

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

DEPARTMENT: Public Health – Animal Services

AGENDA DATE: Introduction: CCA July 6, 2010; Public Hearing: CCA July 13, 2010

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

DISTRICT(S) AFFECTED: All

SUBJECT:

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.

BACKGROUND / DISCUSSION:

An Ordinance amending Title 7 (Animals), Chapter 7.04 (Definitions), regarding the established fees in the Title; Chapter 7.12 (Dogs and Cats), Section 7.12.020 (Registration and Microchips Required - Application - Procedure - Fees - City-sponsored Rabies Vaccination and Registration Clinics), relating to the fees charged for spayed, neutered, unspayed and unneutered dogs and cats; Chapter 7.24 (Livestock and Animal Breeding), 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 Section 7.24.080 (Animal Litter Permit) to require that a litter permit number be displayed in any advertisement to sell or transfer puppies and kittens; and to create Section 7.24.085 (Sale of Certain Puppies and Kittens Prohibited), to prohibit the sale of animals younger than eight weeks of age; the penalty being as provided in Section 7.04.080 of the El Paso City Code.

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)

BRUCE PARSONS FOR MICHAEL HILL

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 7 (ANIMALS), CHAPTER 7.04 (DEFINITIONS), REGARDING THE ESTABLISHED FEES IN THE TITLE; CHAPTER 7.12 (DOGS AND CATS), SECTION 7.12.020 (REGISTRATION AND MICROCHIPS REQUIRED – APPLICATION – PROCEDURE – FEES – CITY-SPONSORED RABIES VACCINATION AND REGISTRATION CLINICS), RELATING TO THE FEES CHARGED FOR SPAYED, NEUTERED, UNSPAYED AND UNNEUTERED DOGS AND CATS; CHAPTER 7.24 (LIVESTOCK AND ANIMAL BREEDING), 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 7.24.080 (ANIMAL LITTER PERMIT) TO REQUIRE THAT A LITTER PERMIT NUMBER BE DISPLAYED IN ANY ADVERTISEMENT TO SELL OR TRANSFER PUPPIES AND KITTENS; AND TO CREATE SECTION 7.24.085 (SALE OF CERTAIN PUPPIES AND KITTENS PROHIBITED) TO PROHIBIT THE SALE OF ANIMALS YOUNGER THAN EIGHT WEEKS OF AGE; THE PENALTY BEING AS PROVIDED IN SECTION 7.04.080 OF THE EL PASO CITY CODE.

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 or transfer 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 or transfer; 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 704 (Definitions and Administration), Section 7.04.010 (Definitions) of the El Paso City Code, subsections P, Q, R and S, are amended to read as follows:

Section 7.04.010, P, Q, R and S. Definitions.

P. “Established fee” means a fee that is authorized within this Title, which is set in the amount identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution of the City Council.

Q. “Exotic animal” means any animal not commonly domesticated by man.

R. “Exposed to rabies” means that an animal has been bitten by or in contact with any animal known to be, or suspected of being, infected with rabies.

S. “Fowl” means domestic birds to include but not be limited to chickens, ducks, geese and pigeons.

Section 2. 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, is amended in its entirety to read as follows:

Section 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 sale or transfer, 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. Animal establishments are additionally subject to the requirements in chapter 7.24 regarding puppies and kittens less than four months of age. No dog, cat or ferret shall be registered unless it has a current vaccination as is required by the director 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 established fee for a dog or cat that is not spayed or neutered, the discounted established fee for a dog or cat that is spayed or neutered, or the established fee for a ferret. If an original current registration certificate is lost or destroyed, the owner may obtain a duplicate by paying the established fee. The standard established fee paid in order to register a dog or cat that is not spayed or neutered is separate and apart from the litter permit and its established fees.
- D. Except as provided 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, cat or ferret, 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 established fee.
- 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 established 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 or transfer by an animal establishment;
 - 5. the animal resides with an owner who is a nonresident of this City and is keeping the animal 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, provided however, eligibility for fee exempt registration does not relieve the owner of his responsibility under other provisions of this title:

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- 1. Police or sheriffs department's dogs;
- 2. Service animals;
- 3. Animals other than dogs, cats or ferrets that are vaccinated against rabies;

I. Animal establishments shall not be eligible for a discounted fee or a fee-exempt registration under subsections G and H.

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

Section 3. 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, is amended to read as follows:

Section 7.12.030, E. Collar and tag required.

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 established fee.

Section 4. That Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.030 (Fees) of the El Paso City Code, is amended in its entirety as follows:

Section 7.16.030. Fees.

A. Impoundment and daily handling fees are established and shall be charged according to animal classification, as follows:

- 1. Class A – includes dogs, cats and ferrets, 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. The established fee 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, cat or ferret 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 established fees 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. By borrowing a trap, each resident hereby agrees:

1. That all traps will be 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; and
3. To pay the established fee for any trap that may be delivered by the program.

