

Memorandum



CITY OF DALLAS

DATE April 17, 2017

TO Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson (Chair),
Tiffinni A. Young (Vice Chair), Rickey D. Callahan, Mark Clayton, Philip T. Kingston, B. Adam McGough

SUBJECT **Animal Care Services – BCG Recommendations Update**

On Monday, April 24, 2017, the committee will be briefed on the Animal Care Services – BCG Recommendations Update. The briefing materials are attached for your review.

Please feel free to contact me if you have any questions or concerns.

A handwritten signature in black ink that reads "Joey Zapata".

Joey Zapata

Assistant City Manager

c: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Theresa O'Donnell, Interim Chief of Economic Development & Neighborhood Services
Mark McDaniel, Assistant City Manager
Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Alan E. Sims, Interim Chief of Community Services
Directors and Assistant Directors

Animal Care Services – BCG Recommendations Update

Quality of Life & Environment

April 24, 2017

Major Barbara Hobbs
Animal Care Services



City of Dallas

Presentation Overview

- Provide results on continued progress on BCG recommendations in Animal Care Services (ACS) from January through March 2017
- Review items completed and in progress for implementation
- Discuss proposed ordinance changes that support BCG recommendations

Background- BCG Recommendations

- In June 2016, The Boston Consulting Group (BCG) began development of strategic recommendations to:
 - Address the threat to public safety posed by loose dogs in the community
 - Continue to reduce euthanasia of dogs entering the animal shelter
- BCG briefed City Council on August 30, 2016 and provided a strategic plan with recommendations to address both the public safety and animal welfare issues associated with the loose dog epidemic in Dallas
- In September 2016, the City Manager reassigned leadership of Dallas Animal Services (DAS) to a DPD team that reports directly to him, and formed a multi-departmental, standing task force of city executives to support implementation of the plan and speed the impact of improvements to services and operations

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Background- BCG Recommendations

- QOL Committee was briefed in January 2017 with results showing significant progress from October through December 2016
- Results from January through March 2017 demonstrate continued progress in Animal Care Services (ACS)
 - Increased impoundments
 - 54% increase for field impounded dogs from Oct.-Dec. 2015 to 2016
 - **72% increase for field impounded dogs from Jan.-Mar. 2016 to 2017**
 - Increased citations and enforcement
 - 193% increase in all animal citations from Oct.-Dec. 2015 to 2016
 - **122% increase in all animal citations from Jan.-Mar. 2016 to 2017**
 - Increased live releases (adoptions, rescues and redemptions)
 - Average live release rate increased from 62% to 70% from Oct.-Dec. 2015 to 2016
 - **Average live release rate increased from 68% to 78% from Jan.-Mar. 2016 to 2017**

Implemented- BCG Recommendations

- 1.1 Balanced Mission Statement - Adopted
- 1.2 Scorecard with Metrics - Implemented
- 2.1 Hire Additional ASO's
 - Increased by 8 positions for FY 2016/17
 - Continuously hiring to maintain full staffing
- 2.2 ASO Collection Shifts – Overnight shift added
- 2.5 Open Access to Loose Dog Sightings
 - Posted online via Open Data Portal – Field, Shelter, Medical

Implemented- BCG Recommendations

- 3.3 High-Volume Transfer Partner & Account Management
 - New Rescue/Transfer Policy implemented
 - “Transfer-on-intake” program initiated
- 3.6 Behavior Training
 - Shelter Supervisors providing training to staff on Animal Handling and Behavior

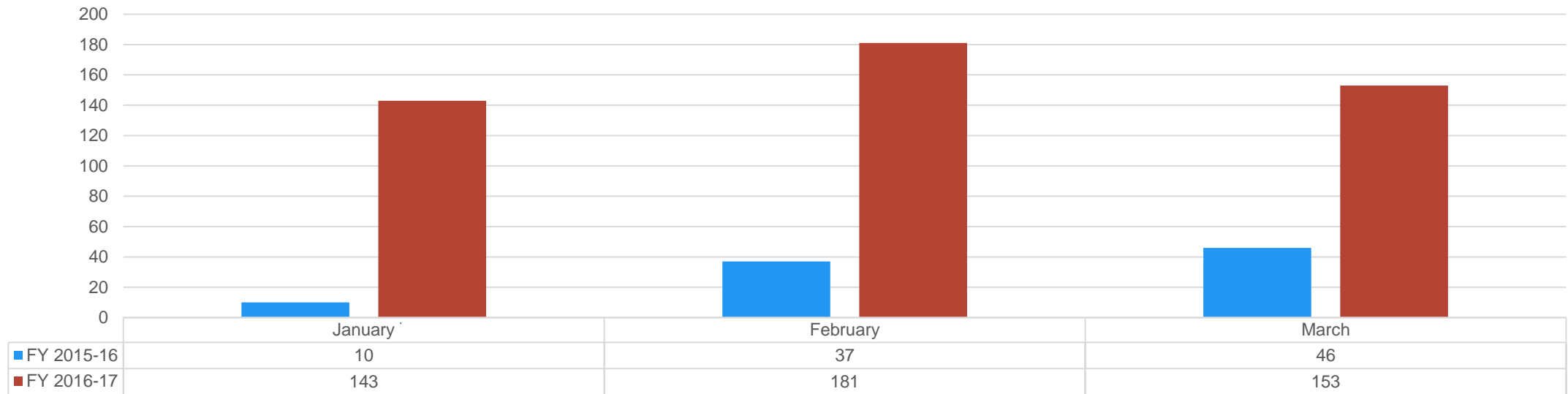
Implemented- BCG Recommendations

- 4.2 Community Collaboration
 - Spay/neuter (s/n) education coordination based on geography
 - Information handouts
- 4.3 Early Childhood Education
 - Grades K through 5
 - 388 students reached
 - Middle and High School Outreach – Grades 6 through 12
 - 277 students reached
 - Collegiate Level
 - 264 students reached

Implemented- BCG Recommendations

- 4.4 Enforcement of Spay and Neuter
 - Unaltered citations written

Unaltered Citations Written



- Data sharing/Care Team

Implemented- BCG Recommendations

- 5.1 Open Access to ACS Data
 - Field, Shelter and Medical data posted online
- 5.2 Shared Workload (rescue/transfer and community partners)
 - Quarterly meetings scheduled– next Tuesday, May 9th, 6pm–8pm
- 5.3 Inclusive, fact-based dialogue
 - Daily scorecard
 - Monthly statistics reporting

Implemented- BCG Recommendations

- 6.2 Increase funding to support improvements
 - City Council approved \$2.7m increase for FY 2016-17
- 6.3 Project Manager/Data Analyst to track progress
 - Both positions hired and in place

Implemented- BCG Recommendations

- 7.1 ACS Employee Alignment to Plan & Metrics
 - Chameleon improvements implemented
- 7.2 Increased Volunteer Resources
 - Foster program to support ACS programs
 - Implemented November 2016
 - 26 Foster homes for puppies
 - 56 Fostered puppies
 - 28 Foster homes for adult dogs

