MH/vv
04/30/15
Item #23

AN ORDINANCE 2015-04-30-0354

AMENDING CHAPTER 5 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY REQUIRING THAT A REGISTERED MICROCHIP REPLACE A PET LICENSE TAG; AND PROVIDING FOR PENALTIES AND PUBLICATION.

* * * * *

WHEREAS, in FY 2012, Animal Care Services (ACS) began implementing its newly revised Strategic Plan by incorporating the three strategic priorities of: (1) enhanced enforcement; (2) controlling the stray animal population and; (3) increasing the live release rate; and

WHEREAS, the initiative set forth in these proposed ordinance amendments are aligned with, and a component of, two ACS strategic priorities: enhanced enforcement and increasing the live release rate; and

WHEREAS, like many cities across the country, the City of San Antonio utilizes a licensing program with the intent to assist ACS with returning pets to their owner, gauge the number of pets in the community and ensuring pets are vaccinated for rabies; and

WHEREAS, City licenses are purchased on a tiered-pricing schedule to incentivize and reward pet owners who have sterilized pets; and

WHEREAS, the City licensing program is separate from the State-mandated rabies vaccination program which requires all cats and dogs be vaccinated against rabies; and

WHEREAS, no recommended changes to the existing rabies program are associated with this proposed ordinance amendment, and pet owners will still be required to vaccinate their pet in accordance with the requirements of state law; and

WHEREAS, the current ordinance requires residents to renew their pet's license upon expiration of their current license; and

WHEREAS, based upon the renewal rate and the current cost to run the licensing program (over $100,000 annually), ACS believes that focusing on a microchip requirement instead of a pet license will be more effective to hold owners accountable and for returning lost pets to their owner; and

WHEREAS, recent ACS changes and initiatives have made the conversion from City licenses to registered microchips a natural step of progression; and

WHEREAS, furthermore, ACS streamlined internal processes for microchip scanning and identification by dedicating staff members to contacting owners of pets found with microchips in ACS's care; and

WHEREAS, these amendments to Chapter 5 of the City Code will require a registered microchip to replace the City's existing licensing program;

WHEREAS, in order to incentivize owner compliance, the City will reduce the total cost of a life-time registered microchip purchased from ACS to five dollars for one year from the effective date of this ordinance; **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:

The following definitions in Chapter 5, Article I, Section 5-1. Definitions, are deleted:

~~*Animal licensing* shall mean the assignment by the director of a number to each animal for whom the appropriate fee has been paid and who has been vaccinated with antirabies vaccine.~~

~~*License tag* shall mean a metal tag of the design prescribed by the director and bearing the city's animal license number.~~

The following definition in Chapter 5, Article I, Section 5-1. Definitions, is added:

Registered microchip shall mean an identification chip implanted under the skin of an animal for the purpose of identifying its owner or keeper which has been registered with a microchip registration company with current ownership information to include the current owner's or keeper's name, address, and telephone number (if available), and the description of the pet.

Chapter 5, Article I, Section 5-16. Pet shop requirements, subsection (g)(7), is amended as follows:

Sec. 5-16. Pet shop requirements.

...

(g)The pet shop permit holder shall furnish a purchaser a written statement at the time of sale which shall include:

....

(7)A guarantee of good health for a period of not less than two (2) weeks with recommendation to have the animal examined by a licensed veterinarian. The permit holder shall retain a copy of the written statement for twelve (12) months from date of sale. All purchasers of dogs, cats and ferrets shall also be furnished with information as to the requirements of ownership of these animals within the city including requirements for rabies vaccination, litter permits, ~~intact animal permits,~~ and microchipping ~~and licensing~~.

The pet shop permit holder shall be further required to register with the department the name, address, and telephone number of each purchaser of any dog or cat transferred within five (5) days after the sale or transfer.

...

Chapter 5, Article IV, Section 5-80. Requirements of dangerous dog owners, subsection (a) is amended as follows:

Sec. 5-80. Requirements of dangerous dog owners.

