

4. Ordinance amending Chapter 5 of the City Code entitled "Animals" to increase minimum fines for repeat roaming dog and bite offenders and to clarify language regarding sterilization requirements of owned animals found free of restraint. [David W. McCary, Assistant City Manager; Michael Shannon, Interim Director, Animal Care Services]



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 4

Agenda Date: December 5, 2024

In Control: City Council A Session

DEPARTMENT: Animal Care Services

DEPARTMENT HEAD: Michael Shannon, Interim Director

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Ordinance approving amendments to Chapter 5 of the City Code, regarding animal ordinance violations and sterilization requirements.

SUMMARY:

This ordinance will amend Chapter 5, Animals, Section 5-21 to increase minimum fees for repeat Chapter 5 violations and amend Sections 5-150, 5-156, and 5-160 to clarify sterilization requirements for animals found free of restraint.

BACKGROUND INFORMATION:

On May 2, 2024, Council District 7, submitted a City Council Request (CCR) recognizing that San Antonio is experiencing an ongoing issue with dangerous, loose, and roaming dogs. The CCR requests the following measures to address habitually irresponsible pet ownership, the overpopulation of roaming pets, and public safety issues related to dangerous dogs:

- 1) Increase fines for repeat offenders for roaming dog violations.
- 2) Sterilize pets found free of restraint.
- 3) Implement a pseudonym program to protect the identity of people filing Dangerous Dog affidavits.

Current minimum fines for Free of Restraint violations are based on offense:

- \$100 for first offense
- \$200 for second offense
- \$300 for third offense

ACS also issues Sterilization Orders to owners whose pets are found free of restraint and reclaimed. The orders require sterilization of the pet within 30 days of issuance. In FY 2024, 1,825 sterilization orders were issued, 70% of which were followed up on for compliance.

ISSUE:

ACS is recommending several changes to Chapter 5 of the City Code to implement the measures outlined in the CCR.

1) Section 5-21: Increase minimum fines for repeated Chapter 5 violations as follows:

- \$100 for first offense
- \$500 for second offense
- \$750 for third and subsequent offense

2) Section 5-21: Add increased fines specifically for violations of Section 5-150(3), Failure to Prevent Bite, as follows:

- \$1,000 for first offense
- \$1,500 for second offense
- \$2,000 for third and subsequent offense

3) Sections 5-150, 5-156, and 5-160: Clarify language to allow City to either sterilize pets found free of restraint before being reclaimed or issue sterilization orders requiring the owner to sterilize the animal within 30 days of reclaim.

ALTERNATIVES:

Council could choose not to approve the ordinance, resulting in fines for Chapter 5 violations remaining as is and also still requiring the City to release loose animals back to owners before sterilization.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Staff recommends approval of the proposed changes to Chapter 5 of the San Antonio City Code.

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

ORDINANCE

AMENDING CHAPTER 5 OF THE CITY CODE ENTITLED “ANIMALS” TO INCREASE MINIMUM FINES FOR REPEAT ROAMING DOG AND BITE OFFENDERS AND TO CLARIFY LANGUAGE REGARDING STERILIZATION REQUIREMENTS OF OWNED ANIMALS FOUND FREE OF RESTRAINT; AND PROVIDING FOR PENALTIES AND PUBLICATION.

* * * * *

WHEREAS, on May 2, 2024, Council District 7, submitted a City Council Request (CCR) recognizing that San Antonio is experiencing a severe and ongoing issue with dangerous, loose, and roaming dogs; and

WHEREAS, the CCR requests the following measures to address habitually irresponsible pet ownership, the overpopulation of roaming pets, and public safety issues related to dangerous dogs: 1) Increase fines for repeat offenders for roaming dog violations; 2) Sterilize pets found free of restraint; and 3) Implement a pseudonym program to protect the identity of people filing Dangerous Dog affidavits; and

WHEREAS, current minimum fines for Free of Restraint violations are \$100.00 for first offense, \$200.00 for second offense, and \$300.00 for third offense; and

WHEREAS, the Animal Care Services Department (ACS) currently issues Sterilization Orders to owners whose pets are found free of restraint and reclaimed that require owners to sterilize their pet within 30 days of issuance; and

WHEREAS, in FY 2024, 1,825 Sterilization Orders were issued by ACS, 70% of which were followed up on for compliance; and

WHEREAS, clarifying the language in Chapter 5 will allow City to either sterilize pets found free of restraint before being reclaimed or issue Sterilization Orders requiring the owner to sterilize the animal within 30 days of reclamation; and

WHEREAS, approval of the proposed City Code amendments will increase fines for repeat roaming dogs and bite offenders and will clarify the current language regarding sterilization requirements of owned animals found free of restraint; **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:
...