In Progress – BCG Recommendations

- Loose dogs
 - 2.3 Community Education
 - Early Childhood Education
 - Planned Summer reading program at Dallas Public Library
 - Multiple schools and school districts participating in Arts in Shelter and Kids Reading to Pets programs
 - BIG Thought - Summer enrichment programs
 - CARE program – Community Animal Resource Effort
 - Brings resources to families with pets in need
 - Provides education to under-served communities
 - Builds relationships between residents and ACS and helps owners stay in compliance with Local laws

In Progress – BCG Recommendations

- Loose dogs
 - 2.3 Community Education Metrics

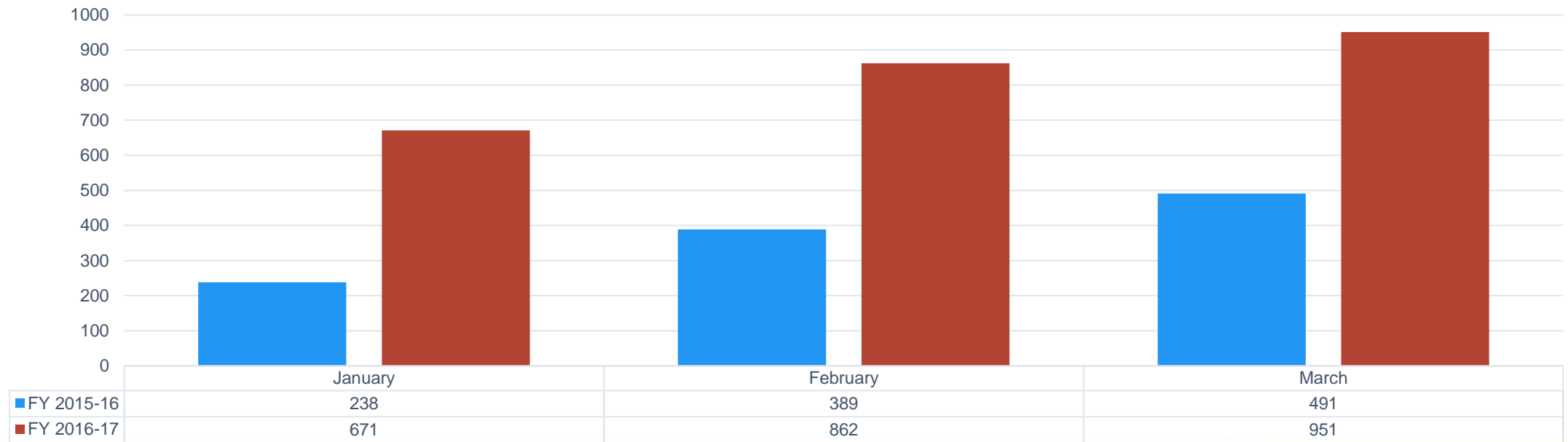
CARE Team Stats			
	January	February	March
Houses visited	478	502	473
Violations left	44	28	37
Citations written	68	54	40
RTO's	36	0	15
Intakes	52	16	39
Pet Resources Given	222	218	145
Volunteer Hours Completed	22.5	21.25	23
Transported for spay/neuter	46	56	77

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In Progress – BCG Recommendations

- Loose dogs
 - 2.4 Enforcement & Effectiveness Metrics

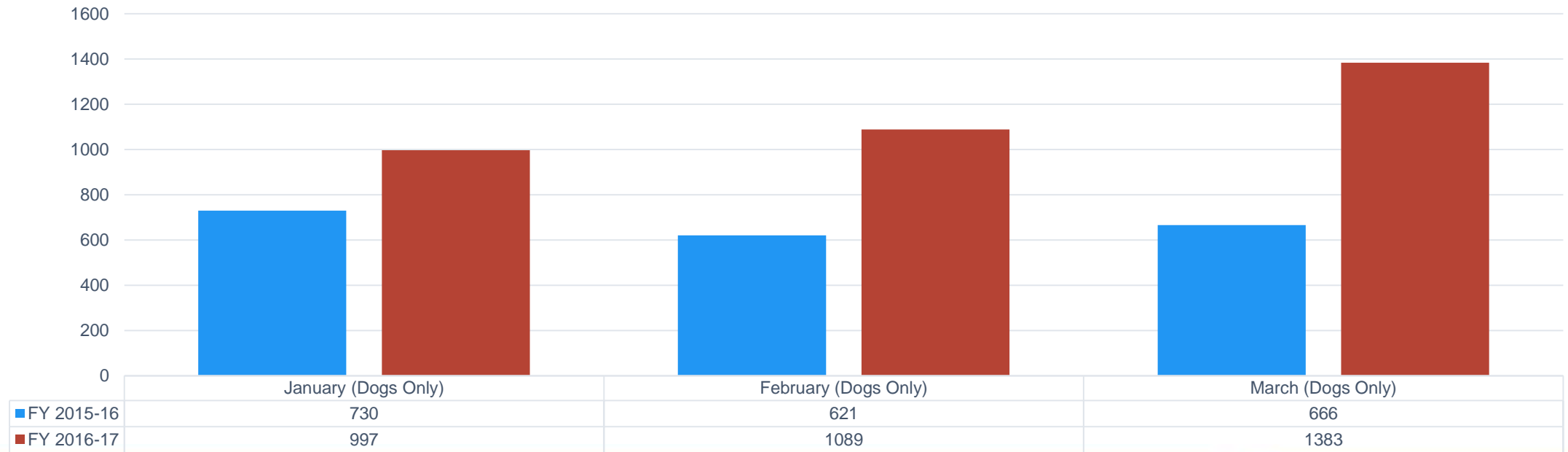
All Citations Issued



In Progress – BCG Recommendations

- Loose dogs
 - 2.4 Enforcement and Effectiveness Metrics

Field Impounds (Dogs Only)



In Progress – BCG Recommendations

- Loose dogs
 - 2.4 Enforcement & Effectiveness
 - Proposed ordinance changes support BCG recommendations (draft ordinance attached)
 - Citation dismissal with proof of compliance within 20 days for S/N, vaccination, registration
 - Strengthened requirements for Breeder Permit
 - Must be member of purebred animal club or licensed by Texas Occupation Code
 - Limits number of litters per animal while possessing valid permit

In Progress – BCG Recommendations

- Loose dogs
 - 2.4 Enforcement & Effectiveness
 - Additionally, drafted ordinance also:
 - Adopt stand-alone department for “Animal Care Services”
 - Creates Director of Animal Care Services and duties
 - Animal Advisory Commission meets minimum 4 times per year
 - Updates owner notification animal hold times
 - Updates definitions and terms
 - Animal Advisory Commission continues review of other recommendations
 - Mandatory Microchip vs. Registration
 - Tethering

