



BARC
ANIMAL SHELTER
& ADOPTIONS

Chapter 6 Proposed Ordinance Changes





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From the City of Houston

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Overview

- 1. Background**
- 2. Review of Major Changes**
- 3. Conclusion**
- 4. Q&A**



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Background

- **2009 – ARA begins the transformation of BARC**
 - **ARA immediately recognizes changes are needed to City Ordinance**
- **2010 to 2011 – BARC and the City Legal Department begin drafting preliminary changes to Chapter 6. First stakeholder meetings are held**
- **2012 – BARC stabilizes and refocuses efforts toward community outreach.**
 - **Stakeholder meetings become more regular.**
 - **More drafts are created**
- **2013 – BARC continues collecting feedback from stakeholders and is prepared to present ordinance changes to City Council.**



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Major Changes

- **We will only cover major changes. Minor changes were made to improve readability and clarify definitions**

Sec 6-1:

- **BARC is no longer the Bureau of Animal Regulation and Care**
 - **BARC is now BARC Animal Shelter and Adoptions**
 - **Accurately reflects our mission**
 - **For purposes of Chapter 6, the “animal shelter” shall be referred to as BARC.**
- **Commercial Pet Service Facility replaces the term “Dog Kennel”**



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Major Changes cont.

- **Commercial Pet Service Facility means any lot, enclosure, premises, structure or building whereon or wherein dogs or cats over the age of four months are kept or maintained for any commercial purpose whatsoever; notwithstanding the foregoing, for purposes of article IV of this chapter only, commercial pet service facility shall not include commercial breeders, veterinarians, or veterinary hospitals.**
 - **Commercial breeders are covered under a different license**
 - **Veterinarians and vet hospitals are covered under state law**



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Major Changes cont.

- **The term “Breeder” was too ambiguous, so the term “noncommercial breeder” was added to Sec 6-1.**
 - **A noncommercial breeder means any person who allows a dog or cat in their possession to produce offspring.**
- **A definition for extreme weather conditions was added to Sec 6-1**
 - **Extreme weather conditions means conditions in which the actual or effective outdoor temperature is below 32 degrees Fahrenheit, or a heat advisory has been issued by a local or state authority or jurisdiction, or a hurricane, tropical storm, flood, flash flood, severe thunderstorm or tornado warning has been issued for the jurisdiction by the National Weather Service.**



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Major Changes cont.

- **Sec 6-11 – Milch goats will no longer be allowed**
- **Sec 6-17 – All dogs that are quarantined for biting will be required to be microchipped**
 - **This replaces tattoos**
 - **Tattoos are antiquated and may fade or stretch in time**
- **Sec 6-26 - defines ownership of an animal as any person who has encouraged the presence of any domestic animal on their property, residence, or premises by providing food and water or other care, or has otherwise accepted caretaker responsibility for the animal for longer than three consecutive days, shall be considered to be the owner of the animal.**



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Major Changes cont.

- **Sec 6-31 mentions the Building Code and the rest of Chapter 6 references the Building Code as it pertains to animal holding areas (such as pens, coups, stables, dog houses, etc)**
- **Sec 6-38 – This section was added to deter the ownership of roosters.**
 - **Roosters are the leading cause of noise complaints**
 - **Roosters are often kept as instruments of illegal cock fighting operations**
 - **Prohibiting their ownership will hopefully discourage their use in illegal activities and reduce noise complaints.**



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Major Changes cont.

- **Sec 6-57** – This section provided a special permit to own a wild animal. It has been removed.
 - It was created to “grandfather” constituents who already owned an animal at the time of the wild animal restriction
 - No permit has been issued in 10 years
- **Sec 6-90** – This section provided authority to veterinarians to issue pet licenses. It has been removed.
 - **BARC has an in-house licensing department dedicated to pet licensing**
 - **Veterinarians are not required to purchase additional software or incur additional costs of selling a license**



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Major Changes cont.

- **Sec 6-101 (d and e)** – Language was added to make it illegal for an owner of a nuisance or dangerous dog to allow it to run at large.
 - Dangerous dogs pose a public safety risk
 - Maintaining control of an animal is the constituent's responsibility
- **Sec 6-120** – This section was added
 - Noncommercial breeding is prohibited
- **Sec 6-122** – This section was added.
 - It includes specific information that is required for a commercial pet facility license



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Major Changes cont.

- **Sec 6-123 – An inspection from BARC is no longer required to receive a commercial pet facility license.**
 - **This allows BARC to focus efforts on nuisance based enforcement**
 - **Guidelines will be available on BARC's website kept at BARC's facility**
- **Sec 6 -124 – It will be the applicant's responsibility to keep their records accurate with BARC.**
 - **Changes in address or contact information should be relayed to BARC ASAP**
 - **License is nontransferable**



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Major Changes cont.

- **Sec 6-126 – Suspending a pet service facility’s license.**
 - **A license can be suspended for any of the following:**
 1. **Animals at the facility are being deprived of necessary food, care or shelter**
 2. **Animals are being cruelly confined or are otherwise being cruelly treated**
 3. **Unsanitary conditions exist to such an extent that those conditions create a possible medium for the transmission of disease to the animals kept there or to human beings**



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Major Changes cont.

4. **The licensee or any agent or employee of the licensee responsible for the oversight or operation of the commercial pet service facility receives three or more convictions for violations of section 30-3 of this Code in relation to the operation of the commercial pet service facility in a 12-month period.**
 - **Note: A suspension is different than a revocation**
 - **A suspension may be immediately lifted if evidence is provided that an issue has been resolved.**
 - **Sec 126 (g thru k) – Revoking a license**



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Major Changes cont.