Section 5. That Title 7 (Animals), Chapter 7.24 be renamed as Livestock and Animal Breeding.

Section 6. That Title 7 (Animals), Chapter 7.24 (Livestock and Animal Breeding), Section 7.24.010 (Permits – Livestock.), Subsections C. and D., of the El Paso City Code, are amended as follows:

Section 7.24.060, C and D. 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 established fee 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 established fee. 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 established fee for amending the permit.

Section 7. That Title 7 (Animals), Chapter 7.24 (Livestock and Animal Breeding), Section 7.24.020 (Other animals – Restrictions – Permit Requirements), Subsection B.3. and B.4. only, of the El Paso City Code, are amended as follows:

Section 7.24.020, B 3 and 4. Other animals – Restrictions – Permit Requirements.

B. Rabbits and Fowl.

3. Application for any permit required in this section shall be made in writing to the program, accompanied by the payment of the established fee. 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.
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 established fee. 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 established fee for amending the permit.

Section 8. That Title 7 (Animals), Chapter 7.24 (Livestock and Animal Breeding), Section 7.24.060 (Animal establishments – Shows and exhibitions – Permit – Required - Recordkeeping), Subsections A and B, of the El Paso City Code, are amended to read as follows:

Section. 7.24.060, A and B. Animal establishments – Shows and exhibitions – Permit – Required - Recordkeeping.

A. No person shall operate an animal establishment; or conduct the commercial sale, transfer, grooming, breeding, showing, exhibiting, kenneling, or boarding of animals; without a valid permit.

B. A permit holder under this section shall not release a dog, cat or ferret four months of age or older to any person unless such dog, cat or ferret is currently vaccinated against rabies and microchipped for identification.

1. An animal establishment shall not sell or transfer a dog or cat of any age that is not registered with the program. All puppies and kittens under four months of age that are registered by an animal establishment are not subject to the vaccination or microchipping requirements of Chapter 7.12. A registration under this subsection shall expire four months from the date of registration, when the dog or cat is sold or transferred, or when a puppy or kitten under the age of four months reaches four months of age, whichever occurs first.
2. All dogs and cats offered for sale or transfer by an animal establishment shall be spayed or neutered unless the animal establishment, prior to the sale or transfer, has registered the dog or cat as not spayed or neutered pursuant to this subsection and paid the standard established registration fee for a dog or cat that is not spayed or neutered.

Section 9. That Title 7 (Animals), Chapter 7.24 (Livestock and Animal Breeding), Section 7.24.080 (Animal litter permit), of the El Paso City Code, is amended in its entirety to read as follows:

Section 7.24.080. Animal litter permit.

- A. Any person who breeds a female dog or cat must obtain an animal litter permit and pay the established fee within fourteen days of the litter's birth.
- 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 for a second female dog or cat in the same household of an applicant, when the applicant applies for the litter permits for both animals at the same time and both litters are or are expected to be born within a fourteen day period.
- D. Any owner, kennel, animal establishment or other business or person advertising the sale or transfer of an unregistered puppy or kitten under four months of age located within the city limits must include or display the litter permit number on such advertisement 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, a shelter for abandoned or unwanted animals, or any recognized rescue organization, that is registered with the Department pursuant to Section 7.24.085.

Section 10. That Title 7 (Animals), Chapter 7.24 (Livestock and Animal Breeding), Section 7.24.085 (Sale of certain puppies and kittens prohibited), of the El Paso City Code, is created to read as follows:

Section 7.24.085 Sale of certain puppies and kittens prohibited

- A. No person may offer any puppy or kitten under the age of eight (8) weeks for sale or transfer (which terms for all purposes in this title also include a trade or receipt of other compensation, or for free giveaway) other than a puppy or kitten, or litter or litters, taken to the Department; or to any tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary, a shelter for abandoned or unwanted animals, or any recognized rescue organization, that is registered with the Department.

B. The director shall establish a registration process for such organizations and shelters at no charge to the organization or shelter. Registrations will not be approved until the applicant provides evidence that he meets the criteria under this section and that certification has been received from appropriate city officials that the zoning and construction of facilities within the city limits used by the applicant comply with the applicable ordinances for the types of facilities used.

Section 11. This ordinance shall take effect on September 1, 2010.

Section 12. 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

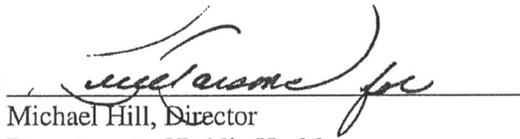
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Elaine S. Hengen
Senior Assistant City Attorney



Michael Hill, Director
Department of Public Health