In Progress – BCG Recommendations

- Live Release Rate
 - 3.1 Digital Marketing
 - An average of 39,174 people a day reached
 - February surpassed 50,000 fans

Metric	11/14/2015 – 3/31/2016	11/14/2016 – 3/31/2017	% Change
People Engaged	395,623	422,728	6.85%
Average # of People Engaged a Day	2,888	3,063	6.06%
Number of People Reached	3,855,031	5,406,010	40.23%
Average # of Reached a Day	28,139	39,174	39.22%
New Fans	3,310	5,430	64.02%
Video Views	109,486	584,186	433.57%

In Progress – BCG Recommendations

- Live Release Rate
 - 3.1 Digital Marketing
 - ACS in the news
 - Positive news on adoption events have increased public awareness resulting in more adoptions
 - ACS partnered with Universal K9 providing high energy dogs for drug detection at DISD and Ferris ISD
 - ACS rescues cat from 25-foot hole
 - ACS determines through microchip that cat was lost in Denver, CO in June 2016
 - Owner flew out from Denver to pick up Harvey in April 2017

In Progress – BCG Recommendations

- Live Release Rate

- 3.2 Adoption Footprint

- Adoption

- Improved and increased photos of animals for marketability of animals
 - Increased Facebook promotion of animals
 - Everyday Adoption Center (EAC)

EAC Adoptions January – March 2017	
January	126
February	179
March	226

In Progress – BCG Recommendations

- Live Release Rate
 - 3.2 Adoption Footprint
 - ACS attended Maddie's Fund Foster Program Apprenticeship in Austin
 - Foster program update
 - Foster homes for puppies
 - Coordinated adult dog foster homes with rescue partners to transport
 - Pilot kitten and cat fosters homes

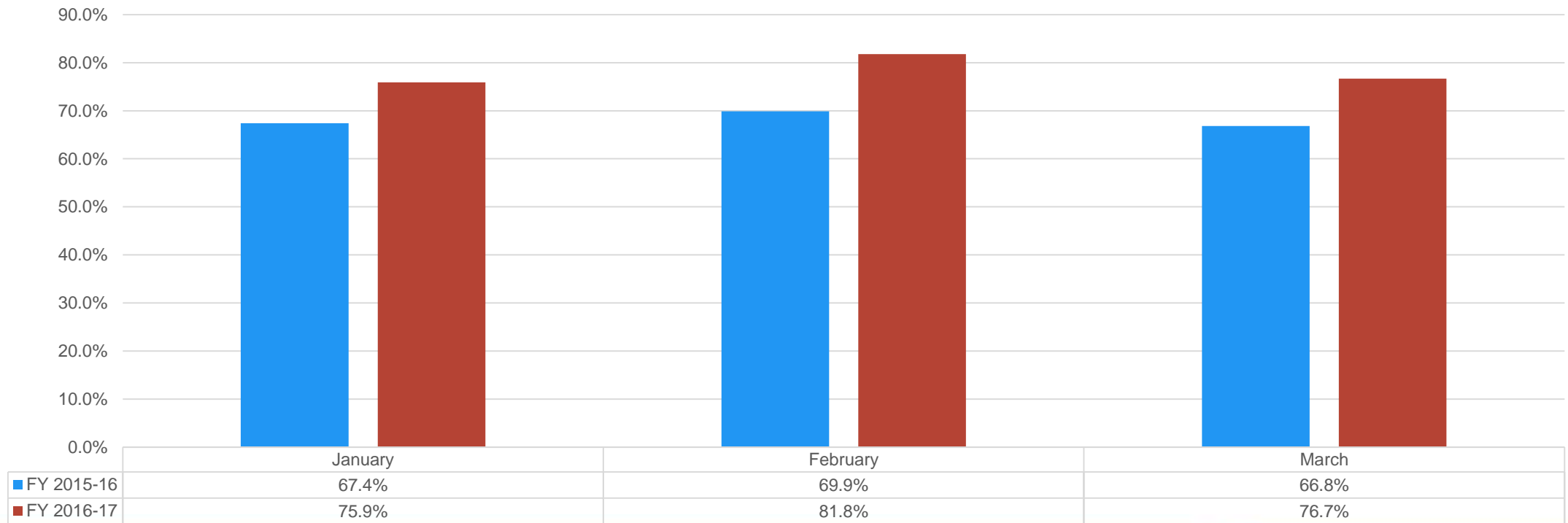
In Progress – BCG Recommendations

- Live Release Rate
 - 3.3 High-Volume Transfer Partner & Account Management
 - 1 Transfer Coordinator - begins 4/26/2017
 - Transfer Agreement AA completed between SPCA and Operation Kindness
 - 3.4 Transport Program
 - Options will be reviewed in FY 2017/18