(a)An owner of a dog determined to be dangerous, must comply with all of the following ten (10) requirements before the subject dog can be released to the owner by the director. The director must, however, release the dog to the owner if a state licensed veterinarian with a facility located within the city verifies, upon being contacted by a city veterinarian or director, that the owner has arranged for the required surgery of the dangerous dog to comply with this article, and if necessary, a city veterinarian has implanted the required registered ~~identification~~ microchip in the dog, and has inspected the residence where the dog is to be kept, and is satisfied that the following requirements which could have already been complied with have been complied with by the owner:

(1)The dog must be registered with the department and shall annually obtain a dangerous dog permit ~~licensed in accordance with this chapter and shall have a higher licensing fee~~;

...

(7) If the dog does not have a registered microchip, the ~~The~~ owner shall authorize the department to implant a registered microchip beneath the skin of the dangerous dog for positive identification of the animal;

...

Chapter 5, Article IV, Section 5-86. Regulation of aggressive dogs, subsection (5), is amended as follows:

Sec. 5-86. Regulation of aggressive dogs.

...

(5)The animal must have a registered microchip and obtain an annual aggressive dog permit from the department. ~~be licensed in accordance with this chapter and shall have a higher licensing fee;~~

...

Chapter 5, Article V, Animal Licenses and Permits, is amended to be titled as follows:

ARTICLE V. ANIMAL MICROCHIPPING ~~LICENSES~~ AND PERMITS

Chapter 5, Article V, Section 5-100. Dog and cat license required; application, is amended as follows:

Sec. 5-100. Dog and cat microchipping ~~license~~ required~~; application~~.

(a)The owner or keeper of any dog or cat must have the animal implanted with a registered microchip ~~apply for a license~~ before the animal attains four (4) months of age. A dog or cat is exempt from this requirement if the dog or cat is determined to be medically unsuitable for microchipping by a licensed veterinarian in writing. If a dog or cat is determined to be medically unsuitable for microchipping, the owner shall have the dog or cat permanently marked with an identifying tattoo by a licensed veterinarian. Proof of medical unsuitability for microchipping along with the identifying tattoo number and owner's or keeper's name, address and telephone number must be provided to the Department within thirty (30) days of tattooing. If there is a change in contact information, the owner or keeper of a tattooed dog or cat shall update contact information with the Department within thirty (30) days of the date of the change in contact information. If there is a change in ownership of a tattooed dog or cat, the initial owner or keeper shall be responsible for notifying the Department of the change within thirty (30) days of the date of change in ownership. The new owner or keeper shall be responsible for providing the Department with the new owner's or keeper's name, address and telephone number within thirty (30) days after the change in ownership. ~~The application shall include the name and address of the applicant, description of the animal, and have attached thereto a copy of the proof of current rabies vaccination. Any unlicensed dog or cat shall be subject to seizure and impoundment at the discretion of the investigating animal care officer and shall be subject to adoption, rescue, foster or humanely euthanized at the discretion of the director if not timely redeemed within the impoundment period as set out in this Code.~~

(b)It is a defense to prosecution under this section that:

(1)The dog or cat owner is a nonresident of this city and is keeping the subject pet in the city for fewer than sixty (60) days;

(2)The dog or cat owner has been a resident of this city for fewer than thirty (30) days; or

(3)The dog or cat had been abandoned or lost and the temporary owner has had the dog or cat for fewer than thirty (30) days.

Chapter 5, Article V, Section 5-101. Validity of license, is amended as follows:

Sec. 5-101. Validity of previously issued license.

A currently valid dog or cat license shall continue to be valid until its expiration. On or before its expiration, the owner shall have the animal implanted with a registered microchip in accordance with the provisions of this chapter. ~~may be issued for one (1), two (2) or three (3) years and shall be renewed not later than the last day of the month the registration expires. Regardless of the term of dog or cat license obtained, it will be valid as long as long the rabies vaccination certificate is current and will expire on the expiration of the current rabies vaccination certificate. Dogs and cats which were licensed under Ordinance 2007-12-13-1291 (passed and approved by the city council on December 13, 2007) which provided that a dog or cat license will be valid as long as the~~

~~rabies vaccination certificate is current and maintained are exempt from the licensing renewal requirement under this chapter.~~

Chapter 5, Article V, Section 5-102. Issuance of pet license, is amended as follows:

Sec. 5-102. Maintaining current microchip registration ~~Issuance of pet license~~.

(a)The owner or keeper of a dog or cat shall maintain current registration with a microchip registration company.

