



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-5571

**Type:** Staff Briefing - Without Ordinance

**In control:** Community Health and Equity Committee

**On agenda:** 9/24/2020

**Title:** Review of proposed amendments to Chapter 5 entitled Animals and Chapter 20 entitled Municipal Court of the City Code to regulate the retail sale of pets, expand eligibility for the animal care compliance assistance account, and to make additional changes consistent with the strategic priorities of Animal Care Services. [David McCary, Assistant City Manager; Heber Lefgren, Director, Animal Care Services]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ch 20-110 Proposed Updates, 2. SASpeakUP Report - Proposed Pet Sale Laws Survey

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Animal Care Services

**DEPARTMENT HEAD:** Heber Lefgren

**COUNCIL DISTRICTS IMPACTED:** All

**SUBJECT:**

Pet Sales Ordinance and proposed updates and revisions to City Code Chapter 5 and Chapter 20.

**SUMMARY:**

A review of proposed amendments to Chapter 5 and Chapter 20 of the City Code and the public engagement process used to inform staff recommendations.

**BACKGROUND INFORMATION:**

Animal Care Services (ACS) committed during the FY 2019 budget development process to study the issue of pet sales in San Antonio. Best practices research identified two states (California and Maryland) as well as 280 cities who have restricted the retail sale of dogs and cats. Animal rights organizations including the Humane

Society of the United States and the Best Friends Animal Society have uncovered systematic inhumane treatment of animals in commercial breeding facilities and recommend stronger regulations of this industry, including retail pet sales bans at the state or local level. These regulations have the beneficial side-effect of encouraging community members to adopt pets from animal shelters and nonprofit organizations.

Previous local actions taken to regulate pet sales include establishing a ban on roadside sales in 2010, creation of a permit process for breeding and selling animals in 2017, and the addition of an Animal Care Officer (ACO) position in 2019 to specifically target online and roadside sale of dogs and cats. These actions were designed to regulate the sale of pets by individual residents. Since 2010, 265 citations have been issued for roadside sales, while 382 citations have been issued for violations of the permit process created in 2017. Since the Animal Care Position was filled in April of 2019, an additional 522 pet sales cases have been investigated and 266 citations have been written.

In July of 2019 and February of 2020, ACS conducted “SASpeakUp” surveys in English and Spanish designed to gauge whether San Antonio residents identified pet sales as a problem and whether they supported the City of San Antonio establishing additional regulations related to pet sales. The surveys were advertised through email distribution lists, social media channels, City Council e-blasts, and in-person on the ACS campus, among other methods.

The July 2019 “SASpeakUp” survey on pet sales gathered over 3,200 responses and identified strong support for the City to establish new laws that prohibit businesses or individual residents from selling dogs and cats that did not come from an animal shelter or nonprofit rescue group. Over 80% of respondents indicated they agreed or strongly agreed that individuals and businesses breeding animals for the sole purpose of selling pets contributes to the problem of too many loose and unowned dogs and cats within San Antonio.

The February 2020 “SASpeakUp” survey on pet sales gathered 1,038 responses and identified strong support for the specific policy proposals identified by ACS. Nearly 80% of respondents supported the City of San Antonio requiring pet shops that sold dogs or cats to exclusively source those animals from rescues or municipal or county shelters. Over 95% of respondents indicated they agreed or strongly agreed that businesses should also be required to provide proof of microchip, issue a bill of good health for dogs and cat sold, and be required to immunize pets against common diseases.

## **ISSUE:**

After a review of existing regulations, best practices, and feedback received from the July 2019 and February 2020 “SASpeakUp” surveys, ACS is proposing three categories of changes to City Code. Those categories are as follows.

- A. Pet Sales regulations will be enhanced so that all shops within city limits will be required to ensure that all cats and dogs that are being offered for sale, trade, other compensation, or for free giveaway are sterilized by a licensed veterinarian; implanted with a registered microchip; immunized against common diseases in accordance with standard veterinary practices; are free of common parasites or being treated

for them; and must be acquired from an animal rescue organization as defined in section 5-1 of the city ordinance, an animal control agency, or a county animal shelter. Minimum fines under section 5-21 will be increased from \$100 to \$500 for first-time offenses of any pet sales regulations. Seller's permits (for individuals, not pet shops) will only be available once per year for each individual animal. Violating seller permit requirements will result in having to sterilize all pets located at the place of sale.

- B. Animal Care Compliance Account regulations will be amended to expand the qualification criteria for residents to apply for and be granted assistance from the City to come into compliance with Chapter 5 violations.
- C. Other Language Changes include restrictions on feeding stray animals as to not create a nuisance; establishing a timeline for compliance with dangerous dog requirements; grammatical corrections; and other Chapter 5 updates consistent with the strategic priorities of Animal Care Services.

#### **ALTERNATIVES:**

Staff recommend moving forward with all proposed changes to the City Code. Alternatively, the Community Health and Equity Committee can recommend moving forward with a subset of the proposed changes, or no changes at all. Should these recommendations not be approved, ACS will continue to analyze best practices and seek additional community input on local animal laws to identify alternative ways to address community feedback.

#### **FISCAL IMPACT:**

There is no fiscal impact associated with this Ordinance.

#### **RECOMMENDATION:**

The Community Health and Equity Committee can recommend staff present the proposed ordinance changes to City Council for approval.