

## 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 constitutes grounds for the 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.
    - 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.

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 Donation 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.
- b. For an intact dog or cat residing in Austin with an *intact 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 residing in Austin without a *medical exception*, *transitory exception*, or *intact permit*:

- For each intact dog or cat found to be residing in a household or breeding facility without a *medical exception*, *transitory exception*, or *intact 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.

- For each intact dog or cat found to be residing in a household or breeding facility without a *medical exception*, *transitory exception*, or *intact 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 a breeding permit for \$500 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 a breeding permit for \$500 per litter, 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.
  - 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.