

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTION 2-1-102 RELATING TO THE ANIMAL ADVISORY COMMISSION; AND AMENDING CERTAIN SECTIONS OF CITY CODE CHAPTER 3-1 (*GENERAL PROVISIONS*): ADDING CONFORMING DEFINITIONS TO SECTION 3-1-1; AMENDING SECTION 3-1-21 TO MANDATE CORE IMMUNIZATIONS UPON INTAKE AT IMPOUND FACILITIES; AMENDING SECTION 3-1-23 RELATING TO FEE WAIVERS; MAKING CONFORMING CHANGES TO SECTION 3-1-25 RELATING TO DISPOSITION OF AN IMPOUNDED ANIMAL; ADDING SECTION 3-1-26 REQUIRING NOTICE TO RESCUE ORGANIZATIONS; AMENDING SECTION 3-1-27 REVISING ANIMAL SHELTER REPORT CONTENT; AND AMENDING 3-1-29 MANDATING ANIMAL STERILIZATION.

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

**PART 1.** Subsection (E) of City Code Section 2-1-102 (*Animal Advisory Commission*) is amended to read:

(E) The commission shall:

- (1) advise the city council and the Travis County Commissioners Court on compliance with Texas Health and Safety Code Chapter 823 (*Animal Shelters*), city code, and council objectives;
- (2) advise the city council on animal welfare policies and on budget priorities identified by the commission and the community, except on issues related to the administration of the Animal Services Department;
- (3) advise the Travis County Commissioners Court on animal welfare policies;

- 28 (4) promote collaboration between the City and private citizens,  
29 institutions, and agencies interested in or conducting activities  
30 relating to animal welfare in the city;
- 31 (5) identify proactive, creative approaches to engage and facilitate  
32 communication within the animal welfare community; and
- 33 (6) foster and assist the development of animal welfare programs in  
34 the community.

35 **PART 2.** City Code Section 3-1-1 (*Definitions*) is amended to add new  
36 definitions of “irremediably suffering” “licensed veterinarian,” and “rescue  
37 organization,” to read as follows, and to renumber the remaining definitions  
38 accordingly:

- 39 (7) **IRREMEDIABLY SUFFERING** means an animal who has a  
40 poor or grave prognosis for being able to live without severe,  
41 unremitting physical pain even with comprehensive, prompt,  
42 and necessary veterinary care, as certified in writing by a  
43 licensed veterinarian.
- 44 (8) **LICENSED VETERINARIAN** means a veterinarian licensed to  
45 practice veterinary medicine in the State of Texas.
- 46 (14) **RESCUE ORGANIZATION** means an organization that is:
- 47 (a) described in section 501(c)(3) of the Internal Revenue  
48 Code and exempt from taxation under 501(a) of that  
49 Code; and that is also
- 50 (b) an animal rescue organization, animal adoption  
51 organization, or organization formed for the prevention  
52 of cruelty to animals.

53 **PART 3.** Subsection (C) of City Code Section 3-1-21 (*Impound Facilities*) is  
54 amended to read:

- 55 (C) Immediately upon intake, as the designated caretaker, the city  
56 manager, through the animal control supervisor, is authorized to and  
57 must provide each appropriate aged impounded animal with core  
58 immunizations as defined by the Association of Shelter Veterinarian  
59 guidelines, by a licensed veterinarian employed by the city or by a  
60 person under the veterinarian's supervision, who is familiar with the  
61 common infectious diseases affecting dogs and cats of Travis County,  
62 along with any other necessary treatment the veterinarian determines  
63 is appropriate for the animal.

64 **PART 4.** City Code Section 3-1-23 (*Fee Waivers*) is amended to read:

65 **§ 3-1-23 - FEE WAIVERS.**

- 66 (A) The city manager or the manager of an animal shelter [~~may~~] must  
67 waive a fee assessed against an owner reclaiming an impounded  
68 animal if:

- 69 (1) the animal shelter intends to destroy the animal;  
70 (2) the owner presents a written statement of inability to pay; or  
71 (3) the animal is sterile or the owner agrees to sterilize the animal.

72 ~~[(B) The city manager may waive a fee assessed against a person adopting~~  
73 ~~or rescuing an impounded animal if the animal is:~~

- 74 ~~(1) unruly, infirm, or sick;~~  
75 ~~(2) aged; or~~  
76 ~~(3) eight weeks of age or younger; and~~  
77 ~~(4) the animal is sterile or the person agrees to sterilize the animal.]~~

78 (B) The city manager must not assess a fee to a rescue organization for  
79 accepting the transfer of an impounded animal.

80 (C) The city manager may implement fee-waived adoption promotions.

81 **PART 5.** Subsection (B) of City Code Section 3-1-25 (*Disposition of*  
82 *Impounded Animals*) is amended to read:

- 83 (B) Except as provided in subsection (G), the animal shelter ~~[health~~  
84 ~~authority shall]~~ must not euthanize an animal before the animal has  
85 been impounded for seven business days and the notice requirements  
86 of section 3-1-26 are either satisfied, or determined not to apply.

