



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Animal Services

ACM: Frank Dixon, Assistant City Manager

DATE: March 19, 2024

SUBJECT

Receive a report, hold a discussion, and give staff direction on proposed amendments to City of Denton Code of Ordinances Chapter 6 Animals; and receive information on House Bill 870 and Senate Bill 1989 from the 2023 Texas Legislative Session.

BACKGROUND

The City of Denton Code of Ordinances Chapter 6 Animals, provides the framework and policies for the regulation of the care and control of animals within the City of Denton. The ordinance was adopted by Council on December 19, 2000, Ord. No 2000-460 (**Exhibit 2**). Under guidance from the Animal Shelter Advisory Committee and the City Attorney's Office, amendments and updates are being requested to bring Chapter 6 up to new industry standards and best practices to ensure community health and safety.

Proposed changes are summarized below. A redlined draft version on the ordinance with all proposed changes is attached for review (**Exhibit 3**) along with a "clean" draft incorporating proposed changes for review (**Exhibit 4**).

Summary of Proposed Changes

- **General updating throughout**
 - Updated definition and verbiage to industry standards
 - Removed definitions that were redundant or no longer used
 - Added definitions
 - Rewording of some areas for clarification
- **Sec. 6-9 Animal nuisances**
 - Added (4), (4)a, & 4(b)
 - Makes it unlawful for any person to be the owner of an animal that has been impounded or proven to be at large 3 or more times
 - (a) Allows animal to be declared a nuisance and (b) requires animal to be removed from city limits within 30 days of notification; provides appeal process
 - Helps to prevent repeat offenders that do not mitigate situation and helps protect the animal from the dangers of running at large
- **Sec. 6-14 Registering of cats and dogs**

- (a) Updated to microchipping requirement, brings in line with industry standards
- (b) Allows for microchipping of all animals upon intake
- (c) Allows Animal Services to offer microchipping services to the public for a nominal fee to be set by Council
- **Sec. 6-29 Wild animals**
 - Added section to address nuisance issues, protect wildlife
 - Allows for an exemption for licensed rehabilitators or educational purposes
- **Sec. 6-30 Prohibited animal permit and impoundment**
 - Updated to make Animal Shelter Advisory Committee the granting body for permits
- **Reduction of hold periods from 96 hours to 72 hours**
 - For strays, protective custody, impounds,
 - Brings in line with industry standards
 - Reduces overall length of stay for animals
 - Sec. 6-15, 6-16, 6-17, 6-18, 6-24
- **Feral Cats**
 - Currently, Article III Sec 6.40-48- addresses registering, oversight, and enforcement of feral cat colonies.
 - No current registered colonies; restrictive, outdated practice
 - Removing entire section, replacing with Sec. 6-25.
 - New section provides a method for addressing nuisance feral cats
- **Article II Dangerous dog**
 - Updated to bring in line with Chapter 822 Subchapter D. Dangerous Dogs of the Texas Health and Safety Code
 - Added Sec 6-39.3 Animals deemed dangerous by other jurisdictions
 - Bans the bringing of dogs deemed dangerous by other jurisdictional bodies into the city
- **Article III Humane trapping**
 - Added to regulate the placement of traps
 - Requires the use of humane traps, prohibits use of traps that cause injury or death
 - Provides for humane treatment of all animals trapped
 - Aimed at reducing unnecessary trapping of healthy wildlife
- **Sec. 6-33 Commerce in live animals**
 - Added to address health and safety concerns
 - Prohibits the sale or display of live animals on a roadside or public area

A draft of Chapter 6 updates as proposed was presented to the Animal Shelter Advisory Committee on November 28, 2023.

Additionally, staff is proposing to update Sec. 1-12 General penalty to add section (a)(5) to increase the penalty from two hundred dollars (\$200.00) to five hundred dollars (\$500.00) for any violation of Chapter 6. A redlined proposed draft of the update to the general penalty section is attached as **Exhibit 8**.

On December 5, 2023, staff presented the proposed updates and changes to Council in a work session (ID: 23-2273). At that time, council gave the following direction:

- Section 6-33 Commerce of Live Animals: remove proposed prohibition of retail pet stores from selling dogs or cats
- Provide results of community input to Council

Animal Services Staff City staff hosted three public input meetings to provide residents the opportunity to discuss proposed changes and updates with staff, provide feedback, and ask questions. The summary of the results are shown in Chart A.

