

Memorandum



DATE April 25, 2008

TO Honorable Members of the Quality of Life Committee: Vonciel Jones Hill, Vice Chair; Carolyn R. Davis, Angela Hunt, Sheffie Kadane, David A. Neumann, Steve Salazar

SUBJECT Proposed Ordinances for Animal Control Briefing

On Monday, April 28, 2008, you will be briefed on the Proposed Ordinances for Animal Control. Attached is the briefing material for your review prior to Monday's discussion.

If you have questions or need additional information, please let me know.



 David O. Brown
Interim Assistant City Manager

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge Jay E. Robinson
Ryan S. Evans, First Assistant City Manager
Ramon F. Miguez, Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
David K. Cook, Chief Financial Officer
Forest E. Turner, Acting Director, Code Compliance Department

Department of Code Compliance

Animal Shelter Advisory Commission's
Recommended Changes to Chapter 7
"Animals" of the Dallas City Code

*Presented to the Quality of Life and
Government Services Committee*

April 28, 2008



City of Dallas

Purpose

- To review the Animal Shelter Commission's recommended changes to Chapter 7 "Animals" of the Dallas City Code and compare current practice to what is being proposed by the Commission
- To receive comments and guidance from the Quality of Life and Government Services Committee
- This is the first step in the process for considering possible amendments to the Dallas City Code

Summary of Proposed Changes to Chapter 7



Dallas Animal Shelter Advisory Commission has recommended the following proposed changes to Chapter 7 of Dallas City Code to address animal overpopulation:

1. Enacting mandatory spay/neuter;
2. Restricting tethering and setting minimum standards for proper confinement;
3. Limiting the number of dogs and cats per household; and
4. Strengthening the dangerous dog ordinance.

Recommended Changes to Require Mandatory Spay/Neuter

1. Mandatory Spay/Neuter

- Require all dogs and cats to be spayed or neutered unless the owner has a breeder permit for that animal (exceptions are listed on page 7)
- A breeder permit will be issued only for a dog or cat breed recognized by a nationally recognized breed registry (such as the American Kennel Club or the American Cat Fanciers Association) which maintains and enforces a code of ethics for dog and cat breeding

1. Mandatory Spay/Neuter, (cont'd.)

- An annual breeder permit will cost \$500 per animal and will:
 - Permit only one litter per permit year
 - Prohibit the offspring from being sold until they reach eight weeks of age and have been immunized against all common diseases
 - Require the breeder permit number to be included in all advertisements for sale of the offspring
 - Require the breeder to provide the purchaser of the offspring with information regarding the vaccination, registration and other ownership requirements of the Dallas Animal Code
 - Require the breeder to notify the director of the name, address and telephone number of any person sold or given a dog or cat from the litter

1. Mandatory Spay/Neuter, (cont'd.)

- Exceptions will be made for the following:
 - dogs and cats under six months of age;
 - dogs and cats unable to be spayed or neutered for health reasons;
 - dogs used by law enforcement agencies for law enforcement purposes;
 - service or assistance dogs that assist disabled persons;
 - a purebred dog or cat (“competition animal”) that competes in confirmation, obedience, agility, etc. events; and
 - dogs and cats held for sale in retail pet stores and for adoption by Dallas Animal Services and animal welfare organizations.

1. Mandatory Spay/Neuter, (cont'd.)

- Requires spaying/neutering of an unspayed or unneutered dog or cat prior to its redemption from the Dallas Animal Shelter by the owner unless the owner has or obtains a breeder permit
- Requires an adopter of an unsterilized dog or cat from the Dallas Animal Shelter to have the animal spayed/neutered or Animal Services will have the authority to seize and impound the dog or cat
 - Ownership will revert to the City
- Pet owners will have 120 days after the ordinance passes to comply

1. Mandatory Spay/Neuter, (cont'd.)

Current Practice

- Dogs and cats adopted from Animal Services are required to be sterilized, unless:
 - The dog or cat is under two months of age; or
 - A licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile
- Before an unsterilized dog or cat under the age of two months will be released from Animal Services for adoption, the adopter must sign a sterilization agreement

Recommended Changes to Place Restrictions on Tethering and Set Minimum Standards for Proper Confinement