In Progress – BCG Recommendations

- Live Release Rate Metrics

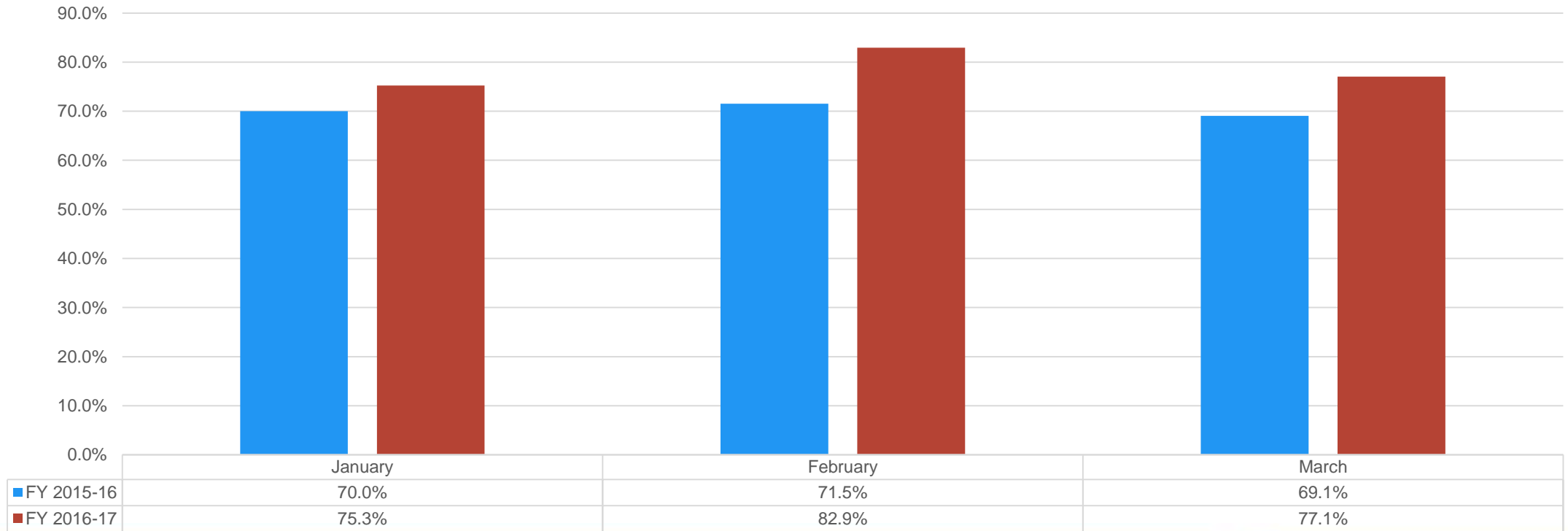
ALL ANIMALS



In Progress – BCG Recommendations

- Live Release Rate Metrics

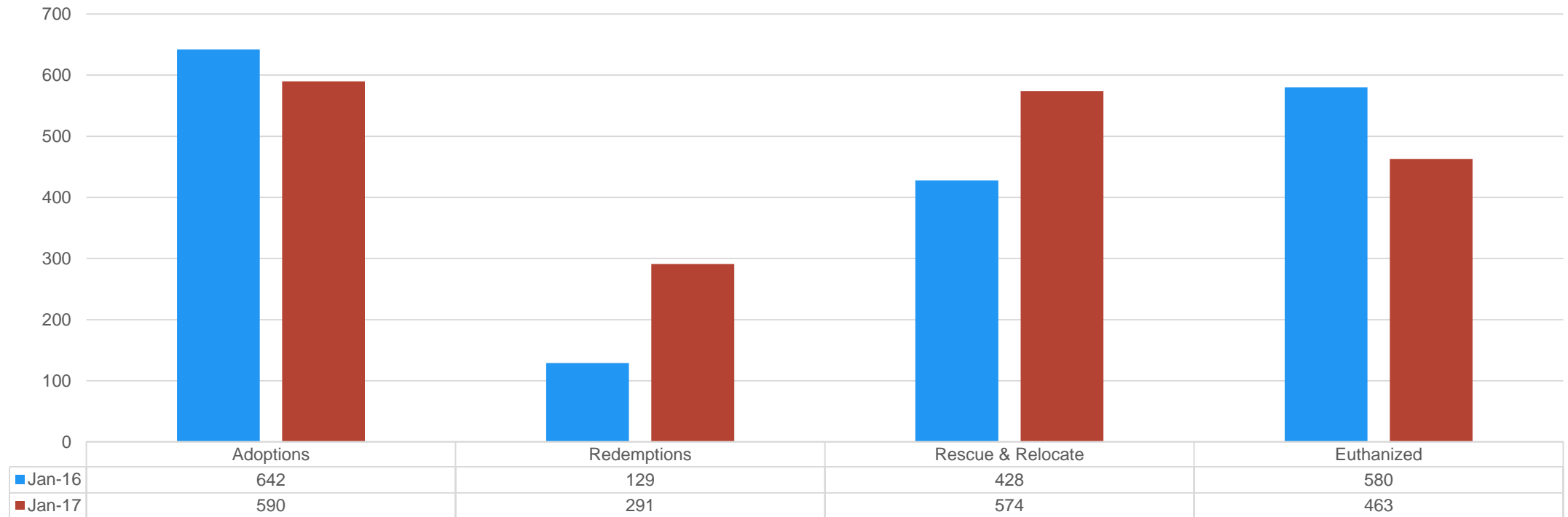
DOGS ONLY



In Progress – BCG Recommendations

- Live Release Rate Metrics

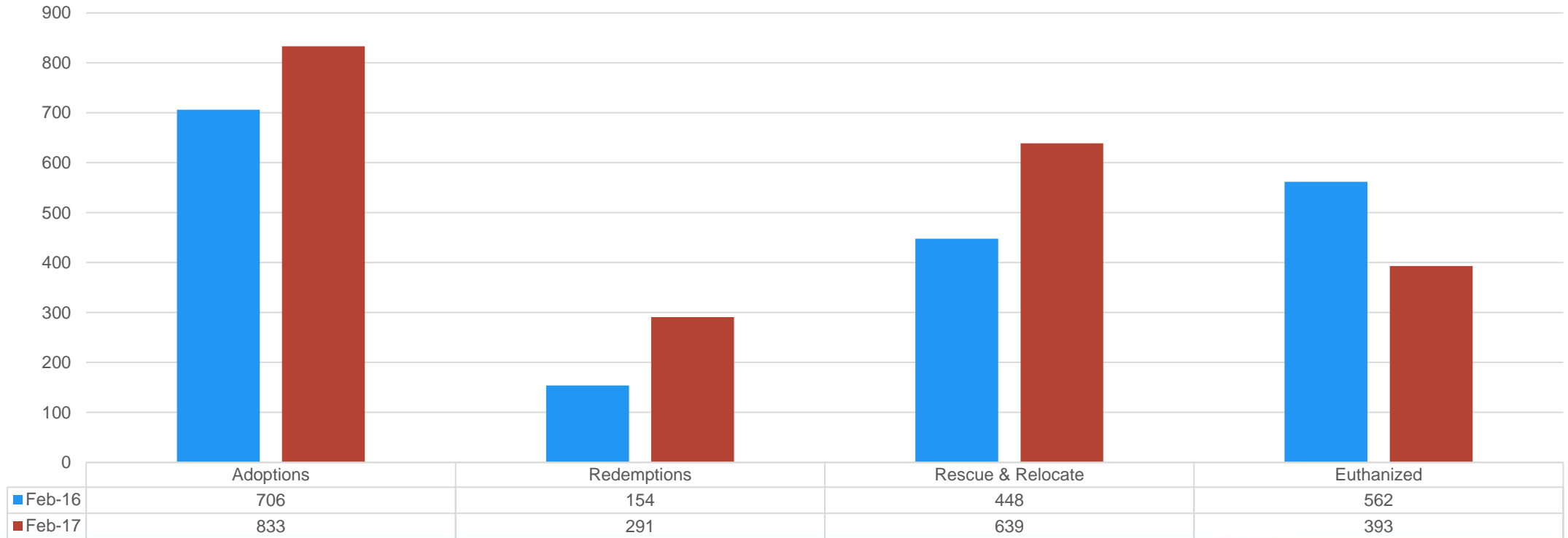
JANUARY 2016 & 2017 COMPARISON



In Progress – BCG Recommendations

- Live Release Rate Metrics

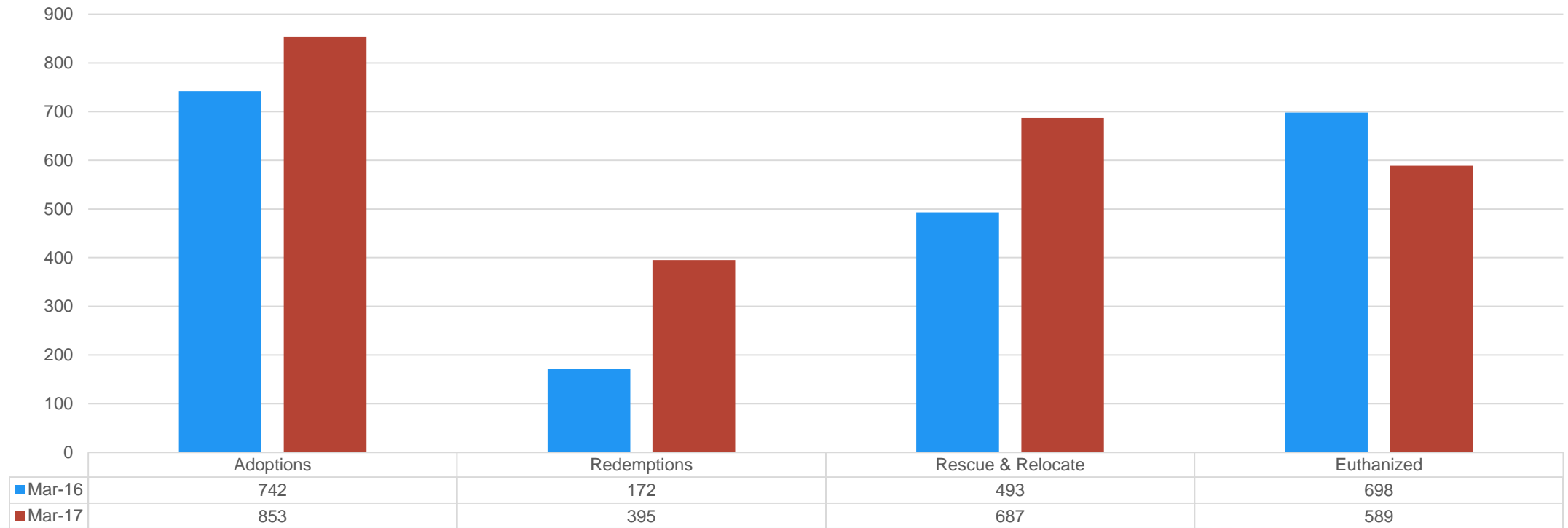
FEBRUARY 2016 & 2017 COMPARISON



In Progress – BCG Recommendations

- Live Release Rate Metrics

MARCH 2016 & 2017 COMPARISON



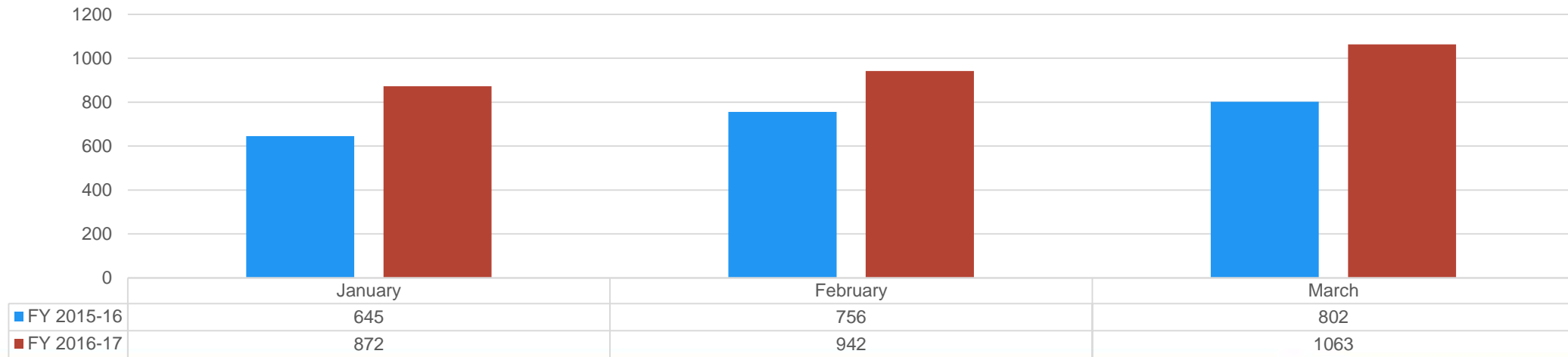
In Progress – BCG Recommendations

- Live Release Rate
 - 3.5 Surrender Deflection
 - Dallas Pets Alive - Positive Alternatives to Shelter Surrender (PASS) 406 interviews and 89 deflections between December 2016 – March 2017
 - SPCA Retention Program - 63 Interviews and 13 deflections between December 2016 – March 2017
 - 3.7 Hire Veterinarians
 - 3 Veterinarian positions (1 FTE – 2 Part-time)

In Progress – BCG Recommendations

- Spay/Neuter
 - 4.1 High Volume Of S/N's
 - Spay Neuter Network (SSN) and Texas A&M Internship
 - Spay/Neuter Coalition

ACS - Spay Neuter Surgeries



In Progress – BCG Recommendations

- Accountability
 - 6.1 Dallas Animal Services as Stand-Alone Department
 - Reorganized as stand-alone Animal Care Services department
 - National search for director underway and to be completed by July 2017
 - 6.4 Animal Advisory Commission Changes
 - BCG recommended subcommittees be created
 - 6.5 Exempt from Civil Service Hiring
 - Management recommends remaining in civil service

In Progress – BCG Recommendations

- Efficiency
 - 7.1 ACS Employee Alignment to Plan & Metrics
 - Employee Performance Metrics
