

Memorandum



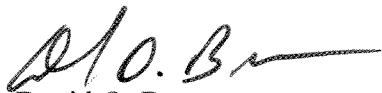
Date June 13, 2008
To Honorable Mayor and Members of the Dallas City Council
Subject Recommended Changes to Chapter 7 “Animals” of the Dallas City Code

On April 28, 2008, staff presented this briefing to the Quality of Life and Government Services Committee. The Quality of Life Committee directed staff to brief the full council on the presentation, while incorporating the following:

- Enforcement Plan
- Cost recovery analysis for Breeder’s Permit fee
- Education/marketing support

On Wednesday, June 18, 2008, you will be briefed on the Recommended Changes to Chapter 7 “Animals” of the Dallas City Code. The briefing is attached for your review.

If you have questions or need additional information, please let me know.



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Interim Assistant City Manager

C: Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge Jay E. Robinson
Ryan S. Evans, First Assistant City Manager
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Jill A. Jordan, P.E., Assistant City Manager
David K. Cook, Chief Financial Officer
Forest E. Turner, Director, Code Compliance Services

Department of Code Compliance

Recommended Changes to Chapter 7 “Animals” of the Dallas City Code

Presented to the Dallas City Council

June 18, 2008



City of Dallas

Overview

- On April 28, 2008, staff presented the Animal Shelter Commission's recommended changes to the Dallas City Code to the Quality of Life and Government Services Committee
- The purpose was to receive comments and guidance on the Commission's recommendations
- This was the first step in the process for considering possible amendments to the Dallas City Code

Overview

- The QOL directed staff to brief the full council on the presentation from April 28, 2008 and incorporate the following:
 - Enforcement plan
 - Cost recovery analysis for breeder permit fee
 - Education/marketing support
- Since April 28, 2008, Code Compliance met with citizens and groups to solicit input and the City Attorney's Office drafted the attached ordinance for Council consideration

Summary of Proposed Changes to Chapter 7

1. Providing tethering restrictions and confinement requirements
2. Limiting the number of dogs and cats per dwelling unit with no common walls to six (or eight if on over half an acre of land)
3. Strengthening dangerous dog regulations
4. Enacting spay/neuter and breeder permit requirements



Recommended Changes Relating to Tethering Restrictions and Confinement Requirements

1a. Tethering Restrictions

Current Practice

- Tethering is allowed
- An owner commits an offense, if he allows the dog to be tethered in any manner or by any method that:
 - allows the dog to leave the premises owned, leased or occupied by the dog's owner;
 - allows the dog to become entangled; or
 - does not allow the dog access to food, water and appropriate shelter if outside.

1a. Tethering Restrictions, (cont'd.)

Proposed Revisions

- Eliminate tethering as a proper restraint unless in the presence of the owner
 - Except when properly tethered for a period no longer than necessary for the owner to complete a temporary task
- Require that if a dog is temporarily tethered,
 - the dog be properly fitted with and wearing a collar or harness of leather or nylon;
 - that the tether be attached to the harness or collar and not directly to the dog's neck; and
 - the tether used meet certain requirements for length and strength.

1b. Confinement Requirements

Current Practice

- An owner of an animal must:
 - Keep any cage, pen, enclosure, or other area in which the animal is kept in a sanitary condition
 - Remove all animal excreta from the cage, pen, enclosure, or other area in which the animal is kept as often as necessary to maintain a healthy environment



1b. Confinement Requirements, (cont'd.)

Proposed Revisions

- Set minimum standards for confining a dog outdoors to include pen size and type of shelter
 - These standards would require:
 - A minimum area of 150 square feet for an adult dog;
 - A structure of sufficient strength and design to prevent escape; and
 - That the dog have access to proper shelter such as a building or properly designed dog house.



1b. Confinement Requirements, (cont'd.)