CHART A: Public Input Meetings Summary		
Meeting Date	Type	Attendance
January 11, 2024	In-person	7
February 1, 2024	In-person	15
February 12, 2024	Virtual	0
Comment/Response Forms Received		5
Summary of Responses in person and through form: Overall support for proposed changes Desire some type of regulation of retail pet store Would like staff to explore in the future: <ul style="list-style-type: none"> • Mandatory spay and neuter • More public education and outreach 		

Results of the public input meetings and a final draft of Chapter 6 updates as proposed was presented to the Animal Shelter Advisory Committee on March 6, 2024.

On January 23, 2024, a two-minute pitch was approved for a work session to provide information to Council on H.B. 870 and S.B. 1989 (2023 Leg. Sess.) (**Exhibit 9**). The proposed bills would prohibit pet stores from selling dogs or cats unless they are obtained from an animal control agency, animal shelter, or rescue organization. The bill was introduced on December 2, 2022, but died in chamber.

RECOMMENDATION

Staff requests feedback on the proposed changes in anticipation of returning to Council for adoption.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The City of Denton Code of Ordinances Chapter 6 Animals, was adopted by Council on December 19, 2000 (Ord. No. 2000-460)

An ordinance of the City of Denton amending the provisions of Chapter 6 relating to “Animals” by amending Sec. 6-2 to include bats in the definition of prohibited animals and include a definition for tethering; by amending Sec. 6-6 to provide that the animal shelter employee shall work for the City of Denton Animal Shelter; by amending Sec. 6-8 to place limitations on tethering animals; by amending Sec. 6-13, 6-14, and 6-17 to reflect changes in state law regarding rabies vaccination requirements; by amending Sec. 6-14 to waive registration fees for animals which are sterilized and microchipped; by amending Sec. 6-16 to reduce the holding period for protective custody impounds from 7 days to ninety-six (96) hours; by amending Sec. 6-30 to allow for impoundment

of prohibited animals and to establish time frames for redemption or disposition of the prohibited animal was adopted by Council on December 12, 2006 (Ord. No. 2006-330).

An ordinance of the City of Denton amending the provisions of Chapter 6 “Animals” of the code of ordinances by adding a definition for enclosure to Sec. 6-2, by changing the time period for filing a dangerous animal case in Sec. 6-34 to 30 days, by removing Sec. 6-34(d), and by adding Sec. 6-49 to add provisions to allow the keeping of bees within City limits of Denton with certain restrictions was adopted by Council on August 2, 2016 (Ord. No. 2016-217).

An ordinance of the City of Denton amending the provisions of Sec. 6-8 of the code of ordinances regarding restraining animals and tethering animals to prohibit the tethering of animals with certain exceptions was adopted by Council on November 10, 2020 (Ord. No. 2020-2235).

On May 17, 2023, the Animal Shelter Advisory Committee reviewed the first proposed draft changes to the ordinance and provided feedback to staff (ASAC23-003).

On November 28, 2023, the Animal Shelter Advisory Committee reviewed the final proposed draft and provided feedback to staff (ASAC23-010)

On December 5, 2023, Council reviewed proposed changes and updates in a work session (ID: 23-2273)

On January 10, 2024, the Animal Shelter Advisory Committee reviewed Council feedback from December 5, 2023, work session.

On March 6, 2024, results of the public input meetings were discussed with the Animal Shelter Advisory Committee (ASAC24-003).

EXHIBITS

Exhibit 1- Agenda Information Sheet

Exhibit 2- Ord. No. 2000-460

Exhibit 3- Ord. No. 2006-330

Exhibit 4- Ord. No. 2016-217

Exhibit 5- Ord. No. 20-2235

Exhibit 6- Chapter 6 (Redline)

Exhibit 7- Chapter 6 (Clean)

Exhibit 8- General penalty (Redline)

Exhibit 9- S.B. 1989

Exhibit 10- Presentation

Respectfully submitted:

Nikki Sassenus, Animal Services Director