87 **PART 6.** Subsection (G) of City Code Section 3-1-25 (*Disposition of*  
88 *Impounded Animals*) is amended to read:

- 89 (G) Subsection (B[A]) does not apply to an animal that is irremediably  
90 suffering ~~[irremediably physically suffering, as determined and~~  
91 ~~documented in writing by a veterinarian licensed to practice medicine.~~  
92 ~~An animal is experiencing such suffering if it has a poor or grave~~  
93 ~~prognosis for being able to live without severe, unremitting pain even~~  
94 ~~with prompt, necessary, and comprehensive veterinary care].~~

95 **PART 7.** City Code Chapter 3-1 (*General Provisions*) of Title 3 (*Animal*  
96 *Regulation*) is amended to add a new Section 3-1-26 (*Notice to Rescue*  
97 *Organization*) to read:

98 **§ 3-1-26 NOTICE TO RESCUE ORGANIZATION**

- 99 (A) Not less than two business days before the euthanasia of any animal,  
100 the City animal shelter must:
- 101 (1) Notify or make a reasonable attempt to notify by verifiable  
102 written electronic communication any rescue organization that  
103 has previously requested to be notified before animals are  
104 euthanized;
  - 105 (2) Unless there is evidence of neglect or animal cruelty as certified  
106 in writing by a licensed veterinarian, notify or make a  
107 reasonable attempt to notify by verifiable written electronic  
108 communication the owner who surrendered the animal and  
109 inform that person that the animal is scheduled to be killed;
  - 110 (3) Notify or make a reasonable attempt to notify by verifiable  
111 written electronic communication the finder who surrendered

the stray animal and inform that person that the animal is scheduled to be killed;

- (4) Give one of those rescue organizations notified under subsections (1), (2) or (3) possession of the animal to avoid the animal's death if they request it.

(B) The City animal shelter may not euthanize any animal without making the notification required by subsections (A)(1), (2) and (3).

(C) This section does not apply to:

- (1) An animal who is irremediably suffering;
- (2) A dog who has been judicially determined to be dangerous under Texas Health and Safety Code Chapter 822, Subchapter D, as amended and whose release to a rescue organization would violate a court order; or
- (3) A dog with a documented history of unprovoked biting that has resulted in severe physical injury to a person.

(D) This section also applies to animals in utero when a female animal is visibly pregnant.

**PART 8.** City Code Section 3-1-27 (*Reporting by Animal Shelter*) is amended to read:

**§ 3-1-27 - REPORTING BY ANIMAL SHELTER.**

The manager of ~~[an]~~ the animal shelter ~~[shall file]~~ must prepare and make public monthly and annual reports [with the health authority] that include, for the categories of dogs, cats, other pets, and wildlife:

- (1) the ~~[total]~~ number of animals impounded;
- (2) the ~~[total]~~ number of animals ~~[destroyed]~~ euthanized, and for each, a description of the animal, including age, species, and size, and the reason for euthanasia;
- ~~[(3)—a description of each animal impounded or under care of the animal shelter and the date of its impoundment or acceptance;~~
- ~~(4)—the date of sale or disposition of an animal;~~

(5) ~~the purchase price received from the sale of an animal, and the name and address of the purchaser;~~

(6) ~~the amount of fees and expenses incurred or assessed for impound and care of an animal; and~~

(7) ~~the name of an animal's owner, if known.]~~

(3) the live-release rate, which must be calculated by dividing the number of animals released alive during the reporting period by the number of animals with final dispositions during the same period; animals released alive are impounded animals that were adopted, transferred to rescue organizations, reclaimed by owner, released, or stolen, and does not include animals in the shelter's foster system; animals with final dispositions are animals released alive and impounded animals that were euthanized, died in kennel or foster, missing, and does include animals euthanized by owner request or court order, but does not include animals in the shelter's foster system;

(4) the number of animals adopted;

(5) the number of animals returned to owner after impoundment, and the number of animals returned to owner before impoundment;

(6) the number of animals placed into the shelter's foster program during the period, and the number of animals within the shelter's foster program on the date of reporting;

(7) the number of animals over four weeks of age that received vaccinations upon intake, and the number of animals over four weeks of age that did not receive vaccinations upon intake;

(8) the amount of money paid to third-party providers of services to the City-operated animal shelter for emergency medical treatment, spaying or neutering, or post-adoption care;

- 171           (9)    the number of animals spayed or neutered at the shelter, and the  
172                   number of animals spayed or neutered outside the shelter under  
173                   a contract with the City of Austin;
- 174           (10) the number of animals that died in the shelter or within the  
175                   shelter's foster program, and the suspected cause of death for  
176                   each;
- 177           (11) the number of animals transferred to a rescue organization, and  
178                   unless a rescue organization opts out of the disclosure in  
179                   writing, the number of animals transferred to and identity of  
180                   each rescue organization that accepted transferred animals  
181                   during the period;
- 182           (12) the number of spays performed on animals that are visibly  
183                   pregnant;
- 184           (13) the number of animals lost, stolen, or missing; and
- 185           (14) the City-operated animal shelter's live-release-rate goal.

186  
187 **PART 9.** City Code Section 3-1-29 (*Sterilization*) is amended to read:

188 **§ 3-1-29 - STERILIZATION.**

189       The city manager or the manager of an animal shelter [~~may~~] must sterilize an  
190       animal if it has been impounded two or more times.

191 **PART 10.** This ordinance except for amended City Code Subsection 3-1-27(3) in  
192 Part 8 takes effect on \_\_\_\_\_, 2019. City Code Subsection 3-1-  
193 27(3) in Part 8 takes effect 180 days thereafter.

**PASSED AND APPROVED**

\_\_\_\_\_, 2019      §  
   §  
   § \_\_\_\_\_  
   Steve Adler  
   Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
                         Anne L. Morgan                           Jannette S. Goodall  
                         City Attorney                           City Clerk