Sec. 5-21. - Unlawful acts; criminal penalties; civil remedies.

- (a) Unless otherwise specifically provided for in this chapter, if it is found that a person intentionally, knowingly or recklessly violated any provision of this chapter, then upon conviction a person shall be fined an amount not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) except that, in the event a person has once previously been convicted under this chapter, the person shall be fined an amount not less than five hundred dollars (\$500.00) ~~two hundred dollars (\$200.00)~~ and shall be fined not less than seven hundred and fifty dollars (\$750.00) ~~three hundred dollars (\$300.00)~~ for a third conviction and for each conviction thereafter.
- (b) If it is found that a person intentionally, knowingly or recklessly violated sections 5-4, 5-5, 5-7, 5-8, 5-11, 5-16, 5-77, and 5-106, then upon conviction a person shall be punished by a minimum fine of five hundred dollars (\$500.00) and a maximum fine of two thousand dollars (\$2,000.00) for a first offense, a minimum fine of one thousand dollars (\$1,000.00) and a maximum fine of two thousand dollars (\$2,000.00) for a second offense, and a fine of two thousand dollars (\$2,000.00) for a third and subsequent offense.
- (c) If it is found that a person intentionally, knowingly or recklessly violated section 5-150(3) then upon conviction a person shall be punished by a fine of not less than one thousand dollars (\$1,000.00) for a first offense, a fine of not less than one thousand five hundred dollars (\$1,500.00) for a second offense, and a fine of not less than two thousand dollars (\$2,000.00) for a third and subsequent offense.
- (d)(e) Nothing in this section shall limit any and all other criminal, civil or administrative remedies available to the city in seeking to enforce the provisions of this chapter. Each day's violation thereof shall constitute a separate offense.
- (e)(d) Where it is deemed necessary by the city manager and the director, the city attorney's office is hereby empowered to secure injunctive relief to enforce the provisions of this chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this chapter.

...

Sec. 5-150. - Animal nuisances; sterilization required for dogs free of restraint.

The owner or keeper of any animal in the city is responsible for the behavior and conduct of that animal at all times including the creation of a public nuisance. Violations of the following acts or omissions are public nuisances:

- (1) The owner or keeper shall keep the animal (except cats) restrained at all times and insure that the animal (except cats) does not roam or run unrestrained. Dogs found to be free of restraint shall be subject to mandatory sterilization. The department shall either sterilize the dog prior to reclamation by the owner or shall require the owner to sterilize the dog at the owner's expense within thirty (30) day of notification of the violation at the owner's expense;

...

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.
- (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 impound of an intact dog or cat found at large, the department may, at the discretion of the director or his designee, ~~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, or 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 department. 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.

...

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

- (a) Any animal owner reclaiming an impounded animal shall, before the animal will be released to its owner, pay any and all fees associated with impoundment, boarding vaccinations, microchipping, sterilization and species specific testing as required by the department. The director is authorized to reduce or waive any such required fees.

...

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.

SS
12/5/24
Item No.

SECTION 4. Violations occurring after the effective date of this ordinance shall be punished as provided in the revised Chapter 5 of the City Code of San Antonio. 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. The revisions to Chapter 5 of the City Code of San Antonio, Texas shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

SECTION 9. Penalties provided for in the revised Chapter 5 of the City Code of San Antonio shall be effective five days after publication by the City Clerk.

PASSED AND APPROVED this ____ day of December 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

City Code Chapter 5 Amendments



**City Council A Session – Item #4
December 5, 2024**

**Presented by: Michael Shannon, Interim Director
Animal Care Services**

Background

CCR Submitted by Council District 7 on May 2, 2024

- San Antonio is experiencing a high number of roaming and stray animals, primarily due to irresponsible pet ownership and a lack of knowledge of the law.
- Request:
 - 1) Increase fines for repeat offenders for roaming dog violations
 - 2) Sterilization of pets found free of restraint
 - 3) Implement a pseudonym program to protect the identity of people filing Dangerous Dog affidavits

