

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: ANIMAL SERVICES
AGENDA DATE: FEBRUARY 9, 2016

CONTACT PERSON NAME AND PHONE NUMBER: KURT FENSTERMACHER, INTERIM DIRECTOR, 842-1050

DISTRICT(S) AFFECTED: ALL

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

An Ordinance amending Title 7 (Animals), Chapter 7.04 (Definitions and Administration), Section 7.04.010 (Definitions); Chapter 7.08 (Animals Generally), Section 7.08.020 (Abandonment – Reporting Violations); Section 7.12.030 (Restraint); Chapter 7.12 (Dogs and Cats), Section 7.12.010 (Running at Large Prohibited); Section 7.12.020 (Registration, Vaccination, and Microchips Required); Chapter 7.16 (Impoundment), Section 7.16.010 (Notification), Section 7.16.020 (Redemption – Disposition), and Section 7.16.030 (Fees); To address trap-neuter-return cats in each identified section; The penalty being as provided in Section 7.04.080 of The El Paso City Code.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The City of El Paso created an Animal Services Task Force in order to investigate various animal-related issues; among the issues investigated by the Task Force was how to humanely limit the feral cat population in the City and how to reduce the euthanization of cats at the City's Animal Shelter. The City of El Paso supports the trap-neuter-return philosophy and wishes to amend its animal ordinance in order to exclude trap-neuter-return cats from certain requirements including the microchip and registration, unrestrained animal and running at large prohibitions, and certain impoundment requirements, including the impoundment holding period.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

January 12, 2016, the Task Force presented to City Council the benefits of a trap-neuter-return process City-wide
January 26, 2016, the City Council approved the action plan presented by the Task Force.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

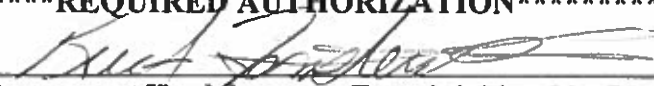
NO FUNDING

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 7 (ANIMALS), CHAPTER 7.04 (DEFINITIONS AND ADMINISTRATION), SECTION 7.04.010 (DEFINITIONS) TO REFERENCE THE DEPARTMENT OF ANIMAL SERVICES; CHAPTER 7.08 (ANIMALS GENERALLY), SECTION 7.08.020 (ABANDONMENT – REPORTING VIOLATIONS); SECTION 7.08.030 (RESTRAINT); CHAPTER 7.12 (DOGS AND CATS), SECTION 7.12.010 (RUNNING AT LARGE PROHIBITED); SECTION 7.12.020 (REGISTRATION, VACCINATION, AND MICROCHIPS REQUIRED); CHAPTER 7.16 (IMPOUNDMENT), SECTION 7.16.010 (NOTIFICATION), SECTION 7.16.020 (REDEMPTION – DISPOSITION), AND SECTION 7.16.030 (FEES); TO ADDRESS TRAP-NEUTER-RETURN CATS IN EACH IDENTIFIED SECTION; THE PENALTY BEING AS PROVIDED IN SECTION 7.04.080 OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso created an Animal Services Task Force (“Task Force”) in order to investigate various animal-related issues;

WHEREAS, among the issues investigated by the Task Force was how to humanely limit the feral cat population in the City and how to reduce the euthanization of cats at the City’s Animal Shelter;

WHEREAS, on January 12, 2016, the Task Force presented to City Council the benefits of a trap-neuter-return process City-wide;

WHEREAS, on January 26, 2016, the City Council approved the action plan presented by the Task Force; and

WHEREAS, the City of El Paso supports the trap-neuter-return philosophy and wishes to amend its animal ordinance in order to exclude trap-neuter-return cats from certain requirements including the microchip and registration, unrestrained animal and running at large prohibitions, and certain impoundment requirements, including the impoundment holding period.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Title 7 (Animals), Chapter 7.04 (Definitions and Administration), Section 7.08.010 (Definitions), Subsections 7.08.020H, 7.08.020M, 7.08.020N, 7.08.020P, 7.08.020AA and

ORDINANCE NO. _____

7.08.020KK are amended to read as follows, and the remaining definitions shall be sequentially renumbered:

7.04.010 – Definitions.

H. "Center" means any premises designated by the city for the purpose of impounding and caring for animals coming into the custody of the department of animal services and in which the program is housed.

