

LEGEND:

~~STRIKETHROUGH~~ = SECTIONS OF THE ORDINANCE THAT THE CURRENTLY PROPOSED AMENDMENTS WILL REMOVE

TURQOISE = SECTIONS THAT THE CURRENTLY PROPOSED AMENDMENTS WILL ADD

YELLOW = AMENDMENTS THAT HAVE ALREADY BEEN APPROVED

COMPULSORY DOG AND CAT STERILIZATION ORDINANCE -- MAY 17, 2005

Purpose of this Document

The purpose of this document is to provide an overview and synopsis, in conversational English, of the principles proposed by the Animal Advisory Commission (AAC) of the City of Austin as central to an ordinance that would require the compulsory sterilization (spay or neuter as gender-appropriate), including chemical sterilization, of the vast majority of domestic dogs and cats whose owners reside within the City of Austin. Once the principles of the ordinance are agreed to, the AAC intends to add the appropriate legal language and petition the Austin City Council to put the ordinance into law.

SYNOPSIS OF THE PROPOSED COMPULSORY DOG AND CAT STERILIZATION ORDINANCE

An overview of the proposed City of Austin dog and cat sterilization ordinance is as follows.

1. MANDATORY SPAY AND NEUTER. All dogs and cats of six months of age or older whose owner resides within the City of Austin are required to be spayed or neutered, with the following exceptions:

- a. Medical. If an actively licensed and practicing veterinarian believes it would be unwise to subject the animal to the sterilization procedure for medical reasons, a *medical exception* will be granted. In this case, the veterinarian who makes this determination must provide a signed statement which:
 - Describes the medical condition that provides grounds for the medical exemption.
 - Includes his or her opinion as to whether the medical condition is temporary or permanent.
 - If the condition is temporary, includes a prognosis of the date on which the sterilization procedure can be performed safely.

b. Transitory. If the animal will be kept in Austin for 30 days or fewer in a 12-month period, a *transitory exception* will be granted. In this case, the owner must provide the following:

- Proof of ownership, such as a valid, current dog or cat license.
- Proof of residency in a municipality other than the City of Austin, such as a current electricity bill or a signed, faxed letter from any municipal agency.

c. Intact Permit. For a fee of \$100 per animal per year, citizens have the option to purchase a permit to allow a dog or cat to remain intact (an *intact permit*). In this case:

- An intact permit must be obtained, for a fee of \$100 per permit, for each intact animal in a household or breeding facility.
- The \$100 fee per animal will include implanting an identifying microchip at the beginning of the first year that the intact permit is issued, if the animal has not already been microchipped. Any veterinarians collecting the \$100 fee for an intact permit and also implanting the microchip may keep \$50 of the \$100 fee.
- The microchip data will be recorded with the Pet Registration Tag number.
- The holder of an intact permit will be required to update their information (e.g., contact information) every time the intact permit for an animal is renewed for another year.
- Any animals which remain intact under the provisions of this permit will be issued a number identifying them as legally intact animals, and this number will be recorded on the animal's microchip.
- Those applying for an intact permit will be required to view a thirty minute educational video on responsible ownership of an intact animal.
- The intact permit allows owners to keep their animal(s) intact for cosmetic or personal choice reasons, not for the purpose of breeding. Owners who wish to breed their animal(s) must qualify for a breeder permit (see Paragraph 1, section e).
- Those applying for an intact permit must sign an agreement that they will not breed their animal(s).

d. Exhibitor Permit Those wishing to keep their animal(s) intact for the purpose of exhibiting them in conformation and/or performance events may apply for an exhibitor permit. Those approved for this permit will be exempt from acquiring an intact permit and exempt from its fees, for a period of one year. To qualify for an exhibitor permit, a person must provide proof of past and/or future showing activity,

which may include conformation and/or performance events. Those applying for an exhibitor permit must sign an agreement that they will not breed their animal(s).

e. Breeder Permit Those wishing to keep their animal(s) intact for the purpose of breeding may apply for a breeder permit. Those approved for this permit will be exempt from acquiring an intact permit, and exempt from its fees, for a period of five years. To qualify for a breeder permit, a person must do all of the following:

