concert, a firm, partnership, association, corporation, or other legal entity.

(30[27]) PET means a domestic animal to be kept as a human's companion.

(31[28]) 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).

(32[29]) 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[30]) REGULATED ANIMAL means any non-human animal other than a prohibited animal or domestic animal.

(34[31]) 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[32]) SERVICE ANIMAL means:

(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.

~~[(33) STRAY means an unrestrained domestic animal that is outside the boundaries of the premises owned, leased, or legally occupied by the animal's owner.]~~

(36[34]) 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 4. That Article II, "Animal Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is retitled "Animal Care Services; City Animal Shelters."

SECTION 5. That Section 7-2.4, "Quarantine of Animals," of Article II, "Animal Care Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-2.4. QUARANTINE OF ANIMALS.

(a) The director is authorized to quarantine an animal as provided in Chapter 826 of the Texas Health and Safety Code, as amended, and the rules adopted by the Texas Board of Health under that chapter.

(b) Any person with knowledge of a likely rabies exposure to a human shall report the incident to the director as soon as possible after the incident. This requirement does not apply to contact with low-risk animals as defined in 25 TAC §169.22.

(c) An owner of an animal commits an offense if, upon notification by the director that the animal has bitten, ~~[or]~~ scratched, or likely exposed a person to rabies, the owner fails to either:

- (1) surrender the animal immediately to the director for quarantine at a city animal shelter;
- (2) immediately deliver the animal to a veterinary clinic approved by the director for quarantine at the owner's expense; or
- (3) quarantine the animal on the owner's property in a secure enclosure approved by the director."

SECTION 6. That Section 7-2.5, "Impoundment of Animals," of Article II, "Animal Care Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"SEC. 7-2.5. IMPOUNDMENT OF ANIMALS.

- (a) The director or the chief of police is authorized to impound any animal:
- (1) ~~[any animal]~~ in the city that is a loose animal ~~[not restrained by a tether or leash, fenced yard, or enclosed structure];~~
 - (2) ~~[any animal]~~ for protective custody;
 - (3) ~~[any animal]~~ required to be quarantined under Section 7-2.4;
 - (4) ~~[any animal]~~ seized pursuant to a warrant or court order;
 - (5) that is [any] prohibited and [animal] kept in the city in violation of Section 7-6.1; and
 - (6) ~~[any animal]~~ posing a threat to the public health or safety.

(b) If an animal is impounded, except pursuant to Subsection (a)(4), the director shall make a reasonable effort to locate the animal's owner by sending notice using contact information from the animal's vaccination tag, microchip, or other identification. Additionally, the director shall call all telephone numbers listed as part of the contact information.

(1) A notice delivered pursuant to this subsection shall be deemed to be received on the earlier of the date it is actually received, or the third day following the date upon which the notice was sent. On the seventh calendar day following receipt of notice, the animal becomes the sole property of the city and is subject to disposition as the director deems appropriate.

(2) If the director is unable to locate contact information for the animal's owner from the animal's vaccination tag, microchip, or other identification, the director shall hold the animal at an animal shelter for a period of 72 hours, after which the animal becomes the sole property of the city and subject to disposition as the director deems appropriate.

(c) If an animal described in Subsection (a) is on private property ~~[or property of the animal's owner]~~, the impounding officer may enter the property for the purpose of impoundment or issuance of a citation, or both.

(~~d~~e) The director is the designated caretaker of a loose ~~[stray]~~, impounded, or surrendered animal immediately upon intake at the animal shelter.

(~~e~~d) No animal impounded at a city animal shelter or in the custody or control of animal services may be knowingly sold, released, or otherwise disposed of for research purposes.”

SECTION 7. That Section 7-3.1, “Proper Restraint,” of Article III, “Care and Treatment of Animals,” of Chapter 7, “Animals,” of the Dallas City Code is retitled “Loose Animals.”

SECTION 8. 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 ~~[of an animal]~~ commits an offense if the owner ~~[he]~~ fails to restrain the animal at all times in a fenced yard, in an enclosed pen or structure, or by a tether or leash.

(b) Except as allowed in Section 7-4.7 of this chapter, n[N]o 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 the animal was a dog and was 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 9. That Subsection (b) of Section 7-4.1, “Vaccination of Dogs and Cats,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

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

- (1) the dog or cat is under four months of age; ~~[or]~~
- (2) the dog or cat is unable to be vaccinated due to health reasons as verified by a licensed veterinarian; or

(3) that the person charged produces to the court proof of vaccination from a licensed veterinarian showing the dog or cat was vaccinated at the time the citation was issued or not later than 20 days after the citation was issued.”

SECTION 10. That Section 7-4.2, “Registration of Dogs and Cats,” 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. 7-4.2. MICROCHIPPING ~~[REGISTRATION]~~ OF DOGS AND CATS.

