

6-26-18

ORDINANCE NO. 30900

An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-2.5 and 7-2.6; amending the rules on the impoundment of animals; amending redemption fees; amending redemption periods; clarifying redemption period for dogs deemed dangerous; providing a presumption of abandonment and transfer of ownership; 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 Section 7-2.5, "Impoundment of Animals," of Article II, "Animal 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 seize and impound any animal:
- (1) in the city that is loose;
  - (2) for protective custody;
  - (3) required to be quarantined under Section 7-2.4;
  - (4) seized pursuant to a warrant or court order;
  - (5) that is a prohibited animal and kept in the city in violation of Section 7-6.1;
- [and]
- (6) posing a threat to the public health or safety; and[-]
  - (7) displaying signs and symptoms of extreme health concerns.

(b) If an animal is impounded, except pursuant to Subsection (a)(4) and Section 7-2.6(e), 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 is deemed to be received on the earlier of the date actually received, or the third day following the date upon which the notice was sent. On the second [~~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, the impounding officer may enter the property for the purpose of impoundment or issuance of a citation, or both.

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

(e) Visitation of a seized animal is prohibited.

(f) 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 2. That Section 7-2.6, "Redemption of Impounded Animals," of Article II, "Animal Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

**"SEC. 7-2.6. REDEMPTION OF IMPOUNDED ANIMALS.**

(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees for services rendered before redemption:

(1) on all animals held at least one full day, a redemption fee of:

(A) \$27 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) \$27 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) on all animals held at least one full day, \$10 for each night the animal is housed in a city shelter;

(3) \$10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) a letter from a licensed veterinarian on office stationary dated prior to impoundment stating [proof] that the animal was not vaccinated due to health reasons [as verified by a licensed veterinarian];

(4) ~~[the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration;~~

(5) \$15 for a microchip implant and initial national registration of a dog or cat, unless:

(A) the animal was injected with a microchip implant prior to impoundment;

(B) a letter from a licensed veterinarian on office stationary dated prior to impoundment stating [certifies] that the animal should not be injected with a microchip implant for health reasons; and

(6) \$60 for sterilization of an animal~~[dog or \$60 for sterilization of a cat]~~, unless:

(A) the animal was spayed or neutered prior to impoundment;

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

(C) the owner provides a letter from a licensed veterinarian on office stationary dated prior to impoundment certifying [certifies] that the animal [dog or cat] should not be spayed or neutered for health reasons or is permanently non-fertile as confirmed by a health examination within 90 days prior to impoundment[;

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

(E) ~~the animal is a competition cat or competition dog;~~

(F) ~~the animal is a service animal; or~~

(G) ~~the owner of the animal has, or obtains at the time of redemption, a valid intact animal permit for the animal under Section 7-4.11 of this chapter].~~

(b) The redemption period for an animal impounded in a city animal shelter, other than for quarantine or pursuant to a court order, is:

(1) three days after the date of impoundment, unless Paragraph (2) or (3) of this subsection applies to the animal;

(2) five~~[10]~~ days after the date of impoundment if:

(A) the animal is wearing a legible tag or has a microchip implant identifying its owner with contact information; or

(B) the director has reason to believe the animal has an owner; or

(3) 10 days after the date of impoundment if the animal is being held for protective custody.

(c) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(d) Except as provided in Section 7-5.3(c), t[F]he redemption period for an animal, with an identified owner, impounded for quarantine is the same day as~~[three days after]~~ completion of the quarantine period.

(e) Kitten litters, puppy litters, and mothers nursing litters impounded in the city's animal shelter cannot be redeemed and immediately become the sole property of the city and are subject to disposition as the director deems appropriate.

(f) If an animal is not redeemed within the appropriate time period specified in Subsections (b) through (d), the animal will become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the director.