CCR Presented to Governance Committee on June 26, 2024 and Public Safety Committee on October 15, 2024

Fines for Repeat Offenders

Current Chapter 5 Code Minimum Fines – Sec. 5-21(a)

- \$100 first offense
- \$200 second offense
- \$300 third and subsequent offense

Proposed Code Changes

- \$100 first offense
- \$500 second offense
- \$750 third and subsequent offense

Fines for Dog Bites

Current Minimum Fines for “Failure to Prevent Bite” – Sec. 5-150(3)

- \$100 first offense
- \$200 second offense
- \$300 third and subsequent offense

Proposed Code Changes

- \$1,000 first offense
- \$1,500 second offense
- \$2,000 third and subsequent offense

Sterilization of Dogs Found Free of Restraint

Current Process

- Pet owners are issued a sterilization order if their animal is free of restraint or for bite cases.
 - ACS offers sterilization for on-campus reclaim of pet but does not require before reclaim.
- Sterilization orders require pet owner to sterilize pet within 30 days.
- ACS issues civil and criminal citations to pet owners that do not complete their sterilization agreement.

Current City Code Chapter 5

Sec. 5-150. Animal Nuisances; Sterilization Required for Dogs Free of Restraint

“...Dogs found to be free of restraint shall be subject to mandatory sterilization at the owner's expense within thirty (30) days of notification of the violation”

Sec. 5-156. Return of Captured Animal To Owner

“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.”

Sterilization Orders

Fiscal Year	Total Sterilization Orders Issued	Followed Up		Does Not Qualify	Follow Up Resulted in Citation	Sterilized	
2022	1,421	459	32%	58	243	158	11%
2023	1,902	493	26%	102	290	101	5%
2024	1,825	1,268	69%	366	687	215	12%

Sterilization of Roaming Dogs

Proposed Code Changes

- Amend Sec. 5-150, 5-156, and 5-160 to allow ACS to sterilize pets found free of restraint **PRIOR** to reclaim by owner
- ACS still maintains discretion to issue sterilization orders if it is not feasible to sterilize before returning to owner (e.g., by officers in the field)

Proposed Changes to City Code Chapter 5

Sec. 5-150. Animal Nuisances; Sterilization Required for Dogs Free of Restraint

“...Dogs found to be free of restraint shall be subject to mandatory sterilization. The department shall either sterilize the dog prior to reclamation by the owner or shall require the owner to sterilize the dog ~~at the owner's expense~~ within thirty (30) day of notification of the violation at the owner's expense;”

Sec. 5-156. Return of Captured Animal To Owner

“Upon impound of an intact dog or cat found at large, the department may, at the discretion of the director or his designee, ~~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...”



FY 2024 Returns to Owner (RTO)

Total Pets Returned to Owner	7,037
Cats	(791)
Not Eligible for Surgery	(2,436)
Already Sterilized	(1,385)
Total Unsterilized Dogs Returned to Owner	2,425
In Field	1,856
On Campus Reclaimed	569

Sterilization of Dogs Found Free of Restraint

Proposed Process

- **On Campus Reclaims** - sterilization of these pets can be absorbed within existing clinic operations
- **Field Return to Owners** – ensure 100% issuance and follow up on sterilization orders
- **Challenges** to sterilizing additional pets on ACS campus
 - Would reduce ability to get to 100% critical calls due
 - Scheduling/logistics
 - Shelter capacity and disease control

Additional Changes

- Allow use of Pseudonyms on Dangerous Dog affidavits
- Continue proactive ACS inspections for repeat offenders
- Propose State Legislative changes with our delegation members to strengthen dangerous dog laws
 1. Allow an affidavit from an ACO in lieu of a complainant
 2. Increase penalties for owners of dangerous dogs
 3. Prohibit dangerous dog repeat offenders from pet ownership

Recommendation Summary

- ❖ **Change City Code Ch. 5**
 1. **Increase minimum fines for repeat offenders & bite cases**
 2. **Allow ACS to sterilize pets found free of restraint rather than 30-day sterilization order**
- ❖ **Begin sterilization of free of restraint pets reclaimed on ACS campus after City code change**
- ❖ **Ensure 100% Issuance and Follow-up on sterilization orders (Field RTO)**

City Code Chapter 5 Amendments



**City Council A Session – Item #4
December 5, 2024**

**Presented by: Michael Shannon, Interim Director
Animal Care Services**