- The dog house or shelter must:
 - have a weather proof top, bottom and sides
 - have an opening with no more than one side that allows the dog to remain dry and to prevent overheating or discomfort to the dog
 - have a floor that is level and dry
 - be constructed with materials that protect the dog from injury
 - be of adequate size to allow the dog to stand erect, turn around, sit and lay down in a comfortable and normal position
 - have sufficient clean and dry bedding material to protect the dog from the elements
 - contain a suitable means for the proper elimination of excess liquid
 - be structurally sound and maintained in good repair and allow the dog easy access in and out
- Owners will have 90 days after the ordinance passes to comply



Recommended Changes to Establish Limits on the Number of Dogs and Cats per Household

2. Limit the Number of Pets

Current Practice

- There is no limit on the number of pets for single-family homes
- A maximum of four dogs, cats or any combination of dogs and cats in an apartment, condominium, town home, duplex and other places with common walls



2. Limit the Number of Pets , (cont'd.)

Proposed Revisions

- Limit the number of dogs and cats in dwelling units with no common walls to no more than a combined total of six (or eight if property is larger than half an acre)
 - Excludes dogs and cats under six months of age and feral cats in a trap, neuter and return program approved by the director
- Pet owners with more than six (or eight) animals prior to the effective date of the ordinance will be permitted to keep their animals (grandfather clause)
 - Must list their animals with Animal Services within 90 days of the effective date and comply with all City ordinances applicable to their dogs or cats (current on vaccinations and registration)



Recommended Changes to Strengthen the Dangerous Dog Regulations

3. Dangerous Dogs

Current Practice

- If a dog is determined to be dangerous, the owner must:
 - Register the dangerous dog with Animal Services and pay a \$50 annual registration fee
 - Place and maintain a collar or harness on the dangerous dog with a current registration tag
 - Inject the dangerous dog with a microchip implant and register with a national registry for dogs
 - Post a sign at each entrance to the enclosure in which the dangerous dog is confined stating “Beware of Dangerous Dog”
 - Meet other requirements of State law including the \$100,000 insurance policy

3. Dangerous Dogs, (cont'd.)

Proposed Revisions

- Streamline the process for determining that a dog is a dangerous dog and provide additional options for Animal Services to deal with dangerous dogs
- The amendments will:
 - Allow the director to seize a dog that has caused bodily injury to a person and impound the dog pending the Dangerous Dog hearing
 - Require spay/neuter of a dangerous dog allowed to remain in the city
 - Allow the director to order a dangerous dog removed from the city

3. Dangerous Dogs, (cont'd.)

- The amendments will:
 - Authorize the director to seize and impound (and the Municipal Court to order the humane destruction of) a previously determined dangerous dog when:
 - The owner fails to comply with all requirements for dangerous dog owners
 - The owner fails to comply with an order to remove the dog from the city
 - The dog makes another unprovoked attack on a person
 - Require the owner of a dog that has been ordered seized or impounded to surrender the dog to the director
 - Prohibit anyone from bringing a dangerous dog into the City from another jurisdiction



City of Dallas

Recommended Changes to Require Spay/Neuter and Breeder Permit

4a. Spay/Neuter Requirements

Current Practice

- Only dogs and cats adopted from Animal Services are required to be sterilized, unless:
 - The dog or cat is under two months of age; or
 - A licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile
- Before an unsterilized dog or cat under the age of two months will be released from Animal Services for adoption, the adopter must sign a sterilization agreement

4a. Spay/Neuter Requirements, (cont'd.)

Proposed Revisions

- An owner of a dog or cat commits an offense if the animal is not spayed or neutered unless:
 - The dog or cat is under six months of age
 - A licensed veterinarian certifies that the dog or cat can not be spayed or neutered for health reasons
 - The dog or cat is being held for sale by a retail pet store or for adoption by Animal Services or a welfare organization
 - The dog or cat is a competition dog or cat
 - The dog or cat is a service animal
 - The owner holds a valid breeder permit
- Registration tags will indicate whether the animal is sterilized or unsterilized

4b. Breeder Permit Requirements

Current Practice

- The City does not currently issue a breeder permit

4b. Breeder Permit Requirements,

(cont'd.)