(g[f]) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in Subsection (a)."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 4. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

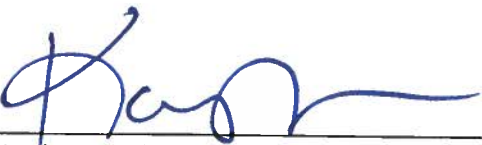
SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated 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 6. 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 7. 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

JUN 27 2018

Passed \_\_\_\_\_



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JUN 27 2018

ORDINANCE NUMBER 30900

DATE PUBLISHED JUN 30 2018

ATTESTED BY:

**AGENDA ITEM # 9**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 27, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Department of Dallas Animal Services

**CMO:** Nadia Chandler Hardy, 670-1611

**MAPSCO:** N/A

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**SUBJECT**

An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-2.5 and 7-2.6; **(1)** amending the rules on the impoundment of animals; **(2)** amending redemption fees; **(3)** amending redemption periods; **(4)** clarifying redemption period for dogs deemed dangerous; **(5)** providing a presumption of abandonment and transfer of ownership; **(6)** providing a penalty not to exceed \$500; **(7)** providing a saving clause; **(8)** providing a severability clause; and **(9)** providing an effective date - Financing: No cost consideration to the City

**BACKGROUND**

This ordinance amendment outlines changes to the rules on the impoundment of animals.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Quality of Life, Arts and Culture Committee was briefed on proposed ordinance changes amending Chapter 7 for intact licenses and compliance versus fine for citations on January 9, 2017.

On January 26, 2017, the Animal Advisory Commission was briefed on proposed ordinances changes amending Chapter 7 for intact licenses and tethering.

On March 9, 2017, the Animal Advisory Commission was briefed on proposed ordinance changes amending Chapters 2 and 7.

The Quality of Life, Arts and Culture Committee was briefed and recommended moving forward with a draft ordinance amending Chapters 2 and 7 and requested that a final ordinance be scheduled on May 22, 2017 for further review on April 24, 2017.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (continued)

On April 27, 2017, the Animal Advisory Commission was briefed and recommended the proposed ordinance changes amending Chapters 2 and 7.

The Quality of Life, Arts and Culture Committee was briefed on the ordinance changes amending Chapters 2 and 7 on May 22, 2017.

On June 14, 2017, City Council authorized 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, 7-4.1, 7-4.2, 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; 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; deleting and reserving a section; 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 by Resolution No. 17-0922; Ordinance No. 30483.

The Quality of Life, Arts and Culture Committee was briefed on the ordinance changes amending Chapter 7 on October 9, 2017.

On November 8, 2017, City Council authorized an ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-1.1, 7-3.1, and 7-4.7; adding and clarifying definitions; amending proper restraint for loose animals; creating an offense for an owner failing to provide potable water and shelter while restraining certain animals; clarifying the offense related to a tethered dog and deleting a defense to prosecution related to a tethered dog; and amending requirements for tethered dogs by Resolution No. 17-1725; Ordinance No. 30687.

On May 29, 2018, the Animal Advisory Commission was briefed and recommended the proposed ordinance changes amending Chapter 7.

The Quality of Life, Arts and Culture Committee was briefed on June 11, 2018.



**FISCAL INFORMATION**

No cost consideration to the City.

June 27, 2018

My name is Gary Cathey. I live at 903 Lane Street, Irving, Texas and have owned a condo at 4323 Brown Street Dallas, Texas for 27 years. I thank you for the opportunity to speak.

*I respectfully request that the current exception for competition dogs that appears in Sec. 7-2.6 be preserved.*

*The community of dog fanciers brings an important economic stimulus for the City of Dallas. The many dog trainers, training centers, handlers, breeders and canine competitions, are a large revenue boost to our city. Annually in December and July at the Dallas Market Hall are great examples. A week from tomorrow, Dallas will welcome the top dogs from all over the United States to a show that will see over 1800 entries. Along with those dogs come their owners, handlers and vendors who over five days' time, spend their money on hotels, restaurants, gas, facility rentals, and many other ways that impact the Dallas economy.*

*If the exception for competition dogs is not maintained every one of those participants will be subject to dire consequences if, through no*

