



**Date:** March 5, 2019

**To:** Honorable Mayor and Councilmembers

**From:** Jeanne Snider, Assistant City Attorney

**Subject:** Amendment of Chapter 3, Animal Control Ordinances

### **BACKGROUND**

In 2009, City Council approved amendments to Chapter 3 of the City Code that included establishing the number of cats and dogs allowed at a residence and enacting guidelines for kennels. In 2016, further revisions were approved by City Council that included amendments to the vicious and dangerous dog and pet license ordinances. In mid-2018, after review with some members of the City Council and the Animal Welfare Oversight Committee, further revisions were recommended. Those recommendations included topics such as:

1. definition updates to adequate shelter, service animal and owner
2. time frame to hold animals not retrieved by owners
3. animals impounded due to arrest of owner
4. medical seizure and other conditions of the animal owner
5. process of owner relinquishment
6. cats at large
7. mandatory alteration of cats and dogs
8. marking of altered animals
9. breeding license
10. prohibition on dyed, colored or similarly altered animals and as prizes
11. tethering restriction
12. animals at events

The Animal Welfare Oversight Committee (AWOC) has thoroughly discussed the revisions/updates during its regularly scheduled meetings from September 2018 through January 2019. In addition, a public meeting was held on November 24, 2018, allowing the public to ask questions and express their views regarding the amendments. Due to the significant number of updates and amendments being recommended, the proposed ordinance was divided into three tiers for presentation to the public. The tiers were:

- Tier 1: Significant updates to current ordinances
- Tier 2: New ordinances with potential wide spread impacts
- Tier 3: Minor and administrative updates

Following the public meeting, City Staff made revisions to the proposed ordinance incorporating feedback from the public meeting. There was overwhelming public

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opposition to mandatory spay/neutering. The AWOC also had the opportunity to review, discuss and recommend changes to the draft ordinance at its December 10, 2018, meeting. The proposal related to mandatory spay/neutering, marking of altered animals and breeding licenses were all removed by recommendation of staff and the AWOC. There are some “housekeeping” changes throughout the draft document such as adding language regarding the new position of Animal Welfare Shelter Manager that are not listed in the following summary.

## **DISCUSSION**

Attached to this memorandum is the draft ordinance for your review. The proposed ordinance revisions will be submitted in final form when submitted to City Council for first reading. For an easy understanding of what is the current language, new language and removed or deleted language, the document formatting is as follows:

Black = Current Ordinance language

Blue Underlined = New language or additions

~~Red Strikethrough~~ = Removed language or deletions

A summary of the revisions is set forth below. Tier 1 and Tier 3 were unanimously recommended for adoption by the AWOC and City Staff. Additional comments are included in Tier 2 revisions.

### **Tier 1. Significant updates to current ordinances**

Sec. 3-102 - Adequate Shelter - has been amended to strengthen the definition of an adequate shelter to ensure protection from extreme temperatures, including wind and rain, and to allow for the animal to move about freely or to lie comfortably.

Sec. 3-115- Owner – adding language to include person who keeps an animal over fourteen (14) days and provides food, water and care.

Sec. 3-205 – Sale and disposition of animals not retrieved by owners has a few amendments.

Part (1) has been amended to reduce the days an animal is impounded from five (5) days to three (3) days and specifies the three (3) day time period begins at 8 am the following day of the animal’s intake and excludes Sundays, holidays or other days the shelter is not open in the calculation.

Part (2) adds a provision regarding animals held at the Animal Welfare Center due to legal seizure, arrest, medical and other situations and the return of the animal to the owner.

Part (4) adds a provision that if it is determined that the owner of an impounded animal is experiencing a situation that prohibits him/her from reclaiming or arranging for the care of their animal, the Animal Shelter staff may petition a judge for the release of the animal to the Animal Shelter Center.

Part (7) adds a condition prohibiting adoption to anyone who has released two (2) or more animals to the Animal Welfare Center in the preceding twelve (12) months;

Part (8) adds a provision regarding the Trap Neuter Return program and the release of a TNR cat to its original location.

Sec. 3-206 – Owner relinquishment of dogs and cats – adds a process for acceptance of owner relinquished animals if the Animal Welfare Center is at capacity.

Sec. 3-407 – Sale of dogs and Cats - was revised to include public property such as roadsides alleyways, streets, parks or parking lots unless permitted by the City.

Se. 3-501 – Keeping of animals other than dogs and cats – has a few amendments:

Part (5) replaced “poisonous” reptiles with “venomous” reptiles

Part (6)(a) deleted licensed circuses from any exceptions.

Part (6)(f) added a requirement to ensure an animal is properly secured during any transport, remains detained or prohibited from unsafe access to others.

Part (6)(g) requires proof of licensing and liability insurance for keeping and displaying an animal.

## **Tier 2. New ordinances with potential wide spread impacts**

Tier 2 describes the revisions to Sections that may have a significant impact on the public and required more discussion and, at times, did not receive unanimous agreement by members of the AWOC or City Staff. Those Sections have additional comments in *italics* denoted with an \*.

