

The Animal Shelter Commission proposed revisions for discussion purposes. They will make these recommendations to City staff for approval by the Dallas City Council

1/3/08

Proposed Changes to Dallas City Code Chapter 7 - Animals

Spay/Neuter Requirements - Breeder Permits

- § Amend Sec. 7-2.6 – Redemption of Impounded Animals – to add a provision requiring the spaying or neutering of an unspayed or unneutered dog or cat prior to redemption unless the owner obtains a breeder permit.
- § Amend Sec. 7-2.7 – Adoption of Animals – to add a provision to provide that if the adoptor fails to comply with the sterilization provisions of this section, ownership of the dog or cat can immediately revert to the City and the Director shall have the authority to impound the dog or cat.
- § Add new Sec. 7-4.10 – Unspayed and Unneutered Dogs and Cats - to require all dogs and cats to be spayed or neutered unless the owner has a breeder permit for that animal.
- § Add new Sec. 7-4.11 – Breeding Dogs and Cats – to regulate the breeding of dogs and cats and the sale of their offspring.

SEC. 7-2.6. REDEMPTION OF IMPOUNDED ANIMALS.

(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees:

(1) a redemption fee of:

(A) \$7 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) \$27 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) \$10 for each night the animal is housed in a city animal shelter;

(3) \$10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) proof that the animal was not vaccinated due to health reasons as verified by a licensed veterinarian;

(4) the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration; ~~and~~

(5) \$15 for a microchip implant and initial national registration of a dog or cat, unless:

(A) the animal was injected with a microchip implant prior to impoundment; or

(B) a licensed veterinarian certifies that the animal should not be injected with a microchip implant for health reasons; and

(6) \$ _____ for spaying or \$ _____ for neutering a dog or cat unless:

(A) the animal was spayed or neutered prior to impoundment;

(B) the animal is under four months of age at the time of redemption;

(C) the animal is unable to be spayed or neutered due to health reasons as verified by a licensed veterinarian; or

(D) the owner of the animal has or obtains, at the time of redemption, a breeder permit for the animal pursuant to Sec. 7-4.10 of this chapter.

(b) The redemption period for an animal impounded in a city animal shelter, other than for quarantine or pursuant to a court order, is:

(1) three days after the date of impoundment, unless Paragraph (2) or (3) of this subsection applies to the animal;

(2) 10 days after the date of impoundment if:

(A) the animal is wearing a legible tag or has a microchip implant identifying its owner; or

(B) the director has reason to believe the animal has an owner; or

(3) 10 days after the date of impoundment if the animal is being held for protective custody.

(c) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(d) The redemption period for an animal impounded for quarantine is three days after completion of the quarantine period.

(e) If an animal is not redeemed within the appropriate time period specified in Subsections (b) through (d), the animal will become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the director.

(f) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in Subsection (a). (Ord. 26024)

SEC. 7-2.7. ADOPTION OF ANIMALS.

(a) To adopt a dog or cat from animal services, the adopter shall:

(1) complete and sign an adoption application on a form provided by the director for that purpose;

(2) sign an adoption contract on a form provided by the director for that purpose; and

(3) pay to the director the following fees:

(A) a non-refundable adoption fee of \$85 for a dog and \$55 for a cat (which includes, but is not limited to, the costs of any required vaccination, microchip implant, initial national registration, and sterilization); and

(B) the applicable registration fee for the dog or cat under Section 7-4.2, if the dog or cat is at least four months of age and the adopter resides in the city.

(b) Each dog or cat adopted from animal services will be spayed or neutered prior to release of the animal to the adopter, unless

(1) the dog or cat is under two months of age; or

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

(c) 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 with the director, complying with Section 828.003 of the Texas Health and Safety Code, as amended, agreeing to:

(1) have the dog or cat spayed or neutered within 30 days after the date of adoption or the date the animal attains three months of age, whichever occurs last; and

(2) furnish to the director, within seven days after the date of sterilization, confirmation complying with Section 828.005 of the Texas Health and Safety Code, as amended, that the animal was spayed or neutered by the completion date required in Paragraph (1) of this subsection.

(d) An adopter who signs a sterilization agreement under Subsection (c) commits an offense if he fails to:

(1) have the adopted dog or cat spayed or neutered within the time period required under Subsection (c)(1); or

(2) furnish confirmation of sterilization as required under Subsection (c)(2).