(a) An owner of a dog or cat commits an offense if the dog or cat does not have a microchip~~;~~

- ~~(1) the dog or cat is not currently registered with the city under this article;~~
- ~~(2) the dog or cat is not wearing a collar or harness with a current registration tag issued by the director or an authorized registrar securely attached to it; or~~
- ~~(3) the owner fails to show a current registration receipt and registration tag for the dog or cat upon request by the director or a peace officer].~~

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

- (1) the dog or cat was under four months of age;
- (2) the dog or cat was being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization; ~~[or]~~
- (3) the owner of the dog or cat has resided in the city for fewer [less] than 30 days;
- (4) the dog or cat qualifies for a medical exception from a licensed veterinarian;
- (5) the dog or cat owner is a not a resident of the city and is staying in the city for fewer than 60 days; or
- (6) the person charged produces to the court proof of a registered microchip showing the dog or cat was implanted with a microchip at the time the citation was issued or not later than 20 days after the citation was issued.

(c) The owner of a dog or cat shall maintain his or her current contact information with a microchip registration company [To obtain a registration receipt and registration tag for a dog or cat, the owner must present the dog's or cat's current certificate of vaccination (or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian) to the director or an authorized registrar and proof of sterilization or a valid breeding permit and pay to the director or authorized registrar the annual registration fee. No refund of the annual registration fee will be made].

(1) If the owner's contact information changes, the owner shall update the microchip registration company not later than 30 days after the change in the contact information.

(2) In the event of a change in ownership of a dog or cat, the new owner shall provide the microchip registration company with his or her contact information not later than 30 days after the change in ownership.

(3) It is a defense to prosecution under this subsection that the person charged produces to the court proof that the contact information was current and the correct owner was listed at the time the citation was issued or the contact information was corrected and made current not later than 20 days after the citation was issued.

~~[(d) The annual registration fee is:~~

- ~~(1) \$7 for a spayed or neutered dog or cat; and~~

~~(2) \$30 for an unspayed or unneutered dog or cat; only an animal described in Section 7-4.10(b) may be registered as an unspayed or unneutered dog or cat.~~

~~(e) No fee is required for the registration of a dog or cat that is:~~

~~(1) used as a service animal; or~~

~~(2) spayed or neutered and owned by and residing with a person who is over 65 years of age, except that no more than three dogs, cats, or combination of dogs and cats may be registered under this paragraph.~~

~~(f) Upon presentation of a current certificate of vaccination (or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian) and upon payment of the appropriate registration fee or submission of proof of exemption from the fee under Subsection (e), the director or authorized registrar will issue a registration receipt and registration tag to the owner that will be valid for one year after the date of issuance. The registration tag must indicate the year of registration, whether the animal is sterilized or unsterilized, and such other information as determined by the director.~~

~~(g) If the director does not receive payment of the initial registration fee for a dog or cat within 45 days after notifying the owner to register the dog or cat, a \$10 late fee will be added to the registration fee. If the director does not receive an application for renewal of a registration within 45 days after the expiration of the registration, a \$10 late fee will be added to the registration fee.~~

~~(h) The registration receipt and registration tag are specific to the animal for which they were issued and are not transferable to another animal.~~

~~(i) If a registration tag is lost or mutilated, a duplicate registration tag may be purchased from the director or an authorized registrar for a fee of \$5.”~~

SECTION 11. 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 commits an offense if he tethers the dog or allows the dog to be tethered in any manner or by any method that:

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

(2) does not allow reasonable and unobstructed motion or allows the dog to become entangled;

(3) does not allow the dog access to food, potable water, or ~~and~~ adequate

[appropriate] shelter that protects the dog from direct sunlight, exposure to extreme temperatures, standing water, and other conditions that, in the opinion of a trained peace officer, animal care services officer, or licensed veterinarian, endanger the health of the dog or cause suffering, disability, or death of the dog, as demonstrated by, but not limited to, the dog's excessive drooling or panting, lethargic behavior, collapse, vomiting, or convulsions; [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, or a similar material, and cannot be a chain.

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

(3) The tether must be at least five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail, or 10 feet, whichever is greater [long].

SECTION 12. That Subsection (b) of Section 7-4.10, "Restriction on Unsterilized Dogs and Cats," of Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

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

(1) the animal is under six months of age;

(2) a licensed veterinarian annually certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;

(3) the animal is being held for sale by a retail pet store or held for adoption by animal services or an animal welfare organization;

(4) the animal is certified annually as a competition cat or competition dog;

(5) the person charged produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the citation was issued or not later than 20 days after the citation was issued [the animal is a service animal]; or

(6) the owner holds a valid breeding [intact animal] permit issued under Section 7-4.11 of this chapter for the animal."