M. "Director" means the director of the department of animal services, or designee.

N. "Department" means the department of animal services.

P. "Ear tipped cat" means a cat upon which a surgical process is performed during neutering as part of the trap-neuter-return protocol overseen by a licensed veterinarian, in which a one-quarter-inch diagonal cut is made to remove the point of a cat's ear, and is preferably, but not exclusively, on the cat's left ear, to identify the cat as being sterilized and lawfully vaccinated for rabies.

AA. "Owner" means a custodian, caretaker or person who feeds or harbors the subject animal for more than seventy-two hours without said animal being identified as a trap-neuter-return cat. Persons caring for an animal at the specific request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with this Code.

KK. "Trap-neuter-return" means the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning a cat to the location where it was trapped.

Section 2. That Title 7 (Animals), Chapter 7.08 (Animals Generally), Section 7.08.020 (Abandonment – Reporting Violations), Subsection 7.08.020A. is amended to read as follows:

7.08.020 - Abandonment—Reporting violations.

A. It is unlawful for any person to abandon any animal in the city.

1. The release of an ear tipped cat ~~into an area where food, shelter and monitoring are provided on a regular basis to the location where it was trapped~~ does not constitute abandonment within the meaning of this chapter.

Section 3. That Title 7 (Animals), Chapter 7.08 (Animals Generally), Section 7.08.030 (Restraint), is amended in its entirety to read as follows:

7.08.030 Restraint.

A. Every person owning or having charge, care, custody or control of any animal shall keep such animal exclusively upon his own premises by means of physical restraint, provided, however, that such animal may be off such premises if it is under direct physical control of a competent person.

- B. It is a defense to prosecution under subsection A. that:
1. The animal is a dog in an off-leash area as permitted elsewhere in this City Code, including, but not limited to, Title 13;
 2. The animal is a cat that can be identified as having an owner or caregiver by collar and tags, microchip, or identifying tattoo; or
 3. The animal is an ear tipped cat indicating that it has been processed through the trap-neuter-return protocol.

Section 4. That Title 7 (Animals), Chapter 7.12 (Dogs and Cats), Section 7.12.010 (Running at Large Prohibited), is amended in its entirety to read as follows:

7.12.010 - Running at large prohibited.

A. Every person owning or having charge, care, custody or control of any dog or cat shall keep such dog or cat exclusively upon his own premises by means of appropriate and humane physical restraint; provided, however, that such dog may be off such premises if it is under direct control of a competent person by means of a secure leash or by some other equivalent means of direct physical control, and such cat may be off such premises if it is under direct physical control of a competent person.

- B. The prohibition against an animal running at large shall not apply to:
1. A cat which has been vaccinated as required by this chapter and which is wearing the required vaccination tags;
 2. A cat that can be identified as having an owner or caregiver by collar and tags, microchip, identifying tattoo, or is an ear tipped cat indicating that it has been processed through the trap-neuter-return protocol; or
 3. A cat whose owner or caregiver can provide documentation of the cat's sterilization.

Section 5. That Title 7 (Animals), Chapter 7.12 (Dogs and Cats), Section 7.12.020 (Registration, Vaccination, and Microchips Required), Subsection 7.12.020A is amended to read as follows:

7.12.020 Registration, vaccination, and microchips required.

- A. Dogs, cats and ferrets shall be registered, vaccinated and have an implanted microchip as provided in this title.
1. No person who is a resident of the city shall have within the city for more than thirty days any dog, cat or ferret four months of age or older unless such dog, cat or ferret is currently registered with the program.
 2. No person who is not a resident of the city shall have within the city any dog, cat or ferret for more than ninety days unless such dog, cat or ferret is currently registered with program.

3. No dog, cat or ferret shall be registered unless it has a current vaccination as is required by the director and an implanted microchip. A registration certificate and tag may be obtained from veterinarians who have obtained authority from the program to issue them, or from an employee at the center upon presentation of a certificate of current vaccination and evidence of microchip.
4. No person shall have within the city any dog, cat or ferret four months of age or older for more than ten days unless such dog, cat or ferret is currently vaccinated against rabies.
5. An ear tipped cat that has been processed through the trap-neuter-return protocol shall be exempt from the registration and microchip requirements of this chapter. A person who requests that the program implant a microchip into or register an ear tipped cat that has been processed through the trap-neuter-return protocol, shall pay the applicable fee authorized by City Council for said service.

