



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-1091

**Type:** City Code Amendments

**In control:** City Council A Session

**On agenda:** 11/21/2013

**Title:** An Ordinance amending Chapter 5 and Chapter 20 of the City Code to adopt the administrative adjudication hearing procedures set out in Chapter 20 for animal care and control ordinance violations; providing for penalties and publication. [Erik Walsh, Deputy City Manager; Kathy Davis, Director, Animal Care Services]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Code Changes\_Chapter 20 Civil Citations, 2. Draft Ordinance (B), 3. Ordinance 2013-11-21-0803

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**DEPARTMENT:** Animal Care Services

**DEPARTMENT HEAD:** Kathy Davis

**COUNCIL DISTRICTS IMPACTED:** City Wide

**SUBJECT:**

Proposed Changes to City Code by Amending Chapter 5 and Chapter 20 of the City Code

**SUMMARY:**

An ordinance amending Chapter 20 of the City Code to authorize the issuance of civil citations in addition to criminal citations for animal care violation.

**BACKGROUND INFORMATION:**

In FY 2012, ACS began implementing its newly revised strategic plan by incorporating the three (3) strategic priorities of: enhanced enforcement, controlling the stray animal population, and increasing the Live Release rate. As evident in the drastic increase in the Live Release rate from 30% in FY 2011 to 77% in FY 2013, and an 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.

It is anticipated that ACS will continue its success in FY 2014 through the implementation of innovative

solutions. 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. The following FY 2014 initiatives were presented to and recommended by the Quality of Life Committee on October 15 and the Animal Care Advisory Board on October 16.

**ENHANCED ENFORCEMENT:** In September 2013, an amendment to the State Law permitted local agencies such as ACS the ability to issue civil citations in addition to criminal citations. Civil citations, which have already been adopted by Code Compliance, are adjudicated through a Hearing Officer and provide an opportunity to focus on long term compliance, rather than just the isolated infraction.

By adopting a Civil Citation process ACS will be able to promote, protect, and improve the health safety and welfare of the citizens by providing the authority to impose administrative penalties in order to provide an equitable, expeditious, effective, and inexpensive method to animal care enforcement activities. ACS will also be able to reduce the amount of time Animal Care Officers (ACOs) spend in court as an ACS Supervisor will present the case to the Hearing Officer. Currently, the City's ACOs spend approximately 22 hours a week (or approximately 1,100 hours annually) in court. By converting to a Civil Citation Process, ACS could redirect these resources to: picking up pets, answering calls, issuing citations, and/or other field enforcement activities. ACS anticipates being able to increase the number of citations issued as well as increases the number of pets impounded by 400 pets.

#### **ISSUE:**

This amendment to the Chapter 20 Code will allow the adoption of a Civil Citation process for ACS. By adopting the Civil Citation process, ACS could reduce the amount of time Officers spend in Court (approximately 1,100 hours annually) and redirect these resources to field enforcement activities. With the redirection of these resources, ACS anticipates being able to increase the number of citations issued as well as increase the number of pets impounded by 400 pets.

The proposed amendment also would authorize a \$20 fee to be assessed for each violation. It is anticipated that the fee will generate approximately \$60,000 in additional revenue in FY 2014. Funds will be utilized for the purpose of abating animal care and control violations.

#### **ALTERNATIVES:**

If this amendment to the Chapter 20 is not approved, Animal Care Services would continue to function as is. ACS would also be unable to redirect internal resources to other field enforcement activities.

#### **FISCAL IMPACT:**

The proposed amendments to Chapter 20 would authorize a \$20 penalty be assessed to each ACS code violation. It is anticipated that this fee will generate \$60,000 in additional revenues which will be collected by the General Fund. These funds will be utilized for the purpose of abating animal care and control violations.

#### **RECOMMENDATION:**

Staff recommends approval of this ordinance which will enable Animal Care Services to continue to support the Strategic Plan on Enhanced Enforcement.