SECTION 13. That Section 7-4.11, "Intact Animal Permit," 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. 7-4.11.

BREEDING [INTACT ANIMAL] PERMIT.

(a) A person commits an offense if he breeds or allows the breeding of a dog or cat without a valid breeding [intact animal] permit for the dog or cat. A separate permit is required for each dog or cat that the person keeps unsterilized for breeding purposes.

(b) A[~~n~~] breeding [intact animal] permit may only be issued for a dog or cat:

(1) that is currently in compliance with the vaccination requirements of Section 7-4.1 of this chapter;

(2) that is currently in compliance with the microchipping [registration] requirements of Section 7-4.2 of this chapter;

(3) [~~that is injected with a microchip [implant] and registered with a national registry for purposes of identification and/or recovery of the animal by its owner, unless a licensed veterinarian certifies that the dog or cat should not be injected with a microchip implant for health reasons;~~]

[~~(4)~~ that, not more than 90 days before the date of the breeding permit application, has been approved to breed by a licensed veterinarian; and

(4) whose owner:

(A) is a member of a purebred dog or cat club, approved by the director, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life threatening health problems common to the breed; or

(B) holds a license as required by Texas Occupation Code, §802.101 for each facility owned or operated in the state [~~has, at the owner's expense, satisfactorily completed a course on responsible pet ownership offered by the city or otherwise approved by the director~~].

(c) To obtain a[~~n~~] breeding [intact animal] permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual breeding [intact animal] permit fee of \$100. The breeding [intact animal] permit application must include:

(1) the name, address, and telephone number of the applicant;

(2) the location where the dog or cat is harbored;

(3) a description of the dog or cat, including but not limited to, a photograph of the animal;

(4) proof that the animal is qualified for a[~~n~~] breeding [intact animal] permit under Subsection (b) of this section; and

(5) any other information determined necessary by the director for the enforcement and administration of this section.

(d) A[~~n~~] breeding [intact animal] permit expires one year after the date of issuance and may be renewed by applying in accordance with Subsection (c) of this section. If the director does not receive an application for a permit renewal within 45 days after the expiration of the permit, a \$10 late fee will be added to the permit fee.

- (e) A[~~n~~] breeding [~~intact animal~~] permit is not transferable.
- (f) A permittee commits an offense if he allows a permitted female dog or cat to have more than one litter during the permit term.
- (g) It is a defense to prosecution under Subsection (f) that the permittee:
- (1) received written authorization from the director under Subsection (h) of this section to allow the female dog or cat to have two litters during the permit term; and
 - (2) did not allow the female dog or cat to have more than the number of litters authorized by the director for the permit term.
- (h) Upon request of a permittee, the director may, in writing, authorize the permittee to allow a permitted female dog or cat to have two litters during the permit term if the permittee establishes, according to regulations adopted by the director, that:
- (1) having two litters during the permit term is required to:
 - (A) protect the health of the female dog or cat; or
 - (B) avert a substantial economic loss to the permittee; or
 - (2) previously in the permit term, the female dog's or cat's litter was euthanized or did not survive for other reasons.
- (i) A permittee commits an offense if the permittee:
- (1) allows the offspring of a female dog or cat for which he holds a[~~n~~] breeding [~~intact animal~~] permit to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks of age and have been vaccinated against common diseases;
 - (2) fails to keep a permitted dog or cat restrained pursuant to Section 7-3.1 of this chapter:
 - (3[2]) fails to prominently display the breeding [~~intact animal~~] permit number on any advertisement by the permittee for the sale, adoption, or other transfer of any dog or cat, regardless of compensation; or
 - (4[3]) sells, adopts, or otherwise transfers any dog or cat, regardless of compensation and fails to:
 - (A) include a statement signed by the permittee attesting to knowledge of the animal's health and immunization history;
 - (B) prominently display the breeding [~~intact animal~~] permit number on any sales receipt or transfer document;
 - (C) provide the breeding [~~intact animal~~] permit number to any person who purchases, adopts, or receives any dog or cat from the permittee;

(D) provide written information regarding the vaccination, micro-chipping [~~registration~~], and sterilization requirements of this chapter applicable to the dog or cat; or

(E) provide to the director (on a form provided by the director for that purpose) the name, address, and telephone number of the dog's or cat's new owner within five days after the date of the sale, adoption, or other transfer of the animal.

(j) The director shall deny or revoke a ~~a[n]~~ breeding [~~intact animal~~] permit if the director determines that the applicant or permittee:

(1) failed to comply with any provision of this chapter; or

(2) intentionally made a false statement as to a material matter on the breeding [~~intact animal~~] permit application.