(b) If there is a change in contact information of an owner or keeper of a registered microchipped dog or cat, the owner or keeper shall update contact information, including new address or telephone number, with the microchip registration company within thirty (30) days of the date of the change in contact information.

(c)If there is a change in ownership of a registered dog or cat, the initial owner or keeper shall be responsible for ensuring that the microchip is no longer registered in the initial owner's or keeper's name within thirty (30) days of the date of change in ownership. The new owner or keeper shall be responsible for re-registering the microchip to include any new address and telephone number and have the registration information transferred to the new owner's or keeper's name within thirty (30) days after the change in ownership.

~~Upon the acceptance of the dog or cat license application, the director, his authorized animal care officer, as well as any licensed veterinarian, pet product retailer, or pet service provider located in the city which is approved by the director, is hereby authorized to issue a dog or cat license which is stamped with an identifying number.~~

Chapter 5, Article V, Section 5-103. Wearing tags, exception, is amended as follows:

Sec. 5-103. Wearing tags, exception.

(a)Dogs must wear a tag with the registered microchip number ~~dog license tags~~ at all times while outdoors; except that dogs which are kept for show or exhibition purposes are not required to wear such a tag ~~tags~~ as long as the dogs are otherwise under restraint.

(b)Cats ~~that are currently vaccinated for rabies and microchipped~~ shall not be required to wear a tag with the registered microchip number ~~tags~~ on a collar due to the danger of accidental strangulation. ~~Upon request of the director or his authorized animal care officer, the owner or keeper of any cat licensed in accordance with this chapter shall display such tag or license receipt for the animal in question to any requesting officer.~~

Chapter 5, Article V, Section 5-104. Permits/licenses when issued; required record of numbers, is amended as follows:

Sec. 5-104. Permits/~~licenses~~ when issued~~; required record of numbers~~.

(a)A permit ~~or a license~~ shall be issued after payment of the applicable fee, if any. The director is authorized to reduce or waive any fee provided for in this chapter.

~~(b)The department shall maintain a record of the identifying numbers of all dog and cat licenses.~~

Chapter 5, Article V, Section 5-105. Nontransferability, is amended as follows:

Sec. 5-105. Nontransferability.

No person may use any pet dog's ~~dog~~ or cat's ~~cat~~ registered microchip number ~~license~~ for any animal other than the one for which it was issued.

Chapter 5, Article V, Section 5-106. Review upon frequent violations, is amended as follows:

Sec. 5-106. Review upon frequent violations.

The director shall review any and all dog or cat registrations for ~~licenses issued to~~ any animal owners against whom four (4) or more convictions have been obtained within a period of one (1) year under the provisions of this chapter and shall ~~revoke said license as to the subject pet(s) and~~ notify the subject animal owner of said convictions and possible seizure and impoundment ~~revocation~~ if, after the director or his appointed representative conducts an administrative hearing, and determines that the public health and safety are at risk while the ~~licensed~~ pet owner or any member of this household has possession or control of the subject animals. Certified mail notice of the time and place of said hearing shall be mailed to the last known address of the ~~licensed~~ pet owner at least ten (10) days prior to said hearing.

Chapter 5, Article V, Section 5-109. Animal limits; excess animal permit, subsection (d), is amended as follows:

Sec. 5-109. Animal limits; excess animal permit.

...

(d)A maximum number of eight (8) cats or five (5) dogs, or an aggregate number of eight (8) is permitted at a residence. In order to have more dogs and/or cats than this chapter allows at a residence, an owner must apply for an excess animal permit which shall be valid for one (1) year. The criteria used to evaluate the granting of a dog or cat permit are as follows:

(1)All dogs and cats for which a permit is required must be sterilized, unless the dog (s) or cat (s) qualifies for a certified medical exception by a licensed veterinarian or is under four (4) months old.

(2)All dogs and cats must be currently vaccinated for rabies.

(3)All dogs and cats must have a registered microchip ~~be currently licensed by the city~~.

(4)The dogs and/or cats must not be housed exclusively outside.