*fault of their own, they are in an accident or are a victim of theft.*

*Imagine a handler driving into Dallas with a van loaded with Champion dogs. Imagine they are in an accident that requires the handler to go to the hospital and their dogs are taken by first responders. Under the proposed plan to remove the exemption, those dogs would not be able to be retrieved by their owner until they had been sterilized. This would not only remove the possibility of the dog ever being able to be shown in confirmation competitions, it would render the dog useless for the breeding program that so much time, effort and money had been invested in. We may look at our dogs as members of our family. But, the law sees these dogs as property. To remove the breeding value of the dog is a decimation of property value without due process. This action would also impact the handlers' or trainers' prospects of gainful employment.*

*This harm would be caused with no benefit to the City because the dogs we are discussing are not creating a problem at the City Shelters. As few as 7% of the dogs in the shelters appear to be purebred. But none are the competition dogs we are discussing. I show a miniature dachshund. The DFW Dachshund Club is active in facilitating the rescue of any dachshund that does find its way into the Dallas shelters.*

*Responsible dog breeders are careful to place their dogs homes that are*

*equally responsible in the care and breeding of their show dogs. I personally have a contract with the breeder that I purchased my dog from that it will go back to the breeder if I cannot keep the dog for any reason. That kind of contract is universal among competition dog breeders. This change would punish the very owners and breeders who are part of the solution for the rescue community - who are doing it right.*

*Dallas should be a welcoming place for dog fanciers from around the country. When they pour into the city next weekend, let us be able to tell them that they do not have to fear that an accident or the theft of their dogs will condemn them to sterilization before they can be retrieved. Let us continue to welcome the dog show community to the City of Dallas. Because, nationally, they are watching. This very Agenda Item today is on the national dogshow community's radar. Let us continue the current exemption for competition dogs.*

*Thank you very much.*



I am Sandi Myers from Waxahachie, TX. I volunteer with my dachshunds in several Dallas City Libraries & Institutions. I participate in competition dog activities in the City of Dallas.

I am a member of the Dallas-Fort Worth Dachshund Club and Breeder of Merit through the American Kennel Club. I am a Life Member of the Dachshund Club of America. I am an AKC Dachshund Field Trial judge.

I am also a Member and Dog Obedience Instructor for The Dog Training Club of Dallas County, which serves the community of Dallas and surrounding areas with volunteer obedience instructors providing dog training classes to help the community have more responsible dog owners.

I have hundreds of volunteer hours with my Therapy Dog (who is also a SHOW DOG) to the Ronald McDonald House of Dallas, Dallas Public Libraries, the Therapy Dog Program for Charlton Methodist Hospital and Grace Presbyterian Village in Dallas.

I understand that Dallas Animal Services is attempting to deal with the animal control problems facing the City with passage of this code.



However, I am OPPOSED to the mandatory spay/neuter for redeeming all dogs from a shelter. It seems implied with the "fees due" wording in Sec. 7-2.6(a) "for services rendered before redemption" followed by item (5) \$60 for sterilization of an animal (striking the exemption for competition animals that is currently in place). The language in this ordinance is confusing and vague.

I hope that you will AMEND THIS proposal to clarify the wording to protect the rights of not only Dallas residents, but visitors to Dallas. I would support an exemption for competition animals, service animals and for those residents who acquired an intact animal permit.

In general, responsible breeders and owners, do not contribute to animal control or stray dog issues in their communities. Maintaining an exemption for competition dogs will not diminish the goals of Dallas Animal Services.

There is not a chance that my competition dogs would end up in a shelter situation on purpose, but if they did it would be purely by accident out of my control. Say by car accident, theft or other malice.

The current exemption should remain in place not just to be exempt from paying a fee, but to be spared from mandatory altering.

Amending the proposal would help to protect my rights as a competition dog owner that competes, volunteers, and travels with my dogs in your community.

Clarifying the wording would assure other competition dog owners around the Country that travel to and travel through Dallas, that their rights would be protected as well.

Thank you for the opportunity to speak. I would be happy to answer any questions about responsible dog ownership, therapy dogs or AKC Competition dogs.