 - ACS will use Chameleon data to create metrics to measure ACS employee activity

Next Steps

- Receive QOL Committee input and direction
- Continue implementation of recommendations and quarterly updates to Committee

Animal Care Services – BCG Recommendations Update

Quality of Life & Environment

April 24, 2017

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Animal Care Services



City of Dallas

**FOR DISCUSSION
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3-3-17

ORDINANCE NO. _____

An ordinance amending Chapter 2, “Administration,” of the Dallas City Code by amending Section 2-157; amending Chapter 7, “Animals,” of the Dallas City Code by amending Section 7-1.1, 7-2.5, 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10, 7-4.11, 7-5.4; amending number of required meetings for the commission; clarifying a definition; providing a presumption of abandonment and transfer of ownership; providing additional defenses to prosecution; amending the standard of review for appeal; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article XXIII, “Reserved,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“DEPARTMENT OF ANIMAL CARE SERVICES [RESERVED, SECS. 2-155 THRU 2-156].”

SECTION 2. That Article XXIII, “Reserved,” of Chapter 2, “Administration,” of the Dallas City Code is amended to add the following:

“SEC. 2-155. CREATED; DIRECTOR OF ANIMAL CARE SERVICES.

There is hereby created the department of animal care services of the city of Dallas, at the head of which shall be the director of animal care services who shall be appointed by the city manager. The department will be composed of the director of animal care services and other assistants and employees as the city council may provide upon recommendation of the city manager.

SEC. 2-156. DUTIES OF THE DIRECTOR OF ANIMAL CARE SERVICES.