(5)All dogs and cats must have a photograph of each animal attached to an animal profile sheet that will be kept on record as verification of the animals allowed in the permit. Rescuers registered with the department shall be exempt from the photograph and profile sheet requirement.
(6)If the owner of the dogs and/or cats is not the owner of the property, the permission of the property owner must be obtained before a permit application will be processed.
(7)A check will be made to determine if there are any previous valid complaints. A previous valid complaint can be grounds for the denial of a permit request.
(8)The requestor must have adequate property or facilities to ensure the dogs and/or cats do not disturb any neighbors. The facilities shall be subject to inspection by the department.
...

Chapter 5, Article VI, Section 5-126. Reporting, bites, scratches; zoonotic diseases, subsection (c), is amended as follows:

Sec. 5-126. Reporting, bites, scratches; zoonotic diseases.

...
(c)The owner of such diseased or biting or scratching animal who learns of such incident shall immediately give his name and address together with the animal's registered microchip information ~~license number~~ and date of last rabies vaccination to the person bitten or injured or to a parent or guardian of such person who is under the age of eighteen (18) years. The owner shall notify the director within twenty-four (24) hours of his name; the animal's registered microchip information ~~license number~~; the name of the injured person;~~,~~ and other information requested by the director related to the animal and injured party.
...

Chapter 5, Article VII, Section 5-156. Return of captured animal to owner, subsection (c), is amended as follows:

Sec. 5-156. Return of captured animal to owner.

...
(c)Upon impound of an intact dog or cat found at large, the department shall conditionally release the dog or cat with the requirement that the owner sterilize the dog or cat within thirty (30) days from the date of the conditional release. The following shall be exempt from this requirement: a dog or cat that qualifies for a certified medical exception from a city veterinarian, a dog or cat that is an exhibition or competition animal, a dog or cat that upon impoundment has a ~~current license and is either wearing its license tag or has an implanted~~ registered microchip or a dog that is a police or military service dog. Owners of exhibition or competition animals and police or military service dogs shall provide proof to the director or his designee. The owner shall provide proof of

sterilization of the dog or cat to the department within thirty (30) days from the date of the conditional release.

...

Chapter 5, Article VII, Section 5-157. Notifying owner of impounded animal, is amended as follows:

Sec. 5-157. Notifying owner of impounded animal.

If the owner of an impounded animal can be identified, the animal care officer shall upon impoundment notify the owner at the address stated on ~~the~~ records of the department, if any, or the address as determined by a scanned registered microchip.

Chapter 5, Article VII, Section 5-160. Charges for reclaiming, adopting impounded animals; liability of claimant, subsections (b), (g) and (h) are amended as follows:

Sec. 5-160. Charges for reclaiming, adopting impounded animals; liability of claimant.

...

(b)No animal shall be released from the animal care facility without the owner presenting proof that the animal has had a rabies vaccination in compliance with the requirements of state law. An owner of any dog or cat who cannot provide proof of said rabies vaccination shall be subject to a fee for rabies vaccination of each dog or cat. An owner of any domestic ferret who cannot provide proof of said rabies vaccination shall be subject to a fee for rabies vaccination of each domestic ferret. ~~In addition, no animal shall be released without being licensed.~~

...

(g)At the time animals are reclaimed from the animal care facility, if necessary, they will be implanted with ~~identified by the implantation of~~ a registered microchip so the animal, if ever lost or stolen, can be returned to its owner.

(h)If an animal that is impounded is sterilized, currently vaccinated for rabies and has a registered microchip, ~~licensed~~ the department will not charge an impound fee for the first impound only. The animal must be reclaimed within the time limits in section 5-158. The initial impound will count as a first impound in assessing fees for any future impounds.

...

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.

SECTTION 8. The fee for a registered microchip is hereby reduced to five dollars ($5.00) for one year from the effective date of this ordinance.

SECTION 9. This ordinance shall become effective on June 30, 2015.

SECTION 10. Penalties provided for in this revised Chapter 5 shall be effective five days after publication by the City Clerk.

PASSED AND APPROVED this 30th day of April, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

Agenda Item:	**23**
Date:	04/30/2015
Time:	11:12:25 AM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Chapter 5 "Animals" of the City Code of San Antonio, Texas, by requiring that a registered microchip replace a pet license tag as part of the City's licensing program and providing for penalties and publication. [Gloria Hurtado, Assistant City Manager; Kathy Davis, Director, Animal Care Services]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				
Alan Warrick	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x			x	
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				