(e) It is a defense to prosecution under Subsection (d) if, by the seventh day after the sterilization completion date required in Subsection (c)(1), the director receives from the adopter either:

(1) a letter complying with Section 828.006 of the Texas Health and Safety Code, as amended, stating that the animal is dead; or

(2) a letter complying with Section 828.007 of the Texas Health and Safety Code, as amended, stating that the animal is lost or stolen.

(f) The director may refuse to release a dog or cat for adoption under any circumstances, including, but not limited to:

(1) the prospective adopter or adoption agency has previously violated a provision of this chapter or has been convicted of an animal-related crime;

(2) the prospective adopter or adoption agency has inadequate or inappropriate facilities for confining the animal and for providing proper care to the animal as required by this chapter;

(3) the prospective adoption agency has failed to sign or comply with a transfer agreement with animal services that requires the sterilization of adopted animals or other conditions imposed by the director; or

(4) the director determines that the health, safety, or welfare of the animal or of the public would be endangered.

(g) If an adopter fails to comply with the provisions of Subsection (d) above, ownership of the dog or cat shall immediately revert to the city and the director shall have the authority to impound the dog or cat.

SEC. 7-4.10. UNSPAYED AND UNNEUTERED DOGS AND CATS.

(a) An owner of an unspayed or unneutered dog or cat commits an offense if the owner does not have a breeder permit issued for the animal by the director under this section. The owner must have a separate permit for each unspayed or unneutered dog or cat.

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

(1) under four months of age; or

(2) unable to be spayed or neutered due to health reasons as verified by a licensed veterinarian.

(c) A breeder permit shall be issued only for a dog or cat breed recognized by and registered with a nationally recognized breed registry approved by the director whose owner is a member of a purebred dog or cat club approved by the director, which maintains and enforces a code of ethics for dog and cat breeding that includes restrictions from breeding of dogs and cats with genetic defects and life threatening health problems that commonly threaten the breed.

(d) To obtain a breeder permit a person shall submit an application to the director on a form approved for that purpose. The application must include:

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

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

(3) a description of the dog or cat; and

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

(e) The application shall be accompanied by evidence satisfactory to the director that the dog or cat covered by the application has been vaccinated and registered with the city in compliance with Sections 7-4.1 and 7-4.2.

(f) The annual fee for each breeder permit is \$500. The permit expires one year from the date of issuance. If the director does not receive an application for a permit renewal at least 30 days before the permit's expiration date, a \$25 late fee will be added to the annual permit fee.

(g) A breeder permit is not transferable.

(h) All breeder permits shall contain the following terms and conditions:

(1) The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter within the permit year. Notwithstanding this provision, the director is authorized, upon application of a permit holder, to allow on a one time basis the whelping of up to two dog or cat litters per breeding animal within a permit year, if the permit holder establishes, according to regulations promulgated by the director, that such breeding is required to protect the health of the animal or avert a substantial economic loss to the permit holder. In the event that a permit holder is forced to euthanize a litter of dogs or cats, the director may authorize the whelping of one additional litter of dogs or cats by the permit holder within the same permit year;

(2) No offspring may be sold, adopted, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight weeks;

(3) No offspring may be sold, adopted or otherwise transferred until it is immunized against common diseases. The sale, adoption or other transfer of a dog or cat shall include a statement signed by the seller or adopter attesting to the signatory's knowledge of the animal's health, and the animal's immunization history;

(4) Any holder of a breeder permit who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the permit number in any such advertisement. Further, any holder of a breeder permit must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;

(5) Any holder of a breeder permit selling or otherwise transferring a dog or a cat, whether for compensation or otherwise, shall submit to the director the name, address, and telephone number of the animal's new owner within five days from the sale or other transfer, on a form approved for same by the director; and

(6) Any holder of a breeder permit who sells, adopts or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner written information regarding the vaccination, registration, and breeder permit requirements of this chapter applicable to such animal.

(i) The director shall revoke a breeder permit if the permit holder fails to:

(1) meet all requirements specified in the breeder permit; or

(2) comply with all requirements of this chapter applicable to the dog or cat covered by the breeder permit.

(j) If the director denies, refuses to renew, or revokes a breeder permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the action and a statement of the right to an appeal. The applicant or permit holder may

appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code. The filing of a request for an appeal hearing with the permit and license appeal board stays an action of the director in revoking a permit until the permit and license appeal board makes a final decision.

SEC. 7-4.11. BREEDING AND SELLING OF DOGS AND CATS.

_____ (a) A person commits an offense if he breeds a dog or cat without a valid breeder permit issued for the animal under Sec. 7-4.10 of this chapter.

_____ (b) The holder of a breeder permit commits an offense if he violates any term or provision of his breeder permit.