



Title 7 Amendments

Revisions to the Proposed Ordinance,
based on recommendations gathered
through the Mayor's Task Force.



Mayor's Task Force

- Mayor Cook created an informal task force by inviting all interested stakeholders to participate and provide input regarding proposed changes to Title 7.
- The task force met on September 1st and 27th.
- Some stakeholders created a coalition, which met and formulated proposals and recommendations, which were provided to the City on September 22nd.



The Coalition's Work

- The coalition included the following groups:
 - Breeders/Fanciers (“Breeders”)
 - Veterinarians or Veterinarian Association (“Vets”)
 - Animal Welfare Organizations (“AWO”)
 - Animal Service Professionals (“ASP”)
- The coalition made comments or recommendations on the entire ordinance.
- The groups advocating each recommendation were identified, and most recommendations were identified as being unanimously recommended.



Recitals (“whereas clauses”)

- Recitals were revised to reflect the changes made to the ordinance.
- The recital relating to the differential licensing fee was deleted.
- Additional recitals were added concerning the changes made regarding the sale of puppies and kittens, and to emphasize the need to develop community outreach and education, particularly regarding the need for early veterinary care and prevention of communicable diseases.



Definitions

- Some unused terms were deleted.
- A definition of the new term, “retail establishment,” was added.
- The term, “competition dog or cat” was deleted, and replaced with “qualified animal,” as defined by the coalition.
- The definitions of some other terms were refined or clarified as per recommendations of the coalition.



Annual Report

- A new provision for an annual report to the Council had been initially proposed.
- Coalition recommended quarterly reports with significant additional requirements for the contents of the reports.
- Final proposal is for a semi-annual report or as directed by Council, with some additional reporting requirements to be developed by the department.



Registration Requirements

- The initial proposal for a differential licensing fee and related sections have been removed.
- Coalition recommendations for allowing additional time to register and vaccinate dogs, cats and ferrets moving into the city were added.
- Additional time is granted to visitors to the City before they would need to register an animal, as suggested by the coalition.



Registration Requirements

- Provisions allowing for the replacement of lost registration certificates or tags, or to change the ownership of a registered dog, cat or ferret, or to change the owner's contact information, through the offices of participating veterinarians, were added at the suggestion of the coalition.



Required Permits

- The provision requiring a separate pet store permit was removed.
- Provisions were added to have a more detailed permit process for breeders and animal welfare organizations.



Dog and Cat Sales

- The total ban of sales by pet stores was removed. Three of the four coalition groups had opposed this proposal.
- The restriction on sales by back yard breeders was revised. The AWO and ASP opposed any requirement that puppies and kittens had to be given away at no cost.



Dog and Cat Sales

- The prior provisions were replaced with a uniform standard for both groups relating to the amounts or charges that can be made for selling a dog or cat under one year of age.
- This standard also applies to animal welfare organizations.
- A different standard was developed for breeders in the city who breed qualified animals (purebred registered animals, service animals or working dogs).



Dog and Cat Sales

- These young animals (under one year of age) can be sold or transferred only for a price or charge that is based on certain actual expenses incurred by the owners, establishments or organizations.
- The restrictions apply to a litter permit holder only if the owner advertises the sale of the puppies/kittens, including openly offering them for sale to the general public.



Dog and Cat Sales

- The recoverable expenses/charges for a sale are:
 - Cost of food (and shelter for an AWO)
 - Veterinary services and health care
 - Spaying or neutering costs, if applicable
 - A proportionate share of permit fees applicable
 - Microchip and registration fees
- If the seller cannot document the exact expenses, then the maximum sale price is \$50, or \$150 if the animal has been spayed or neutered.
- Documentation must be provided to the purchaser.



Sale of Puppies and Kittens

- The ordinance prohibits the sale of puppies and kittens under 8 weeks of age. The coalition supplied information supporting this proposal and the selection of 8 weeks as the appropriate age.
- The coalition proposed additional provisions that would require veterinary care for a puppy or kitten prior to sale. This suggestion was incorporated into the recital recognizing the need to increase community education and specifically, to explain the benefits of obtaining early veterinary care for animals.