The director of animal care services shall perform the following duties:

- (1) supervise and administer the department of animal services;

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(2) perform such other duties as may be required by the city manager or the city council.”

SECTION 3. That Subsection (e) of Section 2-157, “Created; Membership; Meetings,” of Article XXIV, “Animal Advisory Commission,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(e) The commission must meet at least four [~~three~~] times a year and may hold additional meetings at the call of the chair.”

SECTION 4. That Section 7-1.1, “Definitions,” of Article I, “General,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“In this chapter:

(1) ADEQUATE SHELTER a clean and sturdy structure large enough to allow the dog to stand erect, sit, turn around, and lie down in normal manner.

(~~2~~[1]) ADOPTER means a person who adopts an animal from an animal shelter or an animal adoption agency.

(~~3~~[2]) ADOPTION AGENCY means an animal welfare organization or animal placement group approved by the director to take impounded dogs and cats from animal services for adoption to the public.

(~~4~~[3]) ANIMAL means any nonhuman vertebrate.

(~~5~~[4]) ANIMAL CARE SERVICES means the division of the department so designated by the director for the purpose of animal care and control and enforcement of this chapter.

(~~6~~[5]) ANIMAL CARE SERVICES OFFICER means an employee of animal services whose duty it is to enforce the provisions of this chapter.

(~~7~~[6]) ANIMAL SHELTER means a city-owned and operated animal shelter facility established for the impoundment, quarantine, care, adoption, euthanasia, and other disposition of unwanted, loose [~~stray~~], diseased, or vicious animals.

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(8[7]) ANIMAL WELFARE ORGANIZATION means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.

(9[8]) AUTHORIZED REGISTRAR means a person issued written permission by the director to register dogs and cats in compliance with this chapter.

(10[9]) CHIEF OF POLICE means the head of the police department of the city of Dallas or a designated representative.

(11[40]) COMPETITION CAT means a pedigreed cat not used for breeding that:

(A) is of a breed recognized by and registered with an approved cat breed registry, such as the American Cat Fanciers Association, the Cat Fanciers' Association, the International Cat Association, or any other cat breed registry approved by the director; and

(B) competes in cat shows or other competition events sponsored by an approved cat breed registry.

(12[44]) COMPETITION DOG means a pedigreed dog not used for breeding that:

(A) is of a breed recognized by and registered with an approved dog breed registry, such as the American Kennel Club, the United Kennel Club, the American Dog Breeders Association, or any other dog breed registry approved by the director; and

(B) shows or competes in a confirmation, obedience, agility, carting, herding, protection, rally, sporting, working, or other event sponsored by an approved dog breed registry.

(13) CONTACT INFORMATION means owner's full name, mailing address, telephone number, and /or electronic mail address.

(14[42]) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. "Conviction" includes disposition of charges against a person by probation or deferred adjudication or deferred disposition.

(15[43]) CURRENTLY VACCINATED means vaccinated against rabies by a licensed veterinarian, with a rabies vaccine licensed by the U.S. Department of Agriculture, and:

(A) not more than 12 months have elapsed since the animal's most recent vaccination date, if the most recent vaccination was with a one-year rabies vaccine or was the animal's initial vaccination; or

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(B) not more than 36 months have elapsed since the animal's most recent vaccination date, if the most recent vaccination was with a three-year rabies vaccine and the animal is a dog or cat that has received at least two vaccinations.

(16[14]) DIRECTOR means the director of the department designated by the city manager to perform the duties assigned in this chapter or the director's authorized representative.

(17[15]) DOMESTIC ANIMAL means:

(A) livestock;

(B) a dog;

(C) a cat;

(D) a ferret;

(E) any bird, other than one in the Falconiforms or Strigiforms Order, that is commonly kept as a human's companion;

(F) any "pocket pet," such as a mouse, hamster, gerbil, guinea pig, or rabbit, that is commonly kept as a human's companion;

(G) any fish, such as a goldfish or tropical fish, that is commonly kept as a human's companion; and

(H) any non-venomous and non-constrictor reptile or amphibian that is commonly kept as a human's companion.

(18[16]) EUTHANASIA means to put an animal to death in a humane manner.

(19[17]) FENCED YARD means an area that is completely surrounded by a substantial fence of sufficient strength, height, construction, materials, and design as to prevent:

(A) any animal confined within from escaping; or

(B) the head of a dog confined within from extending over, under, or through the fence.

(20[18]) FERAL CAT means any homeless, wild, or untamed cat.

(21[19]) LICENSED VETERINARIAN means a person licensed to practice veterinary medicine within the United States, or an authorized representative under that person's direct supervision.

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(22[20]) LIVESTOCK means any fowl, horse, mule, burro, ass, cattle, sheep, swine, goat, llama, emu, ostrich, or other common farm animal.

(23) LOOSE means an animal that is not restrained in a fenced yard, in an enclosed pen or structure, or by a tether or leash.

(24[21]) MICROCHIP [~~IMPLANT~~] means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of the animal by its owner.

(25[22]) ONE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog, cat, or ferret against rabies for one year.

(26[23]) OWN means to have legal right of possession or to otherwise have care, custody, possession, or control of an animal.

(27[24]) OWNER means any person owning, harboring, or having care, custody, possession, or control of an animal. An occupant of any premises on which a dog or cat remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of seventeen (17) years owns an animal, the parent, legal guardian, or head of the household shall be the owner for purposes of this chapter. There may be more than one person responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to, a pet sitter and/or trainers.

(28[25]) PERMITTEE means a person issued an breeding [~~intact animal~~] permit under Section 7-4.11 of this chapter.

(29[26]) PERSON means an individual or group of individuals acting in concert, a firm, partnership, association, corporation, or other legal entity.

(30[27]) PET means a domestic animal to be kept as a human's companion.

(31[28]) PROHIBITED ANIMAL means:

(A) a "dangerous wild animal" as that term is defined in Section 822.101 of the Texas Health and Safety Code, as amended;

(B) a margay, badger, wolf, dingo, elephant, hippopotamus, rhinoceros, non-human primate (other than a spider monkey or capuchin), crocodile, alligator, caiman, gavial, venomous amphibian or reptile, racer, boa (other than a red-tail boa), water snake, python (other than a ball python), hawk, eagle, vulture, and owl; and

(C) any hybrid of an animal listed in Paragraph (A) or (B) of this subsection (other than a dog-wolf hybrid).

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(32[29]) PROTECTIVE CUSTODY means the holding of an animal in a city animal shelter:

- (A) due to the arrest, eviction, hospitalization, or death of the animal's owner;
- (B) pursuant to a court order; or
- (C) at the request of a law enforcement agency.

(333[30]) REGULATED ANIMAL means any non-human animal other than a prohibited animal or domestic animal.

(34[31]) RETAIL PET STORE means a business that regularly sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business.

