

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Public Health – Animal Services

AGENDA DATE: Introduction: CCA June 29, 2010; Public Hearing: CCA July 06, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Michael Hill, Director 771-5702

DISTRICT(S) AFFECTED: All

SUBJECT:

Authorize the Mayor to approve changes to Title 7 of the El Paso City of Code, to accept the referenced recommendation and in so doing promote the health, safety and welfare of the public and the local pet population.

BACKGROUND / DISCUSSION:

Changes to Title 7 (Animals), Chapter 7.12 (Dogs and Cats), Section 7.12.020 (Registration and microchips required), subsection C of the El Paso City Code, to allow for a discounted fee for spayed, neutered, not spayed, not neutered cats and dogs and to require a litter permit for any advertisement.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

February 16, 2010

City Council, through the City's Health and Public Safety Legislative Review Committee, received a recommendation from the City's Animal Welfare Advisory Committee to revise Title 7 of the El Paso City Code to allow for a differential fee.

AMOUNT AND SOURCE OF FUNDING:

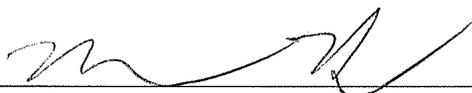
N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 7 (ANIMALS), TO REMOVE SPECIFIC DOLLAR AMOUNT REFERENCES TO FEES; AND AMENDING CHAPTER 7.12 (DOGS AND CATS), SECTION 7.12.020 (REGISTRATION AND MICROCHIPS REQUIRED – APPLICATION – PROCEDURE – FEES – CITY-SPONSORED RABIES VACCINATION AND REGISTRATION CLINICS), SUBSECTION C OF THE EL PASO CITY CODE TO ALLOW FOR A DISCOUNTED FEE FOR SPAYED AND NEUTERED DOGS AND CATS, AND SUBSECTION G TO ALLOW FOR A DISCOUNTED FEE FOR CERTAIN DOGS AND CATS THAT ARE NOT SPAYED OR NEUTERED; AMENDING CHAPTER 7.24 (LIVESTOCK), SECTION 7.24.060 (ANIMAL ESTABLISHMENTS – SHOWS AND EXHIBITIONS – PERMIT – REQUIRED – RECORDKEEPING) TO ADD MODIFIED REGISTRATION FOR DOGS AND CATS UNDER FOUR MONTHS OF AGE; AND AMENDING CHAPTER 7.24 (LIVESTOCK), SECTION 7.24.080 (ANIMAL LITTER PERMIT) TO REQUIRE THAT A LITTER PERMIT NUMBER BE DISPLAYED IN ANY ADVERTISEMENT TO SELL OR TRANSFER A DOG OR CAT; THE PENALTY AS PROVIDED IN 7.04.080

WHEREAS, on December 14, 1999, City Council by resolution acknowledged the City’s euthanization rate of dogs and cats as being one of the highest in the nation and stated a goal of being a no-kill City by December 31, 2005; and

WHEREAS, achieving a “no kill” goal requires increasing the entire community’s awareness of the critical animal care issues that the City of El Paso faces; and

WHEREAS, on February 16, 2010, the City Council, through the City’s Health and Public Safety Legislative Review Committee, received a recommendation from the City’s Animal Welfare Advisory Committee to revise Title 7 of the El Paso City Code to allow for a differential fee for dogs and cats that are spayed and neutered versus dogs and cats that are not spayed and neutered, to require that any advertisement for the sale of puppies or kittens include the litter permit number, and to require that pet stores sell only dogs and cats that have been spayed or neutered unless the animal is registered at the standard fee prior to sale; and

WHEREAS, the City desires to amend Title 7 of the El Paso City of Code, to accept the referenced recommendation and in so doing promote the health, safety and welfare of the public and the local pet population.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 7 (Animals), Chapter 7.12 (Dogs and Cats), Section 7.12.020 (Registration and Microchips Required – Application – Procedure – Fees – City-Sponsored Rabies Vaccination and Registration Clinics.) of the El Paso City Code, shall be and hereby is amended in its entirety to read as follows:

7.12.020 Registration and Microchips Required – Application – Procedure – Fees – City-Sponsored Rabies Vaccination and Registration Clinics.

