MH/vv
12/19/13
Item #31

AN ORDINANCE 2013-12-19-0922

AMENDING CHAPTER 5 OF THE CITY CODE ENTITLED "ANIMALS" TO ALLOW ANIMAL CARE SERVICES TO REDUCE THE REQUIRED HOLDING PERIOD FOR THOSE PETS WITH A LIVE OUTCOME.

* * * * *

WHEREAS, in FY 2012, Animal Care Services (ACS) began implementing its newly revised strategic plan by incorporating the three strategic priorities of enhanced enforcement, controlling the stray animal population, and increasing the live release rate; and

WHEREAS, as evident in the drastic increase in the live release rate from 30% in FY 2011 to 77% in FY 2013, or in the increase in number of spay/neuter surgeries performed by ACS from 11,000 in FY 2012 to 17,500 in FY 2013, ACS continues to improve the services it provides to the community; and

WHEREAS, it is the anticipation of ACS to continue its success in FY 2014 through the implementation of innovative solutions; and

WHEREAS, in particular, ACS anticipates focusing its efforts and resources in FY 2014 by: (1) enhancing field enforcement; (2) increasing community spay/neuter services; (3) maximizing kennel capacity, and (4) maintaining its successful live release program; and

WHEREAS, the following initiative was presented to the City's Quality Life of Committee on the 15th of October and to the Animal Care Services Advisory Board on October 16th; and

WHEREAS, Chapter 5 of the City Code requires ACS to hold all healthy pets for a period of three days, not including the day of impoundment, before the pet can be adopted, rescued, fostered, or humanely euthanized; and

WHEREAS, by reducing the hold period from three full days to two full days, ACS would be able to outcome pets with a live release quicker thereby freeing up additional kennel capacity; and

WHEREAS, as indicated in the proposed amendment, ACS would not be able to reduce the hold time for any pet that does not have a live outcome; and

WHEREAS, ACS anticipates that with this change, the City will be able to maximize its kennel capacity by bringing in up to an additional 770 stray/roaming pets annually or by allowing pets that do not have a live-outcome to remain in ACS care a little longer in order to find a rescuer/adopter; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 5 of the City Code of San Antonio, Texas entitled "Animals", is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 5 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 5, Article VII, Section 5-158. Minimum time animals impounded; euthanasia authorized, is amended as follows:

Sec. 5-158. Minimum time animals impounded; euthanasia authorized.

(a) Impounded animals ~~dogs and cats~~ shall be kept for not fewer than three (3) days, excluding the day the animal is impounded and any days the animal care services facility is not opened, and thereafter shall be subject to ~~adoption, rescue, foster or~~ humane euthanization ~~humanely euthanized~~ at the discretion of the director ~~thereafter~~. Notwithstanding the above, animals may be adopted, rescued or fostered after being held for not fewer than two (2) days excluding the day the animal is impounded and any days the animal care services facility is not opened.

(b) Animals may be adopted, rescued, fostered, or humanely euthanized prior to the time periods referenced above in the following circumstances:

(1) ~~In the case of owned animals, the city may dispose of any unclaimed animal before this three-day period if~~ The ~~the~~ owner of the animal releases ownership of the animal to the city.

(2) If ~~any impounded animal is determined by~~ a licensed veterinarian or designee determines an impounded animal is ~~to be~~ suffering from disease or injury such that the animal is in pain or is beyond reasonable medical help, the animal may be euthanized immediately. ~~In such a case, holding times otherwise specified in this Code will not apply.~~

(3) Due to their immature immune system, any abandoned animal under four (4) months of age shall ~~immediately~~ become the property of the city upon delivery to the animal care services facility, for ~~humane~~ disposition~~, and may be offered for adoption or humanely euthanized~~ at the discretion of the director.

Chapter 5, Article VII, Section 5-159. Unclaimed animals, is amended as follows:

Sec. 5-159. Unclaimed animals.

(a) Any animal not claimed by its owner after being held for not fewer than two (2) days excluding the day the animal is impounded and any days the animal care services facility is not opened ~~within the above stated three (3) days~~ shall become the property of the city.~~,~~ ~~and shall be subject to adoption, rescue, foster or humanely euthanized at the discretion of the director.~~ The selection of an animal for adoption or rescue during the reclamation period or thereafter shall not confer any ownership right or right of possession to the animal.

(b) The director may sell unclaimed livestock found running free of restraint by public auction to the highest bidder for cash after notice of the auction is posted on a public bulletin board where other public notices are posted for the city.

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SECTION 3. All other provisions of Chapter 5 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 4. Violations occurring after the effective date of this ordinance shall be punished as provided in the revised Chapter 5. Violations prior to the effective date shall be punished under the former applicable Sections which shall remain in effect for that purpose.

SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 6. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 7. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 8. This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

SECTION 9. Penalties provided for in this revised Chapter 5 shall be effective five days after publication by the City Clerk.

PASSED AND APPROVED this 19th day of December, 2013.

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Robert F. Greenblum, City Attorney

Agenda Item:	**31 (in consent vote: 22, 31)**
Date:	12/19/2013
Time:	10:31:15 AM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Chapter 5 of the City Code to allow Animal Care Services to reduce the required holding period for those pets with a live outcome. [Erik Walsh, Deputy City Manager; Kathy Davis, Director, Animal Care Services]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5	x					
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Carlton Soules	District 10		x				