- **Sec 126 (g thru k) – Revoking a license**
 - **Prior to revocation, written notice shall be given to the licensee or person in charge. Such notice shall set forth:**
 - 1. The grounds upon which the city will seek revocation of the license;**
 - 2. The specific conditions upon which the city will rely in seeking revocation of the license;**
 - 3. That a hearing will be held before the director;**
 - 4. The date, time and place of such hearing;**
 - 5. That the licensee may appear in person and/or be represented by counsel, may present testimony and may cross-examine all witnesses.**



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Major Changes cont.

- **Sec 126 (g thru k) – Revoking a license (cont.)**
- **The hearing officer shall make written findings as to whether or not grounds exist for revocation of the license.**
- **If the hearing officer finds that no grounds exist for revocation of the license, the hearing officer shall deny the request for revocation.**
- **If the hearing officer finds that grounds do exist for revocation of the license, he shall order the revocation of the license**
- **the hearing officer may deny the request for revocation if he finds that the needs of the animals and the public interest will be adequately protected by a warning.**



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Major Changes cont.

- **Sec 126 (Now 127) – 100 Foot Rule**
 - **This section has been deleted**
 - **The 100 foot rule is arbitrary as it pertains to commercial pet services facilities**
 - **BARC is now focusing on nuisance based enforcement**
 - **Currently, many commercial pet service facilities operate within 100 feet of another business and do a great job of living harmoniously with neighbors**
 - **If you take care of your animals, BARC is not interested in writing citations.**



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Major Changes cont.

- **Sec 137 – Impoundment**
 - **On every first impoundment, an unaltered dog or cat will be altered at the owner's expense.**
 - **There is no requirement for sterilization for unaltered dogs and cats under the current ordinance**
- **Sec 6-141 – Adoptions at BARC**
 - **BARC will not adopt or foster to any person convicted of animal cruelty**
 - **There is an appeal process for person's denied an application for these reasons**



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Major Changes cont.

- **Sec 151 – Dangerous, Aggressive and Public Nuisance Dogs**
 - **Aggressive dog means a dog that:**
 - 1. Has attacked or bitten any person or other animal without provocation on two previous occasions and such occasions were documented by BARC**
 - 2. Has displayed aggressive tendencies that cause a person of normal sensibilities to fear the dog will attack that person or a domesticated animal without provocation while inside an enclosure, and such enclosure is not sufficient to ensure the safety of persons or domesticated animals on adjoining property or the public at large**



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Major Changes cont.

Aggressive dog means a dog that: (cont.)

- 3. Has otherwise interfered with the freedom of movement of persons in a public right-of-way, regardless of whether the dog was on the property of its owner**
- 4. A law enforcement officer or animal control officer has reason to believe the dog has a dangerous disposition likely to be harmful to humans or other animals.**



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Major Changes cont.

Sec 151 (cont.) - Dangerous Dog means a dog that:

- 1. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own**
- 2. Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person**
- 3. Bites, assaults, or otherwise attacks a**



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Sec 151 (cont.) - Dangerous Dog means a dog that:

3. **Bites, assaults, or otherwise attacks a person without provocation on the property of the owner causing serious bodily injury to the person, provided that the person is on the property of the owner with the owner's consent or invitation.**
- **Public nuisance dog shall mean any dog that:**
 1. **Substantially interferes with the right to enjoyment of life or property by persons other than the owner by acts including, but not limited to, frequent, long, or continued barking or howling, repeated defecation on property other than that of the owner, or damaging property other than that of the owner**



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Major Changes cont.

- **Public nuisance dog (cont.)**
 2. **Attacks domestic animals**
 3. **Is documented by BARC to be at large three or more times in a 12-month period**
 4. **Is one of a number of dogs or other animals maintained on the property owned or controlled by its owner so as to be dangerous to the public health, safety or welfare**
- **Sec 6-163 – Dangerous Dogs**
 - **It shall be unlawful for any person to own, harbor, or maintain custody or control of a dog within the city that has been declared to be a dangerous dog by another animal control authority**



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Major Changes cont.

- **Sec 6-164 – Aggressive Dogs**
 - **Upon receipt of a sworn, written complaint by any person, in a form approved by the director, that any dog situated within the city may constitute an aggressive dog, the director shall cause an investigation to be conducted.**
 - **If upon investigation, the director reasonably believes that grounds exist to declare the dog an aggressive dog, he shall issue a written order to the owner of the dog by personal delivery, or by certified mail, return receipt requested.**



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Major Changes cont.

- **Sec 6-166 thru 169 – Aggressive and Nuisance Dogs**
 - **Specifically defines requirements for keeping an aggressive or nuisance dog**
 - **Creates an appeal process for aggressive and nuisance dogs**
- **Throughout most of the document, language was added to include a defense for prosecution for members of a recognized TNR program.**
- **Again, not all changes are shown here today. Only the most impactful changes were discussed.**



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Conclusion

- **BARC is focused on nuisance based enforcement**
- **New ordinance is business friendly and allows business owners an opportunity to address complaints proactively**
- **The removal of the 100 foot rule will allow current businesses to operate without interruption**
- **BARC is dedicated to the health and welfare of animals in our city and we want our City Ordinance to reflect our values**
- **Thank you for participating in this process. This is your city and we are happy to be your animal shelter.**



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Questions?

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