Roadside and Flea Markets

- The coalition proposed the elimination of a old code provision that would allow charitable organizations to auction animals, and this revision was made.
- The coalition had proposed restrictions on displaying signs advertising animals. Sign regulations are comprehensively addressed in Title 20, so these provisions were not added.



Animal Litter Permit

- The ordinance was revised to allow only one litter per issued litter permit, as proposed by the AWO and ASP groups.
- AWO and ASP had recommend revisions to allow persons to recoup their costs of litters, and these provisions were incorporated into the ordinance.
- The ordinance had proposed a new requirement that all advertisements contain the litter permit number. A provision was added that breeders additionally list their breeder's permit number.



Annual Litter Permit

- AWO and ASP drafted a provision to create a civil cause of action, referred to as a “puppy lemon law.” This was not included, as creating a private cause of action for a lawsuit is the responsibility of the State.
- AWO and ASP also recommended a type of false advertising provision and a multiple offense provision. Prosecutorial issues were identified that precluded the inclusion of these recommendations.



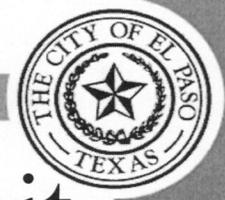
Animal Establishment Permit

- The coalition recommended that clearer and more detailed regulations be included regarding the various types of required permits, and this was done.
- The existing provisions regarding Animal Establishments were placed back in the ordinance and amended to provide for a uniform method of stating the regulations and permitting process.



Breeder's Permit

- The AWO and ASP proposed the creation of a breeder's permit. The Breeders and Vets oppose the creation of a breeder's permit.
- A new provision detailing the requirements of a breeder's permit was added, as it is an essential component of a comprehensive regulation of the sales of all dogs and cats under one year of age.
- Many of the recommendations of the AWO and ASP were included in the new provision establishing the breeder's permit.



Animal Welfare Organization Permit

- A new provision detailing the requirements of an animal welfare organization permit was added.
- Many of the recommendations of the AWO were included in this new provision, as were existing provisions from the department's "rescue partner" program, and provisions to address the Mayor's concerns about care for the existing animals in the El Paso area, and when and how these organizations accept the return of young dogs and cats.



Redemption and Disposition

- The coalition recommended an exception to the requirement for payment of an additional fee for unaltered “repeat offenders” at Animal Services. A compromised solution was included in the ordinance to allow one additional redemption before the additional fee applies to the unaltered animals.



Redemption and Disposition

- The coalition proposed new language relating to transferring animals from Animal Services to the AWO's and these provisions were included.
- The coalition proposed language for a procedure to help identify the animals coming in to Animal Services. A provision was added directing the department to establish the appropriate policies and procedures for doing this.



Redemption and Disposition

- The coalition proposed more specific provisions relating to euthanasia. Some of these provisions were included in the ordinance, and other recommendations could be included in the department's policies and procedures.
- The coalition's proposal for specific requirements for adopting animals from the shelter was not included in the ordinance, as the department can incorporate the appropriate provisions into its policies and procedures.



Livestock and Other Animals

- The coalition recommended changes to some provisions, which had only been included for housekeeping types of changes.
- As recommended, the chapter title was changed to be more clear, and these provisions were added:
 - Limiting roosters to 3
 - Revising provisions on turtles to align with federal law
 - Changing “duckling” to “duck”



Miscellaneous Provisions

- The coalition proposed several provisions to restrict the use of permit and registration fees paid to the City. These were not included, as provisions of this type would need to be addressed during the budgetary process.
- Provisions were added to allow enforcement of Title 7 by the code enforcement division.



Miscellaneous Provisions

- Revisions to the fee section were made to clarify some provisions, and to clearly provide that the department can offer vaccination, microchipping and adoption services to the public and charge fees to recover their costs.
- The ordinance is proposed to go into effect on January 1, 2011, to allow adequate time for the department to prepare for the changes and address enforcement issues.