Proposed Revisions

- A person commits an offense if he breeds a dog or cat without a valid breeder permit for the dog or cat (A separate permit is required for each dog or cat the person breeds)
- A breeder permit may only be issued if:
 - The dog or cat meets vaccination and registration requirements
 - The dog or cat meets microchip requirements
 - The owner is a member of a purebred club that maintains and enforces a code of ethics on breeding; **OR** the owner has completed a course on responsible pet ownership offered or approved by the city
 - A permittee commits an offense if he allows more than one litter in a permit year (two litters if approved by the director under limited circumstances)

4b. Breeder Permit Requirements, (cont'd.)

- To obtain a permit, a person must:
 - Register the animal
 - Pay an annual permit fee of \$70 per dog or cat
 - Submit a breeder permit application to the director
 - If not a member of a purebred club, attend an approved class on responsible pet ownership and purchase class materials

Miscellaneous Items
Recommended as Changes to
Chapter 7 “Animals” of the
Dallas City Code

Miscellaneous Items



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Dallas Animal Shelter Advisory Commission has also recommended the following changes to the Dallas City Code to address miscellaneous items:

- a. Add new section – Unlawful Placement of Poison
 - to prohibit placing of a poisonous chemical substance or bait where it is accessible to domestic animals
- b. Amend Section 7-4.2 – Registration of Dogs and Cats
 - to provide for “late fees” if an owner does not register his pet on time
- c. Add new section – Animals as Prizes, Promotions and Novelties
 - to prohibit offering animals as prizes, promotions or novelties
- d. Amend Section 7-8.1 – Violation; Criminal and Civil Penalties
 - providing for a \$100 minimum fine for having an unspayed or unneutered dog or cat without qualifying for an exception and a \$150 minimum fine for breeding a dog or cat without a breeder permit.



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Additional Information Requested from the Quality of Life and Government Services Committee

Enforcement Plan

- Animal Services has 113 budgeted positions to accomplish daily operations
- The FY 08-09 Price of Government bids include 20 additional positions
 - Ten Animal Keepers to care for animals
 - Ten Animal Officers to respond to service requests
- Enforcement of the proposed revisions will continue to be complaint-driven

Cost Recovery Analysis

- Public Financial Management, Inc. examined expenditures associated with Animal Services staff for animals that are redeemed
- Analysis of the expenditures is being used to determine the cost for the registration fee and the breeder permit fee
- Preliminary estimates for the breeder permit fee were set at \$70
- Final results will be provided on June 20, 2008 for registration and the breeder fees



Education/Marketing Support

- Hired a professional marketing firm that is working with the Animal Shelter Commission to develop a five year strategic and marketing plan that includes:
 - Education- Development of a public awareness campaign to promote the value of spay/neuter and services available at the Animal Shelter
 - Marketing- Branding, media relations, brochure development and marketing
- Need a full time education and outreach coordinator to maintain comprehensive education programs
- Met with the Manager of the Ivor O' Connor Morgan Trust to identify potential sources of funding to further enhance education and marketing efforts



Mandatory Microchip Implant

An additional suggestion was to require all dogs and cats to be microchipped as a requirement of registration



Microchip Implant Requirements

Current Practice

- Microchip implants are required for dangerous dogs, animals adopted and redeemed from Animal Services



Microchip Implant Requirements

Proposed Revisions

- All dogs and cats must be microchipped 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 animal should not be injected for health reasons
 - the owner of the dog or cat has resided in the city less than 30 days
 - 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; or
 - the animal is a feral cat participating in a trap, neuter, and return program approved by the director



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Comments or Questions



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Appendix A

Local City Comparison



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Appendix B

Draft Ordinance