- A. No owner, including an animal establishment offering dogs and cats for commercial sale, shall have within the city any dog, cat or ferret four months of age or older unless such dog, cat or ferret is currently registered with the program. No dog, cat or ferret shall be registered unless it has a current vaccination and an implanted microchip. A registration certificate and tag may be obtained from veterinarians who have obtained authority from the program to issue them, or from an employee at the center upon presentation of a certificate of current vaccination and evidence of microchip.
- B. Upon application by a veterinarian, the program shall furnish the veterinarian with a supply of microchips and pre-numbered registration certificates and corresponding tags. The veterinarian shall be authorized to receive applications and issue registration certificates and tags for animals that are currently vaccinated and microchipped. Copies of all certificates issued shall be distributed and transmitted to various city agencies in accordance with arrangements made by the program with the veterinarians, provided that no information shall be released in violation of Texas Health and Safety Code Section 826.0211. When applying for additional microchips, certificates and tags the veterinarian shall account to the program for all those previously supplied to him, and shall remit to the program all fees collected. He shall be held financially responsible for any microchips, certificates and tags no longer in his possession that have not been issued or voided and returned to the program. The program may refuse to supply additional microchips, certificates and tags to any veterinarian who fails to account for all items previously furnished to him by the program. All fees collected by any veterinarian are payable to the city upon demand.
- C. Application for initial issuance or renewal of each registration must be made by the owner in writing or in person, and be accompanied by the standard fee for a dog or cat

that is not spayed or neutered or the discounted fee for a dog or cat that is spayed or neutered, which fees shall be identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council. If an original current registration certificate is lost or destroyed, the owner may obtain a duplicate by paying the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council.

1. The standard fee paid in order to register a dog or cat that is not spayed or neutered is separate and apart from the litter permit.

D. Except as stated in Chapter 7.24, a registration shall be renewed annually.

E. No person shall use a certificate or tag for any animal other than the one for which it was issued.

F. If there is a change in ownership of a registered dog or cat, the new owner shall update the microchip information and have the registration transferred to his name. Application for such transfer shall be made to the program in writing or in person, and be accompanied by the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council.

G. The Director may determine whether an owner of one or more dogs or cats that are not spayed or neutered may be eligible to pay the discounted registration fee if the owner provides written proof to the Director prior to application for initial issuance or renewal of each registration that:

1. a licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;
2. the animal is being held for adoption by the Department or an animal welfare organization;
3. the animal is a competition cat or competition dog;
4. the animal is less than four (4) months old and is not being offered for sale by an animal establishment;
5. the animal resides with an owner who is a nonresident of this City and is keeping the subject pet in this City for fewer than sixty (60) days; or
6. the animal resides with an owner who has been a resident of this City for fewer than thirty (30) days.

H. Fee-exempt registrations may be issued for the following:

1. Police or sheriffs department's dogs;
2. Service animals;
3. Animals other than dogs, cats or ferrets that are vaccinated against rabies;
4. Eligibility for fee exempt registration does not relieve the owner of his responsibility under other provisions of this title.

I. If deemed necessary, the director, deputy director and veterinary officer are authorized to arrange for City-sponsored rabies vaccination-registration clinics.

Section 2. That Title 7 (Animals), Chapter 7.12 (Dogs and Cats), Section 7.12.030 (Collar and tag required), Subsection E., of the El Paso City Code, shall be and hereby is amended to read as follows:

E. If such tag is lost or destroyed, the owner shall apply at the center in writing or in person for a new tag by presentation of the applicable vaccination certificate, registration certificate, and evidence of microchip, accompanied by the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council.

Section 3. That Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.030 (Fees) of the El Paso City Code, shall be and hereby is amended in its entirety as follows:

7.16.030 Fees.

A. Impoundment and daily handling fees identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council, shall be charged according to animal classification, as follows:

1. Class A – includes dogs and cats and exotic animals NOT requiring capture by department personnel;
2. Class B – includes sheep, lambs, pigs, sows, goats, calves, foals and animals of same approximate size and weight as those specifically listed as Class B animals;
3. Class C – includes cattle, horses, ponies, mules and animals of the same approximate size and weight as those specifically listed as Class C animals;
4. Class D – Exotic animals requiring capture by department personnel.

B. A fee in the amount identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council, will be charged for animal delivery service requested by the owner of an animal when the animal is subsequently redeemed at the center.

C. Any dog or cat redeemed by or released from quarantine or impoundment to an owner shall be required to meet the vaccination, registration and microchip requirements of this title prior to release. If vaccination, registration or microchipping is performed at the center the

current fees identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council for such services shall be paid prior to the release.

D. Dog or cat traps shall be made available to any adult resident of the City of El Paso at no charge, provided that they are:

1. Returned no later than the fifth day after pick-up or delivery of the trap; and
2. The program is entitled to reimbursement for the full replacement cost of the trap should it not be timely returned.
3. Traps may be delivered by the program for the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council.