Section 6. That Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.010 (Notification), Subsections 7.16.010A and 7.16.010B are amended to read as follows:

7.16.010 - Notification.

A. Dogs or cats not vaccinated, registered or microchipped may be seized subject to warrant and impounded at the center.

1. This provision shall not apply to an ear tipped cat indicating that it has been processed through the trap-neuter-return protocol.

B. Any animal found to be running at large may be seized and impounded at the center.

1. This provision shall not apply to a cat that can be identified as having an owner or caregiver by collar and tags, microchip, or identifying tattoo.
2. This provision shall not apply to an ear tipped cat indicating that it has been processed through the trap-neuter-return protocol.

Section 7. That Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.020 (Redemption - Disposition), Subsection 7.16.020D is amended to read as follows:

7.16.020 – Redemption - Disposition.

D. Any animal impounded and not claimed by the owner may be humanely destroyed after being held for at least three days after the day of impoundment; provided however, that any impounded dog, cat or ferret found to be microchipped or displaying a current vaccination and/or registration tag shall be held for at least six days after the day of impoundment.

1. Notwithstanding the foregoing:

- a. Litters of animals including the nursing mother, and unweaned animals without a mother, may be transferred to an animal welfare organization immediately after impound; and
- b. Injured and ill animals may be transferred to an animal welfare organization immediately after or at any time during impoundment upon the representation by such animal welfare organization that it will seek immediate veterinary care for the animal.
- c. For all animals transferred to an animal welfare organization under this section, the organization shall hold the animals for reclaim by the owner the requisite number of days set forth above and may request charges to recover the fair and reasonable costs of care of such animals upon being reclaimed.
- d. In the event an ear tipped cat indicating that is has been processed through the trap-neuter-return protocol is impounded, said cat shall not be subject to the stated impoundment holding period and shall be returned by the program to the location where the cat was trapped as soon as the program's resources permit, subject to Subsection 7.16.020G of this Chapter.
- e. In the event any cat not showing evidence of ownership (whether by collar and tags, microchip, identifying tattoo or other method of displaying identification), is impounded, said cat may become a trap-neuter-return cat, and in that case shall be processed through the trap-neuter-return protocol, subject to Subsection 7.16.020G of this Chapter.

Section 8. That Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.030 (Fees), Subsection 7.16.030F is amended to read as follows:

7.16.030 - Fees.

F. Dog or cat traps shall be made available to any adult resident of the City of El Paso at no charge. By borrowing a trap, each resident hereby agrees:

1. That all traps will be returned no later than the fifth day after pick-up or delivery of the trap;
2. Cats shall only be trapped for the purposes of trap-neuter-return or if the cat is injured or sick;
3. The program is entitled to reimbursement for the full replacement cost of the trap should it not be timely returned; and
4. To pay the established fee for the City to deliver a trap to a member of the public upon that person's request.

Section 9. This ordinance shall become effective on March 1, 2016.

Section 10. That, except as herein amended, Title 7 (Animals) shall remain in full force and effect.

CITY CLERK DEPT.
2016 FEB -2 PH 12: 27

(SIGNATURES APPEAR ON NEXT PAGE)

ADOPTED this ___ day of _____ 2016.

CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Kurt Fenstermacher, Interim Director
Department of Animal Services



Item 31.5

Title 7 Amendment: Community Cats Program

***Strategic Goal 8.3 Enhance Animal Services to ensure
El Paso's Pets are provided a safe & healthy environment***



11 Best Practices

1. Community Cats/Feral Cats TNR Program





TNR Definition

- TNR proven method to be humane and effective in controlling the feral cat population growth
- Feral/community cats are trapped, spay/neutered, and returned to their *specific* territory.
- Emphasis is placed on community partnerships with individuals, colony managers, Animal Services/Animal Control Staff, and Feral Cat organizations