- i. Provide proof of membership in a breed specific club, which is affiliated with one or more of the following: AKC (American Kennel Club), UKC (United Kennel Club), CFA (Cat Fanciers' Association), TICA (The International Cat Association).
- ii. Provide proof of all necessary health clearances for breeding stock.
- iii. Provide a signed copy of the code of ethics of the club(s) of which they are a member.
- iv. Provide proof of past showing activity, which may include conformation and/or performance events.
- v. Provide copies of spay/neuter agreements for clients acquiring pet-quality animals from them.
- vi. Sign an agreement that they will not do any of the following:
 - *Advertise in the newspaper.
 - *Advertise anywhere that he/she has animals available for free.
 - *Sell or give away animals on road sides, in flea markets, in parking lots, or from their cars.
 - *Give or sell pets for auction or raffle items.
 - *Sell to pet shops.
 - *Sell pet-quality animals on full registration.

- Those approved for a breeder permit will be assigned a number. This number must be provided to any person purchasing, adopting, or receiving as a gift any progeny from the permit holder. This number must also be included on any receipt of sale or other transfer-of-ownership document for any progeny sold, adopted out, or given away by the permit holder.
- The exemption provided by the breeder permit covers all dogs or cats in the household of the permit holder, as long as the animal(s) are representatives of the breed(s) of the club(s) of which the permit holder is a member.
- In the case of an accidental breeding resulting in mixed breed progeny, the permit holder will not be fined, but these progeny will not be covered by the permit, and therefore are subject to the spay/neuter requirement of Paragraph 1.

2. BREEDING PERMITS AND RESTRICTIONS. The holder of an intact permit for a female dog or cat who breeds this animal must first purchase a *breeding permit* for a fee of \$500 per litter. Further:

- ~~The breeding permit number must be prominently displayed in any advertisement for the sale or other disposition of the progeny of the bred animal.~~
- ~~The breeding permit number must be provided to any person who purchases, adopts, or receives as a gift such progeny from the breeding permit holder.~~
- ~~The breeding permit number must be included on any receipt of sale or other transfer of ownership document for any progeny sold or given away by the breeding permit holder.~~
- ~~The number of breeding permits will be limited to two permits per female dog or cat per year. This means that breeders cannot exceed two litters per animal per year.~~

3. USE OF FEES FROM INTACT ANIMAL PERMITS AND BREEDING PERMITS.

All fees collected for intact animal permits and for breeding permits that exceed the administrative costs of issuing and managing these permits will go to the Spay/Neuter Fund managed by the Austin/Travis County Health and Human Services Department, Animal Services Donations Accounts. These monies will be used only and expressly for dog and cat sterilizations.

4. PENALTIES. The following penalties apply to violations of Paragraph 1 (MANDATORY SPAY AND NEUTER) and Paragraph 2 (BREEDING PERMITS AND RESTRICTIONS).

- a. For an intact dog or cat residing in Austin temporarily via a *transitory exception*:
 - If the animal is found to be in violation of the City of Austin's Animal Control Ordinances, Chapter 3-2, Article 1, 3-2-1 ("Running at Large Prohibited") or Chapter 3-4, Article 1, 3-4-1 ("Unrestrained Dog Prohibited"), the owner will be required to pay the intact permit fee of \$100.00 for the first offense, for each animal involved.
 - If a second offense occurs for the same animal, the animal will be sterilized by the City of Austin before the owner can reclaim it. The cost of reclaiming the animal will include charges for all professional fees (e.g., veterinary fees), medications, and costs for incidental products and procedures associated with the sterilization procedure.
 - If the owner chooses not to reclaim the animal after sterilization, ownership of the animal will be transferred to the City of Austin.
 - All fees and fines will be waived for an intact animal that is impounded if the owner agrees to allow the animal to be sterilized at the Town Lake Animal Center, or transferred to another veterinarian, including Emancipet or another spay/neuter clinic, for that purpose, prior to reclaim.