Section 4. That Title 7 (Animals), Chapter 7.24 (Livestock), Section 7.24.010 (Permits – Livestock.), Subsections C. and D., of the El Paso City Code, shall be and hereby are amended as follows:

7.24.060 Permits – Livestock.

C. Application for any permit required in this section shall be made in writing to the program accompanied by a payment of the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council for one or more livestock. The application shall state the name and residence of the applicant, the location of the premises where such livestock are to be kept, the acreage and square footage of the area in which they are confined, the number of such livestock, and the kind of enclosure within which they are to be kept.

D. The permit shall be renewed annually by the last day of the same month in which it was issued the previous year upon written application and payment of the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council. If the ownership of the premises upon which the livestock is kept is changed, the permit may be changed accordingly upon written application and payment of the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council, for amending the permit.

Section 5. That Title 7 (Animals), Chapter 7.24 (Livestock), Section 7.24.020 (Other animals – Restrictions – Permit Requirements), Subsections B.3. and B.4. of the El Paso City Code, shall be and hereby are amended as follows:

7.24.020 Other animals – Restrictions – Permit Requirements.

B.3. Application for any permit required in this section shall be made in writing to the program, accompanied by the payment of the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council. The application shall state the name and residence of the applicant, the location of the premises where such rabbits or fowl are to be kept, the acreage and square footage where such rabbits and fowl are to be kept, the number of such rabbits and fowl and the kind of enclosure within which they are to be kept.

B.4. The permit shall be renewed annually by the last day of the month in which the permit was issued the previous year, accompanied by payment of the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council. If ownership of the place in which the rabbits or fowl are kept is changed, the permit may be changed accordingly upon written verified application and payment of the fee identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council for amending the permit.

Section 6. That Title 7 (Animals), Chapter 7.24 (Livestock), Section 7.24.060 (Animal establishments – Shows and exhibitions – Permit – Required - Recordkeeping), Subsection B, of the El Paso City Code, shall be and hereby is amended to add B.1. and B.2. to read as follows:

7.24.060 Animal establishments – Shows and exhibitions – Permit – Required - Recordkeeping.

B.1. An animal establishment shall not sell a dog or cat, puppy or kitten that has not been spayed or neutered, as further set forth in the applicable sections of this Title 7.

B.2. All puppies or kittens under four months of age offered for sale or transfer by an animal establishment must be registered with the program by the animal establishment prior to sale at the standard fee for a dog or cat that is not spayed or neutered as identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City

Council. All such puppies or kittens under four months of age are not subject to the vaccination or microchipping requirements of Chapter 7.12. Registration under this Chapter 7.24 shall expire four months from the date of registration or when the subject animal reaches four months of age, whichever occurs first.

Section 7. That Title 7 (Animals), Chapter 7.24 (Livestock), Section 7.24.080 (Animal litter permit), of the El Paso City Code, shall be and hereby is amended in its entirety to read as follows:

7.24.080 Animal litter permit.

- A. Any person who breeds a female dog or cat, must obtain an animal litter permit within ten business days of the litter's birth. The permit fee shall be as identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council.
- B. The issuance of a permit authorizes the whelping of no more than two litters per female dog or cat in any twelve-month period.
- C. The department may issue a permit without requiring payment of an additional permit fee in the amount identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution by the City Council in any case where the applicant has received an animal litter permit for the same household within ten business days of the birth of the subject litter.
- D. Any owner, kennel, animal establishment or other business or person advertising the sale or transfer of any dog or cat, puppy or kitten, regardless of compensation, must display the litter permit number on any such advertisement by the permittee regardless of the media used for such advertisement. This subsection shall not apply to the Department or any tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, or any recognized rescue organization which is currently registered with the Department.
- E. No person may offer any puppy or kitten under the age of eight (8) weeks for sale, trade or other compensation or for free giveaway (except a puppy or kitten, or litter or litters taken to the Department or any tax-exempt nonprofit organization founded for the

purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, or any recognized rescue organization which is currently registered with the Department).

Section 8. This ordinance shall take effect on September 1, 2010.

Section 9. Except as expressly herein amended, Title 7 (Animals) of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS ____ DAY OF _____, 2010.

THE CITY OF EL PASO:

ATTEST:

John F. Cook, Mayor

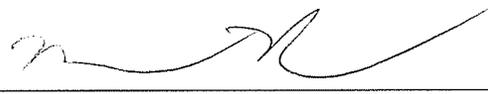
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Josette Flores
Assistant City Attorney



Michael Hill, Director
Department of Public Health