2. Tethering and Proper Confinement



- Eliminate tethering as a proper restraint unless in the presence of the owner
 - Except when properly tethered for a period no longer than necessary for the owner to complete a temporary task
- Require that if a dog is temporarily tethered,
 - the dog be properly fitted with and wearing a collar or harness of leather or nylon;
 - that the tether be attached to the harness or collar and not directly to the dog's neck; and
 - the tether used meet certain requirements for length and strength

2. Tethering and Proper Confinement, (cont'd.)

- Set minimum standards for confining a dog outdoors to include pen size and type of shelter
 - These standards would require:
 - A minimum area of 150 square feet for an adult dog;
 - A structure of sufficient strength and design to prevent escape; and
 - That the dog have access to proper shelter such as a building or properly designed dog house.

2. Tethering and Proper Confinement, (cont'd.)

- The dog house or shelter must:
 - have a weather proof top, bottom and sides
 - have an opening with no more than one side that allows the dog to remain dry and to prevent overheating or discomfort to the dog
 - have a floor that is level and dry
 - be constructed with materials that protect the dog from injury
 - be of adequate size to allow the dog to stand erect, turn around, sit and lay down in a comfortable and normal position
 - have sufficient clean and dry bedding material to protect the dog from the elements
 - contain a suitable means for the proper elimination of excess liquid
 - be structurally sound and maintained in good repair and allow the dog easy access in and out
- Owners will have 90 days after the ordinance passes to comply

2. Tethering and Proper Confinement, (cont'd.)

Current Practice

- Tethering is allowed
- An owner commits an offense, if he allows the dog to be tethered in any manner or by any method that:
 - allows the dog to leave the premises owned, leased or occupied by the dog's owner;
 - allows the dog to become entangled; or
 - does not allow the dog access to food, water and appropriate shelter if outside

Recommended Changes to Establish Limits on the Number of Dogs and Cats per Household

3. Limit the Number of Pets

- Limit the number of dogs and cats in dwelling units with no common walls to no more than a combined total of six
 - Excludes puppies and kittens under four months of age and feral cats in a trap, neuter and release program approved by the manager of Animal Services
- Pet owners with more than six animals prior to the effective date of the ordinance will be permitted to keep their animals (grandfather clause)
 - Must list their animals with Animal Services within 90 days of the effective date and comply with all City ordinances applicable to their dogs or cats (current on vaccinations and registration)
- Provide an exemption to foster care providers who have been approved by the director of Animal Services

3. Limit the Number of Pets, (cont'd.)

Current Practice

- There is no limit on the number of pets for single-family homes
- A maximum of four dogs, cats or any combination of dogs and cats in an apartment, condominium, town home, duplex and other places with common walls

Recommended Changes to Strengthen the Dangerous Dog Ordinance

4. Dangerous Dogs

- Streamline the process for determining that a dog is a dangerous dog and to provide additional options for Animal Services to deal with dangerous dogs
- The amendments will:
 - Provide a definition for “bodily injury” and “serious bodily injury”
 - Allow the director to seize a dog that has caused bodily injury to a person and impound the dog pending the hearing to determine whether it is dangerous
 - Allow the director to order a dangerous dog removed from the City or if the dog has killed or caused serious bodily injury to a person to be humanely euthanized
 - Allow the director to seize and impound a dangerous dog if the owner fails to comply with all requirements for owners of dangerous dogs or the dog attacks a person outside of its enclosure

4. Dangerous Dogs, (cont'd.)

- The amendments will:
 - Require the owner of a dog that has been ordered seized or impounded to surrender the dog to the director immediately
 - Require the owner of a dangerous dog to have the dog spayed or neutered
 - Require the owner of a dangerous dog to obtain \$100,000 of liability coverage to cover damages or injuries resulting from an attack by the dog
 - Prohibit anyone from bringing a dangerous dog into the City

4. Dangerous Dogs, (cont'd.)

Current Practice

- If a dog is determined to be dangerous, the owner must:
 - register the dangerous dog with Animal Services and pay a \$50 annual registration fee
 - place and maintain a collar or harness on the dangerous dog with a current registration tag
 - inject the dangerous dog with a microchip implant and register with a national registry for dogs
 - post a sign at each entrance to the enclosure in which the dangerous dog is confined stating “Beware of Dangerous Dog”
 - meet other requirements of State law including the \$100,000 insurance policy