(35[32]) SERVICE ANIMAL means:

- (A) any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; and
- (B) any trained animal used by a governmental agency in police and rescue work.

~~[33 STRAY means an unrestrained domestic animal that is outside the boundaries of the premises owned, leased, or legally occupied by the animal's owner.]~~

(36[34]) THREE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog or cat against rabies for three years."

SECTION 5. That Section 7-2.5, "Impoundment of Animals," of Article II, "Animal Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

“(a) The director or the chief of police is authorized to impound:

- (1) any animal in the city that is a loose animal ~~[not restrained by a tether or leash, fenced yard, or enclosed structure];~~
- (2) any animal for protective custody;
- (3) any animal required to be quarantined under Section 7-2.4;

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- (4) any animal seized pursuant to a warrant or court order;
- (5) any prohibited animal kept in the city in violation of Section 7-6.1; and
- (6) any animal posing a threat to the public health or safety.

(b) If an animal is impounded, the director shall make a reasonable effort to locate the animal's owner by sending notice by electronic mail, regular mail, or hand delivery to the last known address of the owner obtained from the animal's registration tag, vaccination tag, microchip, or other identification.

(1) A notice delivered pursuant to this subsection shall be deemed to be received on the earlier of the date it is actually received, or the third day following the date upon which the notice was sent. On the seventh calendar day following receipt of notice, the animal becomes the sole property of the city and is subject to disposition as the director deems appropriate.

(2) If the director is unable to locate contact information of the animal's owner from the animal's registration tag, vaccination tag, microchip, or other identification, the animal shall be held at an animal shelter for a period of 72 hours, after which the animal becomes the sole property of the city and subject to disposition as the director deems appropriate.

If an animal described in Subsection (a) is on private property or property of the animal's owner, the impounding officer may enter the property for the purpose of impoundment or issuance of a citation, or both.

(c) The director is the designated caretaker of a loose [~~stray~~], impounded, or surrendered animal immediately upon intake at the animal shelter.

(d) No animal impounded at a city animal shelter or in the custody or control of animal services may be knowingly sold, released, or otherwise disposed of for research purposes.”

SECTION 6. That Section 7-3.1, “Proper Restraint,” of Article III, “Care and Treatment of Animals,” of Chapter 7, “Animals,” of the Dallas City Code is renamed “Loose Animals.”

SECTION 7. That Subsection (d) of Section 7-3.1, “Loose Animals,” of Article III, “Care and Treatment of Animals,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(d) It is a defense to prosecution under Subsection (b) that the animal was a dog and was tethered:

- (1) in a manner complying with Section 7-4.7 of this chapter [~~and~~

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~~(2) for a reasonable period of time, not to exceed three hours in a 24 hour period, and no longer than necessary for the owner to complete a temporary task that required the dog to be restrained].”~~

SECTION 8. That Subsection (b) of Section 7-4.1, “Vaccination of Dogs and Cats,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(b) It is a defense to prosecution under Subsection (a) that the dog or cat is:

(1) under four months of age; [ø]

(2) unable to be vaccinated due to health reasons as verified by a licensed veterinarian; or

(3) that the person charged produces to the court a certificate of vaccination from a licensed veterinarian showing the dog or cat was vaccinated at the time the citation was issued or within 20 days from the date the citation was issued.”

SECTION 9. That Section 7-4.2, “Microchipping [~~Registration~~] of Dogs and Cats,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(a) An owner of a dog or cat commits an offense if [~~:]~~ the dog or cat is not currently implanted with a registered microchip under this article before the animal attains four (4) months of age

[~~(1) the dog or cat is not currently registered with the city under this article;~~

~~(2) the dog or cat is not wearing a collar or harness with a current registration tag issued by the director or an authorized registrar securely attached to it; or~~

~~(3) the owner fails to show a current registration receipt and registration tag for the dog or cat upon request by the director or a peace officer].~~

(b) It is a defense to prosecution under Subsection (a) that:

(1) the dog or cat was under four months of age;

(2) the dog or cat was being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization; [ø]

(3) the owner of the dog or cat has resided in the city for fewer [~~less~~] than 30 days;

(4) the dog or cat qualifies for a medical exception from a licensed veterinarian;

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or

(5) the dog or cat owner is a not a resident of the city and is staying in the city for fewer than 60 days.

(6) that the person charged produces to the court proof of a registered microchip showing that the dog or cat was implanted with a microchip at the time the citation was issued or within 20 days from the date the citation was issued.

(c) The owner or keeper of a dog or cat shall maintain current microchip registration with a microchip registration company [~~To obtain a registration receipt and registration tag for a dog or cat, the owner must present the dog's or cat's current certificate of vaccination (or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian) to the director or an authorized registrar and proof of sterilization or a valid breeding permit and pay to the director or authorized registrar the annual registration fee. No refund of the annual registration fee will be made].~~

(1) The owner or keeper of a microchipped dog or cat shall update his or her contact information, including address and telephone number, with the microchip registration company within 30 days of the change in the contact information; or

(2) If there is a change in ownership of a dog or cat, the new owner or keeper shall be responsible for providing the microchip registration company with his or her contact information, including address and telephone number, within 30 days of the change in ownership.

~~[(d) The annual registration fee is:~~

~~(1) \$7 for a spayed or neutered dog or cat; and~~

~~(2) \$30 for an unspayed or unneutered dog or cat; only an animal described in Section 7-4.10(b) may be registered as an unspayed or unneutered dog or cat.~~

~~(e) No fee is required for the registration of a dog or cat that is:~~

~~(1) used as a service animal; or~~

~~(2) spayed or neutered and owned by and residing with a person who is over 65 years of age, except that no more than three dogs, cats, or combination of dogs and cats may be registered under this paragraph.~~

~~(f) Upon presentation of a current certificate of vaccination (or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian) and upon payment of the appropriate registration fee or submission of proof of exemption from the fee under Subsection (e), the director or authorized registrar will issue a registration receipt and registration tag to the owner that will be valid for one year after the date of issuance. The registration tag must indicate the year of registration, whether the animal is sterilized or unsterilized, and such other information as determined by the director.~~

~~(g) If the director does not receive payment of the initial registration fee for a dog or cat within 45 days after notifying the owner to register the dog or cat, a \$10 late fee will be added to the registration fee. If the director does not receive an application for renewal of a registration~~

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within 45 days after the expiration of the registration, a \$10 late fee will be added to the registration fee.

~~(h) The registration receipt and registration tag are specific to the animal for which they were issued and are not transferable to another animal.~~

~~(i) If a registration tag is lost or mutilated, a duplicate registration tag may be purchased from the director or an authorized registrar for a fee of \$5].”~~

SECTION 10. That Subsection (b) of Section 7-4.7, “Tethered Dogs,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(b) The following requirements apply to a dog tethered within the city:

(1) The dog must be properly fitted with and wearing a harness or collar made of leather, ~~[or]~~ nylon, or a similar material, and cannot be a chain.