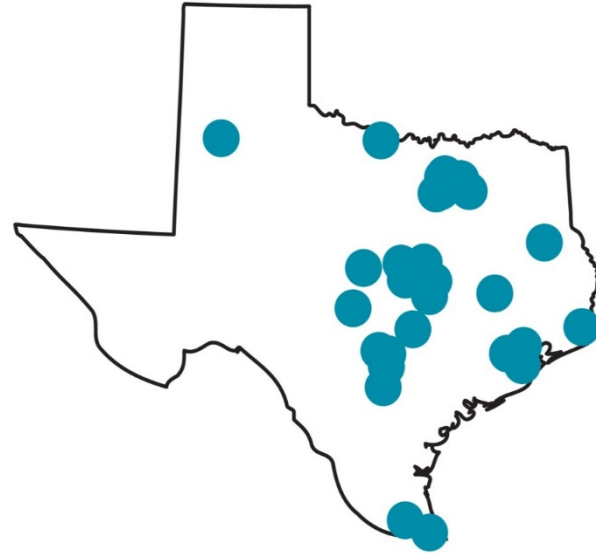


TNR Across Texas

2003

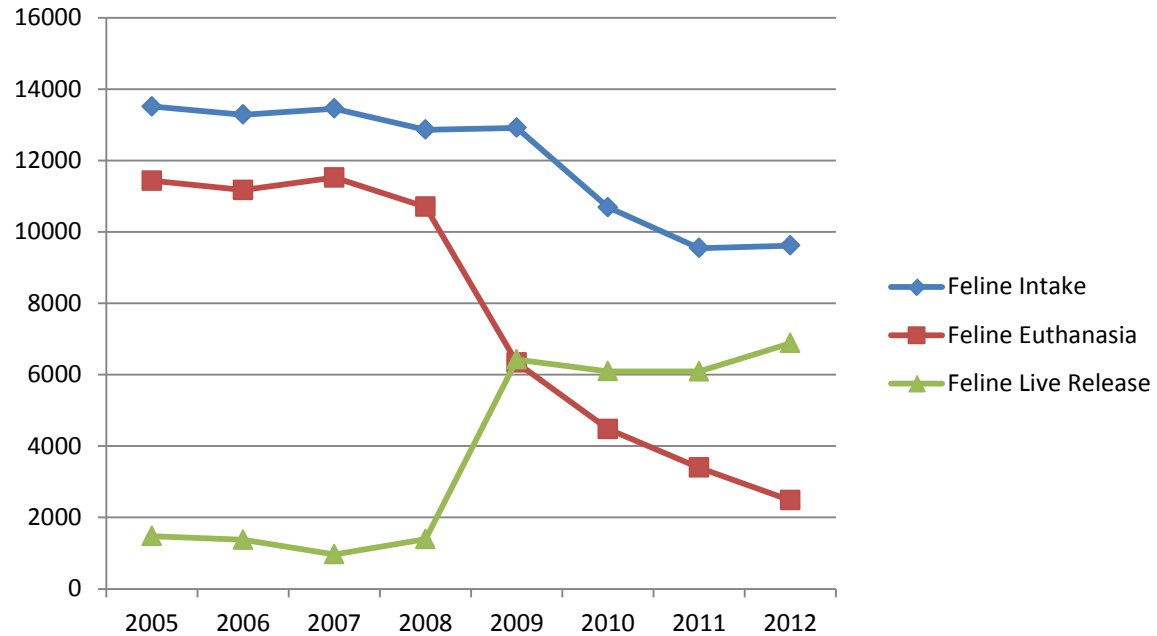


2013





JACKSONVILLE, FL





Title 7 Changes

- Added definition for “Ear tipped cat”
- Added definition for “Trap-neuter-return”
- Amended definition of “Owner” – adding language excluding TNR cats



Title 7 Changes

- Amended the abandon animal clause – allowing the release of ear tipped cats
- Amended the restraint clause:
 - Dogs off-leash in designated area
 - Ear tipped cat, processed through TNR
 - Animal is cat with identification



Title 7 Changes

- Added exclusion to animal running at large:
 - Cat that is vaccinated and wearing tags
 - Cat identified as owned by collar, tags, microchip, tattoo or ear tipped cat
 - Cat whose owner or caregiver can provide documentation of the cat's sterilization



Title 7 Changes

- Added exemption for TNR cats from registration and microchip requirements.
- Exempt ear tipped cats from impoundment
- Eliminate stated hold period for TNR cats and cats with no identification (which will be processed through TNR)



Title 7 Changes

- Added clause that cats shall only be trapped for the purposed of TNR or if the cat is injured or sick.



QUESTIONS



"Delivering Outstanding Services"