b. For an intact dog or cat belonging to a citizen of Austin holding an *intact permit*, *exhibitor permit*, or *breeder permit*:

- If the animal is found to be in violation of the City of Austin's Animal Control Ordinances, Chapter 3-2, Article 1, 3-2-1 ("Running at Large Prohibited") or Chapter 3-4, Article 1, 3-4-1 ("Unrestrained Dog Prohibited"), the holder of the intact permit will be allowed to reclaim the animal intact for the first offense.
- If a second offense occurs for the same animal, the animal will be sterilized by the City of Austin before the owner can reclaim it. The cost of reclaiming the animal will include charges for all professional fees (e.g., veterinary fees), medications, and costs for incidental products and procedures associated with the sterilization procedure.
- If the owner chooses not to reclaim the animal after sterilization, ownership of the animal will be transferred to the City of Austin.

c. For an intact dog or cat belonging to a citizen of Austin without a *medical exception*, *transitory exception*, *intact permit*, *exhibitor permit*, or *breeder permit*:

- For each intact dog or cat found to be residing in a household or breeding facility without a *medical exception*, *transitory exception*, *intact permit*, *exhibitor permit*, or *breeder permit*, upon the first offense, the owner of the animal will be required to take one of the following three actions:
 - Immediately surrender the intact animal(s) to the City of Austin;
 - For each animal cited, pay the annual intact permit fee of \$100.00 plus a fine of \$150.00; or
 - For each animal cited and within 30 days of the citation date, provide proof of sterilization performed by an actively practicing and licensed veterinarian. If proof of sterilization is not provided within 30 days of the citation date, the animal(s) will be seized and sterilized by the City of Austin. The cost of reclaiming the animal will include charges for all professional fees (e.g., veterinary fees), medications, and costs for incidental products and procedures associated with the sterilization procedure, plus a fine of \$150.00. If proof of sterilization is provided within 30 days of the citation date, then the fine of \$150.00 will be waived.
- For each intact dog or cat found to be residing in a household or breeding facility without a *medical exception*, *transitory exception*, *intact permit*, *exhibitor permit*, or *breeder permit*, upon the second offense, the animal(s) will be seized and sterilized by the City of Austin. The cost of reclaiming the animal will include charges for all professional fees (e.g., veterinary fees), medications, and costs for incidental products and procedures associated with the sterilization procedure, plus a fine of \$150.00.
- Further, if the owner of the animal fails to provide proof of sterilization within 30 days and obstructs confiscation of the animal, the owner will be jailed for each intact dog or cat in his or her household or breeding facility. At the Court's discretion, these offenders may be offered community service at TLAC in lieu of

jail time. It has been suggested that if the community service option is selected, the offenders should be assigned to the euthanasia room.

d. Violations of Paragraph 2, BREEDING PERMITS AND RESTRICTIONS, will be penalized as follows:

- Failure to obtain a breeding permit if the animal is pregnant: offenders will be required to take one of the following three actions:
 - Terminate the pregnancy and spay the animal;
 - Purchase an intact animal permit for \$100 per pregnant animal and pay a fine of \$150.00; or
 - Surrender the pregnant animal(s) to the City of Austin.

- Failure to obtain a breeding permit if the animal has already delivered puppies or kittens: offenders will be required to take one of the following two actions:
 - Purchase an intact animal permit for \$100 per animal and pay a fine of \$150.00; or
 - Purchase an intact animal permit for \$100 for each breeding animal, pay a fine of \$150.00, and surrender the current litter(s) to the City of Austin.

- All fees and fines will be waived if the owner is willing to sterilize the animal. Furthermore, if the condition of the animal, whether due to late term pregnancy or lactation, warrants a medical exception, then all waivers will remain in place until the medical exception expires and the animal is sterilized.

- Failure to prominently display the breeding permit number, provide it to any person who purchases, adopts, or receives as a gift progeny from a breeding permit holder, or include the breeding permit number in a receipt of sale or other transfer-of-ownership document: provided that the breeding permit is current, the offender will be issued a reprimand.