Miscellaneous Items
Recommended as Changes to
Chapter 7 “Animals” of the
Dallas City Code

Miscellaneous Items

Dallas Animal Shelter Advisory Commission has also recommended the following changes to the Dallas City Code to address miscellaneous items:

1. Adding a permit program for prohibited animals exempted pursuant to State law from the City's ban
2. Other miscellaneous items:
 - a. Prohibiting the placement of poisonous substance;
 - b. Providing for late fees if an owner does not register a pet on time;
 - c. Prohibiting offering animals as prizes, promotions or novelties; and
 - d. Setting minimum fines for violations of mandatory spay/neutering and breeder permit requirements.

1. Prohibited Animals

1. Persons and organizations allowed to keep a prohibited animal in the City under the current ban will be restricted to the following:
- federal, state, county or municipal agency
 - a licensed medical research facility
 - a zoo accredited by the American Zoo and Aquarium Association
 - a person transporting prohibited animal to a veterinarian or animal shelter for care and treatment
 - a licensed veterinarian who is temporarily treating a sick or injured prohibited animal
 - a national circus company while performing in the City
 - a television motion picture production company while filming in the City
 - a college or university mascot
 - a person transporting a prohibited animal in interstate commerce through the City
- Persons for which an exception is made will be required to obtain a prohibited animal permit and pay an annual fee of \$50 per animal up to a maximum of \$500

1. Prohibited Animals, (cont'd.)

Current Practice

- Persons and organizations allowed to keep a prohibited animal in the City under the current ban are as follows:
 - a federal, state, county, or municipal agency
 - a research facility
 - an organization that is an accredited member of the American Zoo and Aquarium Association
 - a person transporting an injured, infirm, orphaned or abandoned prohibited animal for care or treatment
 - a licensed veterinarian, an incorporated humane society or animal shelter or a person who holds a rehabilitation permit, who is temporarily treating or caring for a sick or injured prohibited animal
 - transient circus company not based in Texas
 - a television or motion picture production company during filming the city

1. Prohibited Animals, (cont'd.)

Current Practice, (cont'd)

- Persons and organizations allowed to keep a prohibited animal in the City under the current ban are as follows:
 - a college or university mascot
 - a person transporting in interstate commerce
 - a person whose only business is to supply nonhuman primates directly and exclusively to biomedical research facilities
 - a participant in a species survival plan of the American Zoo and Aquarium Association
 - a person exhibiting a prohibited animal at the State Fair of Texas or a special event conducted with written permission of the city
- Persons or organizations must:
 - have all required state and federal licenses and permits
 - be in compliance with all federal, state and city laws or regulations applicable to the animal
 - have on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the person and specifying the location where each animal is kept

2. Other Miscellaneous Items

- a. Add new section – Unlawful Placement of Poison
 - to prohibit placing of a poisonous substance or bait where it is accessible to domestic animals
- b. Amend Section 7-4.2 – Registration of Dogs and Cats
 - to provide for “late fees” if an owner does not register his pet on time
- c. Add new section – Animals as Prizes, Promotions and Novelties
 - to prohibit offering animals as prizes, promotions or novelties
- d. Amend Section 7-8.1 – Violation; Criminal and Civil Penalties
 - providing for a \$100 minimum fine for having an unspayed or unneutered dog or cat without a breeder permit and a \$150 minimum fine for breeding a dog or cat without a breeder permit.

Outstanding Issues

The following issues will require further detailed analysis as council provides feedback/policy direction:

- Financial considerations
 - Dependent upon enforcement procedures, additional staff/costs could be required
 - Costs could be estimated at a minimum of \$750k to \$1M
 - Staffing levels depend on increase in service calls
 - Complaint driven
- Shelter Capacity
 - Design standards for maximum capacity of 849 (496 dedicated to control of dogs)
- Must conduct a Fee Analysis to determine cost recovery
- Legal issues (To be briefed by City Attorney's Office in executive session)

Comments or Questions

Appendix