

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

AN ORDINANCE

AMENDING CHAPTER 5 OF THE CITY CODE ENTITLED "ANIMALS," TO REQUIRE THE STERILIZATION OF RECLAIMED DOGS AND CATS FOLLOWING THE FIRST IMPOUNDMENT; PROVIDING FOR CRIMINAL PENALTIES AND PUBLICATION.

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WHEREAS, of the nearly 30,000 pets impounded annually at Animal Care Services (ACS), approximately 40% are under the age of 5 months; and

WHEREAS, it has also been recognized by ACS staff that a large number of these pets are likely to be owned, but roaming pets; and

WHEREAS, Chapter 5 of the City Code currently requires all pets that are returned to their owner following their second impoundment to be spayed/neutered; and

WHEREAS, by changing Chapter 5 of the City Code to require pets to be spayed/neutered following the first impoundment ACS will be able to help ensure that the chronically roaming pets are not breeding and adding more litters to the neighborhoods; and

WHEREAS, the requirement to spay/neuter a pet following its first impoundment would not be applied to a pet that qualifies for a certified medical exception, an exhibition or competition animal, or a police or military service dog; and

WHEREAS, based upon the number of pets returned in FY 2013, this change could result in the spay/neuter of an additional 1,000 pets annually; **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 5-156, Return of captured animal to owner, is amended as follows:

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

(a) In addition to the issuance of a citation, the animal care officer may return an animal found at large to the known owner in lieu of impounding the animal.

(b) The owner may redeem an impounded animal during normal business hours by paying the impoundment fee, sterilization fees if any, boarding fees, and the pre-release rabies vaccination fee if required by law for the subject species and proof of valid current vaccination cannot be produced.

(c) Upon ~~On the first~~ impound, of an intact dog or cat found at large, the department shall conditionally release the dog or cat with the requirement that ~~require~~ the owner ~~to enter into an agreement to~~ sterilize the dog or cat within thirty (30) days from the date of the conditional release. ~~before releasing it back to its owner, unless the owner possesses or obtains a valid intact dog license for the dog. 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, 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. If an owner enters into a sterilization agreement, the~~ 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. ~~agreement.~~

(d) It shall be unlawful for anyone to whom an animal has been conditionally released under this section to fail to have the animal sterilized and provide proof of sterilization to the department within thirty (30) days from the date of the conditional release.

~~(d) — On the second impound of a dog found at large, the intact dog license shall be revoked if applicable, and the owner shall agree to sterilize the dog, unless the dog qualifies for a certified medical exception from a city veterinarian, the dog is an exhibition or competition dog, or the dog is a police or military service dog. Owners of exhibition or competition dogs and police or military service dogs shall provide proof to the director or his designee. Under the sterilization agreement, the owner shall provide proof of sterilization of the dog to the department within thirty (30) days from the date of the agreement.~~

~~(e) — On the second impound of an intact cat found at large, the department shall sterilize the cat prior to releasing it back to its owner at the owner's expense, or require the owner of an intact cat to enter into an agreement to sterilize the cat before releasing it back to its owner, unless the cat qualifies for a certified medical exception from a city veterinarian, or the cat is an exhibition or competition cat. Owners of exhibition or competition cats shall provide proof to the director or his designee. If an owner enters into a sterilization agreement, the owner shall provide proof of sterilization of the cat to the department within thirty (30) days from the date of the agreement.~~

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 ____ day of _____, 2013.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Michael Bernard, City Attorney