Sec. 3-301 – Cruelty to animals

Part (1)(j) - prohibits any animal to be dyed, colored or similarly altered

Part (2)(k) – prohibits any animal to be provided as promotional prize

*\*Recommended adoption by unanimous vote of the AWOC and City Staff.*

Sec. 3-305 – Reporting found animals – requires notification to the Animal Welfare Center as soon as possible when a person finds an animal at large or is a stray to ensure the animal is scanned for a microchip or inspected for identifying markings.

*\*Recommended adoption by unanimous vote of the AWOC and City Staff.*

Sec. 3-401 – Tethering – prohibits tethering of any animal with a specific exemption the Animal Welfare Officer or commissioned police officer may grant along with specific conditions regarding a tethered animal.

*\*AWOC recommended adoption by a 6-1 vote. City Staff has concerns about enforcement, impact on work load and believes other Sections of the Code could be utilized.*

Sec. 3-403 – Confinement of dogs and cats – There are two options for consideration:

Option 1: No cats at large, exemptions for TNR or barn cat program; OR  
Option 2: No cats at large unless current on vaccinations, has valid pet license with accurate owner information.

*\*Option 1 was not recommended for adoption by a 3-4 vote of the AWOC. Option 2 was recommended for adoption by a vote of 4-3. A Motion to Reconsider was presented and the AWOC voted 5-2 to present both options to City Council for further discussion and consideration. City Staff has concerns about enforcement, impact to shelter intakes, impact to staff work load and shelter resources, the proclamation from City Council regarding a no-kill of adoptable animals, potential intentional harming of cats and believe the current nuisance ordinance could resolve the issues. There is support for “no cats at large” from some citizens due to cats harming the bird population and other health concerns.*

Sec. 3-502 – Use of animals at festivals, carnivals and other similar events – This is a new addition regarding the use of particular animals for the purpose of entertainment.

Part (1) makes it unlawful to allow use of any camel, pony, llama, zebra, giraffe or exotic animals as defined in the Code at any event, festival, carnival or function on city property;

Part (2) exempts school mascots;

Part (3) requires a permit for such activity on private property;

Part (4) discusses the permit and inspections.

*\*Recommended adoption by 5-2 vote of the AWOC. City Staff believes the current cruelty to animals section addresses the issues.*

Sec. 3-505 – Number of large reptiles allowed – prohibits reptiles capable of exceeding forty (40) pounds without registration with the Animal Welfare Manager and/or Supervisor.

*\*Recommended adoption by AWOC and City Staff.*

### Tier 3 – Minor and Administrative Updates

Sec. 3-103 – Service Animal - has been revised to meet the ADA definition of service animals to avoid any conflict with state/federal laws.

Sec. 3-112 – Foster home– and Sec. 3-113 – Kennel classifications - added animals other than just dogs and cats.

Sec. 119 – Exotic Wildlife and Native Wildlife

Part (1)(a) deleted panther, cougar, bobcat and mountain lion

Part (1)(b) deleted black bear

Part (1)(c) deleted native coyote

Part (2) added mountain lion (cougar), bobcat, coyote, red fox, gray fox, black bear and American alligator.

Sec. 3-203 – Fees, charges and deposits – added veterinarian fees as determined by shelter staff in accordance with common local costs.

Sec. 3-211 – Pet license required defined a Senior Citizen as 55 years of age and added active duty military and military veterans as exemptions.

Sec. 3-217 – Owner must attach license – exempts cats and dogs from wearing a pet license tag as long as the animal is in compliance with 3-405 and is microchipped with current information.

Sec. 3-22 – Authority to euthanize added an animal deemed to have dangerous or aggressive behavior.

Sec. 3-301 – Cruelty to Animals deleted “belonging to himself or another”.

Sec. 3-303 – Animals that are nuisances included at the residence of the owner or if outside the residence the animal is at heel.

Sec. 3-404 –Prohibition of dogs and cats in certain areas deleted service animal definition and added regulations pertaining to prohibition and exceptions of live animals on premises of a food establishment as established by state law.

Sec. 3-407 – Interference with enforcement – added “or other employee of the Animal Welfare Center”.

Sec. 3-408 – added a reasonable time for a person to collect and dispose of waste material.

Sec. 3-409 – renamed section to Movement of Livestock and deleted provision that all domesticated farm animals must be led by halter, leash, or rope while being taken to and from pasture.

## **CONCLUSION**

Please review the proposed ordinance revisions and/or additions carefully and keep in mind that this is a draft. The Animal Welfare Oversight Committee has spent considerable time reviewing and revising the draft ordinances with input from City Staff and the public, which included local rescue groups, veterinarians and concerned citizens.

cc: Mary Rupp, Interim City Manager  
Keith Humphrey, Police Chief  
Kathryn Walker, Interim City Attorney  
Ronda Guerrero, Court Administrator