(k) If the director denies or revokes a ~~a[n]~~ breeding [~~intact animal~~] permit, the director shall notify the applicant or permittee in writing of the action and a statement of the right to an appeal. The applicant or permittee may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code. The filing of an appeal stays an action of the director in revoking the permit until the permit and license appeal board makes a final decision.”

SECTION 14. That Section 7-4.12, “Duty to Locate Owners of Stray 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. 7-4.12 DUTY TO LOCATE OWNERS OF LOOSE [~~STRAY~~] DOGS.

A person commits an offense if he takes possession of a loose [~~stray~~] dog in the city and knowingly fails to make, within 72 hours after taking possession, a reasonable effort to locate the dog's owner by:

(1) calling the telephone number listed on the dog's tags;

(2) taking the dog to a licensed veterinarian for a microchip, tattoo, or other identification screening and calling the owner identified through the screening;

(3) calling 311 to request that animal care services pick up the dog for identification screening and impoundment; or

(4) delivering the dog to the city's animal shelter for identification screening and impoundment.”

SECTION 15. That Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new Section 7-4.13, “Confinement of Dogs or Cats in Unattended Motor Vehicles,” to read as follows:

“SEC. 7-4.13. CONFINEMENT OF DOGS OR CATS IN UNATTENDED MOTOR VEHICLES.

(a) A person commits an offense if he or she knowingly confines a dog or cat in an unattended motor vehicle for more than five minutes under conditions that, in the opinion of a trained peace officer, animal care services officer, or licensed veterinarian, endanger the health of the dog or cat due to extreme temperatures, lack of adequate ventilation, or other circumstances that could reasonably be expected to cause the suffering, disability, or death of the dog or cat and as demonstrated by, but not limited to, the dog or cat’s excessive drooling or panting, lethargic behavior, collapse, vomiting, or convulsions.

(b) A peace officer, animal care services officer, or licensed veterinarian may, after reasonably attempting to locate the dog or cat’s owner, remove the dog or cat from the motor vehicle using any reasonable means, including breaking a window or lock. If professional services are required to remove the cat or dog from the vehicle, the owner is responsible for the cost of professional services. A peace officer, animal care services officer, or licensed veterinarian who removes a dog or cat from a motor vehicle in accordance with this section is not liable for any resulting property damage.

(c) This section does not create a cause of action for damages or enforcement of this section.”

SECTION 16. That Section 7-5.4, “Appeals,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-5.4 APPEALS.

If, under Section 7-5.3 of this article, the director determines that a dog is dangerous or orders a dangerous dog to be permanently removed from the city, that decision is final unless the dog owner files a written appeal with the municipal court within 15 days after receiving notice that the dog has been determined to be dangerous or ordered to be removed from the city. The appeal is limited to a hearing under the substantial evidence rule [~~a-de-novo hearing~~] and is a civil proceeding for the purpose of affirming or reversing the director’s determination of dangerousness or affirming, reversing, or modifying the director’s removal order. If the municipal court allows a dangerous dog to remain in the city, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.5 of this article and may order additional conditions for maintaining ownership of a dangerous dog.”

SECTION 17. That Section 7-8.2, “Additional Enforcement Provisions,” of Article VIII, “Violations; Criminal and Civil Penalties,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-8.2. ADDITIONAL ENFORCEMENT PROVISIONS.

(a) In addition to imposing a monetary penalty against a person convicted of an offense under this chapter, a court may do one or more of the following:

(1) ~~r[R]equire the person, at the person’s expense, to attend a responsible pet ownership program approved by the director;[-]~~

(2) ~~r[R]evoke any permit issued to the person under this chapter;[-]~~

(3) ~~[Order the impoundment of any animal owned by the person, forfeit the person’s ownership of the animal, and award the animal to the city.~~

(4) ~~Suspend the person’s right to own an animal in the city for a period of time as specified by the court.]~~

~~[(5) r[R]equire the person to have any animal owned by the person spayed or neutered within a time period specified by the court; or[-]~~

~~(4[6]) i[H]mpose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted.~~

(b) Upon a person’s third conviction of violating Section 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10 or 7-4.11 of this chapter, a court may do one or more of the following:

(1) order the impoundment of any animal owned by the person, forfeit the person’s ownership of the animal, and award sole possession of the animal to the city; or

(2) suspend the person’s right to own an animal in the city for a period of time as specified by the court.”

SECTION 18. That Section 7-8.3, “Parent’s Ultimate Responsibility,” of Article VIII, “Violations; Criminal and Civil Penalties,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-8.3 RESERVED. [PARENT’S ULTIMATE RESPONSIBILITY.

~~If an animal is owned by a minor, the parent or guardian of the minor is responsible for all actions required of an owner in this chapter and shall be liable for any violations of this chapter by the minor.]~~

SECTION 19. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 20. That Chapters 2 and 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

SECTION 21. 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.

SECTION 22. 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 23. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____