(2) The tether must be attached to the dog’s harness or collar and not directly to the dog’s neck.

(3) The tether must be at least five times the length of the dog as measured from the tip of the dog’s nose to the base of the dog’s tail or ten feet, whichever is greater [10 feet long].

(4) The tethering device must allow the dog access to potable drinking water.

(5) The tethering device must allow the dog access to adequate shelter that protects the dog from direct sunlight, exposure to extreme temperatures, and standing water within the structure.”

SECTION 11. That Subsection (b) of Section 7-4.10, “Restriction on Unsterilized Dogs and Cats,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(b) It is a defense to prosecution under Subsection (a) that:

(1) the animal is under six months of age;

(2) a licensed veterinarian certifies annually that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;

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- (3) the animal is being held for sale by a retail pet store or held for adoption by animal services or an animal welfare organization;
- (4) the animal is certified annually as a competition cat or competition dog;
- (5) the person charged produces to the court a certificate of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the citation was issued or within 20 days from the date the citation was issued [the animal is a service animal]; or
- (6) the owner holds a valid breeding [~~intact animal~~] permit issued under Section 7-4.11 of this chapter for the animal.”

SECTION 12. That Section 7-4.11, “Intact Animal Permit,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-4.11. BREEDING [~~INTACT ANIMAL~~] PERMIT.

(a) A person commits an offense if he breeds or allows the breeding of a dog or cat without a valid breeding [~~intact animal~~] permit for the dog or cat. A separate permit is required for each dog or cat that the person keeps unsterilized for breeding purposes.

(b) A ~~n~~ breeding [~~intact animal~~] permit may only be issued for a dog or cat:

(1) upon submission of a completed application on a form prescribed by the director;

(2~~+~~) that is currently in compliance with the vaccination requirements of Section 7-4.1 of this chapter;

(3~~2~~) that is currently in compliance with the microchipping [~~registration~~] requirements of Section 7-4.2 of this chapter;

(4~~3~~) that is injected with a microchip [~~implant~~] and registered with a national registry for purposes of identification and/or recovery of the animal by its owner, unless a licensed veterinarian certifies that the dog or cat should not be injected with a microchip implant for health reasons;

(5) that is approved to breed following an examination within 90 days prior to submission of a breeding permit application and by a licensed veterinarian; and

(6~~4~~) whose owner:

(A) is a member of a purebred dog or cat club, approved by the director, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life threatening health problems common to the breed; or

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(B) holds a license as required by Texas Occupation Code, §802.101 for each facility owned or operated in the state [has, at the owner's expense, satisfactorily completed a course on responsible pet ownership offered by the city or otherwise approved by the director].

(c) To obtain a [n] breeding [intact animal] permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual breeding [intact animal] permit fee of \$100. The breeding [intact animal] permit application must include:

(1) the name, address, and telephone number of the applicant;

(2) the location where the dog or cat is harbored;

(3) a description of the dog or cat, including but not limited to a photograph of the animal;

(4) proof that the animal is qualified for a [n] breeding [intact animal] permit under Subsection (b) of this section; and

(5) any other information determined necessary by the director for the enforcement and administration of this section.

(d) A [n] breeding [intact animal] permit expires one year after the date of issuance and may be renewed by applying in accordance with Subsection (c) of this section. If the director does not receive an application for a permit renewal within 45 days after the expiration of the permit, a \$10 late fee will be added to the permit fee.

(e) A [n] breeding [intact animal] permit is not transferable.

(f) A permittee commits an offense if he allows a permitted female dog or cat to have more than one litter during the permit term.

(g) It is a defense to prosecution under Subsection (f) that the permittee:

(1) received written authorization from the director under Subsection (h) of this section to allow the female dog or cat to have two litters during the permit term; and

(2) did not allow the female dog or cat to have more than the number of litters authorized by the director for the permit term.

(h) Upon request of a permittee, the director may, in writing, authorize the permittee to allow a permitted female dog or cat to have two litters during the permit term if the permittee establishes, according to regulations adopted by the director, that:

(1) having two litters during the permit term is required to:

(A) protect the health of the female dog or cat; or

(B) avert a substantial economic loss to the permittee; or

(2) previously in the permit term, the female dog's or cat's litter was euthanized or did not survive for other reasons.

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(i) A permittee commits an offense if the permittee:

(1) allows the offspring of a female dog or cat for which he holds a ~~an~~ breeding ~~[intact animal]~~ permit to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks of age and have been vaccinated against common diseases;

(2) fails to keep a permitted dog or cat restrained pursuant to Section 7-3.1 of this chapter;

(3~~2~~) fails to prominently display the breeding ~~[intact animal]~~ permit number on any advertisement by the permittee for the sale, adoption, or other transfer of any dog or cat, regardless of compensation; or

(4~~3~~) sells, adopts, or otherwise transfers any dog or cat, regardless of compensation and fails to:

(A) include a statement signed by the permittee attesting to knowledge of the animal's health and immunization history;

(B) prominently display the breeding ~~[intact animal]~~ permit number on any sales receipt or transfer document;

(C) provide the breeding ~~[intact animal]~~ permit number to any person who purchases, adopts, or receives any dog or cat from the permittee;

(D) provide written information regarding the vaccination, microchipping ~~[registration]~~, and sterilization requirements of this chapter applicable to the dog or cat; or

(E) provide to the director (on a form provided by the director for that purpose) the name, address, and telephone number of the dog's or cat's new owner within five days after the date of the sale, adoption, or other transfer of the animal.

(j) The director shall deny or revoke a ~~an~~ breeding ~~[intact animal]~~ permit if the director determines that the applicant or permittee:

(1) failed to comply with any provision of this chapter; or

(2) intentionally made a false statement as to a material matter on the breeding ~~[intact animal]~~ permit application.

(k) If the director denies or revokes a ~~an~~ breeding ~~[intact animal]~~ permit, the director shall notify the applicant or permittee in writing of the action and a statement of the right to an appeal. The applicant or permittee may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code. The filing of an appeal stays an action of the director in revoking the permit until the permit and license appeal board makes a final decision.”

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SECTION 13. That Section 7-5.4, “Appeals,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“If, under Section 7-5.3 of this article, the director determines that a dog is dangerous or orders a dangerous dog to be permanently removed from the city, that decision is final unless the dog owner files a written appeal with the municipal court within 15 days after receiving notice that the dog has been determined to be dangerous or ordered to be removed from the city. The appeal is limited to a hearing under the substantial evidence rule [~~a de novo hearing~~] and is a civil proceeding for the purpose of affirming or reversing the director’s determination of dangerousness or affirming, reversing, or modifying the director’s removal order. If the municipal court allows a dangerous dog to remain in the city, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.5 of this article and may order additional conditions for maintaining ownership of a dangerous dog.”

SECTION 14. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 15. That Chapters 2 and 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

SECTION 16. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 17. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 18. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

