

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,” “rescue
37 organization,” “severe injury” and “unprovoked biting” to read as follows, and to
38 renumber the remaining definitions 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 that has entered or enters a rescue
53 partner agreement with the City animal shelter and
54 remains in compliance with the agreement; and
- 55 (c) that does not have an officer, board member, staff
56 member or volunteer who has a case pending or has been

57 convicted of a criminal offense having as its primary
58 effect the prevention or punishment of animal neglect or
59 animal cruelty or dog fighting with such disqualification
60 as a rescue organization continuing until such time as that
61 officer, board member, staff member or volunteer is no
62 longer associated with the organization.

- 63 (18) SEVERE INJURY means any physical injury from a dog bite
64 that results in broken bones, permanently disfiguring
65 lacerations requiring multiple sutures or cosmetic surgery, other
66 surgery or nerve damage.
- 67
- 68 (20) UNPROVOKED BITING means biting that is not provoked.
69 Biting is provoked if, among other things, it occurs because the
70 dog was being taunted, or the dog was acting in defense of self,
71 a person, another animal, or property, or the dog was acting
72 from maternal instinct, or the dog was reacting to hunger, pain,
73 or fear, or the dog bites accidentally, as when playing.

74

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

77 (C) Immediately upon intake, as the designated caretaker, the city
78 manager, through the [~~animal control supervisor~~] chief animal services
79 officer, is authorized to and must provide each appropriate aged
80 impounded animal with core immunizations as defined by the
81 Association of Shelter Veterinarian guidelines, by a licensed
82 veterinarian employed by the city or by a person under the
83 veterinarian's supervision, who is familiar with the common infectious
84 diseases affecting dogs and cats of Travis County, along with any
85 other necessary treatment the veterinarian determines is appropriate
86 for the animal.

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

88 **§ 3-1-23 - FEE WAIVERS.**

89 (A) The city manager or the manager of an animal shelter [~~may~~] must
90 waive a fee assessed against an owner reclaiming an impounded
91 animal if:

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

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

- 97 ~~(1) unruly, infirm, or sick;~~
- 98 ~~(2) aged; or~~
- 99 ~~(3) eight weeks of age or younger; and~~
- 100 ~~(4) the animal is sterile or the person agrees to sterilize the animal.]~~

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

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

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

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

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

112 (G) Subsection (B[A]) does not apply to an animal that is irremediably
113 suffering [~~irremediably physically suffering, as determined and~~
114 ~~documented in writing by a veterinarian licensed to practice medicine.~~

115 ~~An animal is experiencing such suffering if it has a poor or grave~~
116 ~~prognosis for being able to live without severe, unremitting pain even~~
117 ~~with prompt, necessary, and comprehensive veterinary care].~~

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

121 **§ 3-1-26 NOTICE TO RESCUE ORGANIZATION**

- 122 (A) Not less than two business days before the euthanasia of any animal,
123 the City animal shelter must:
- 124 (1) Notify or make a reasonable attempt to notify by verifiable,
125 documented communication any rescue organization that has
126 previously requested to be notified before animals are
127 euthanized;
 - 128 (2) Unless there is evidence of neglect or animal cruelty as certified
129 in writing by a licensed veterinarian, notify or make a
130 reasonable attempt to notify by verifiable, documented
131 communication the owner who surrendered the animal and
132 inform that person that the animal is scheduled to be killed,
133 unless the person requests not to be contacted;
 - 134 (3) Notify or make a reasonable attempt to notify by verifiable,
135 documented communication the finder who surrendered the
136 stray animal and inform that person that the animal is scheduled
137 to be killed, unless the person requests not to be contacted;
 - 138 (4) Give one of the rescue organizations or persons notified under
139 subsections (1), (2) or (3) possession of the animal to avoid the
140 animal's death if the rescue organization or person requests it.
- 141 (B) The City animal shelter may not euthanize any animal without making
142 the notification required by subsections (A)(1), (2) and (3).
- 143 (C) This section does not apply to:
- 144 (1) An animal who is irremediably suffering;
 - 145 (2) A dog whose release to a rescue organization would violate a
146 court order; or

147 (3) A dog with a documented history of unprovoked biting that has
148 resulted in severe injury to a person.

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

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

153 **§ 3-1-27 - REPORTING BY ANIMAL SHELTER.**

154 The manager of ~~[an]~~ the animal shelter ~~[shall file]~~ must prepare and
155 make public monthly and annual reports, allowing for permissible
156 delay for some data from outside rescue organizations, [with the
157 health authority] that include, for the categories of dogs, cats, other
158 pets, and wildlife:

159 (1) the ~~[total]~~ number of animals impounded;

160 (2) the ~~[total]~~ number of animals ~~[destroyed]~~ euthanized, and for
161 each, a description of the animal, including age, species, and
162 size, and the reason for euthanasia;

163 ~~[(3) a description of each animal impounded or under care of the~~
164 ~~animal shelter and the date of its impoundment or acceptance;~~

165 ~~(4) the date of sale or disposition of an animal;~~

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

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

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

171 (3) the live-release rate, which must be calculated by dividing the
172 number of animals released alive during the reporting period by
173 the number of animals with final dispositions during the same
174 period; animals released alive are impounded animals that were

175 adopted, transferred to rescue organizations, reclaimed by
176 owner, released, or stolen, and does not include animals in the
177 shelter's foster system; animals with final dispositions are
178 animals released alive and impounded animals that were
179 euthanized, died in kennel or foster, missing, and does include
180 animals euthanized by owner request or court order, but does
181 not include animals in the shelter's foster system;

182 (4) the number of animals adopted;

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

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

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

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

195 (9) the number of animals spayed or neutered at the shelter, and the
196 number of animals spayed or neutered outside the shelter under
197 a contract with the City of Austin;

198 (10) the number of animals that died in the shelter or within the
199 shelter's foster program, and the suspected cause of death for
200 each;

201 (11) the number of animals transferred to a rescue organization, and
202 unless a rescue organization opts out of the disclosure in
203 writing, the number of animals transferred to and identity of

204 each rescue organization that accepted transferred animals
205 during the period;

206 (12) the number of spays performed on animals that are visibly
207 pregnant;

208 (13) the number of animals lost, stolen, or missing; and

209 (14) the City-operated animal shelter's live-release-rate goal.

210
211 **PART 9.** City Code Section 3-1-29 (*Sterilization*) is amended to read:

212 **§ 3-1-29 - STERILIZATION.**

213 The city manager or the manager of an animal shelter [~~may~~] must sterilize an
214 animal if it has been impounded two or more times if the animal is medically
215 cleared for the sterilization.

216 **PART 10.** This ordinance except for amended City Code Subsection 3-1-27(3) in
217 Part 8 takes effect on _____, 2019. City Code Subsection 3-1-
218 27(3) in Part 8 takes effect 180 days thereafter.

219 **PASSED AND APPROVED**

220 _____, 2019 §
221 _____, 2019 §
222 _____, 2019 § _____

223 Steve Adler
224 Mayor

225
226 **APPROVED:** _____

227 Anne L. Morgan
228 City Attorney

226 **ATTEST:** _____

227 Jannette S. Goodall
228 City Clerk