From: Responsible Pet Owners Alliance
CHAPTER 5 – ANIMALS

<u>These are our major objections to this ordinance revision.</u>
San Antonio has become well known as being the most anti-pet city in Texas and ties with Denver, CO, for the nationwide title.
We hope city council will correct these provisions which have unintended consequences. Let's make San Antonio a pet friendly city again!

Dogs and Cats will be required to be sterilized upon second impoundment at ACS.
Be advised <u>ACS keeps no records of dogs and cats upon second impoundment</u> per our recent Open Records Request or either there have been none for the past five years. So why is this even in the ordinance? It should be deleted.

RPOA opposes all <u>Mandatory Spay/Neuter Surgery</u> of impounded dogs and cats <u>that have an owner except for dogs declared dangerous or vicious</u>.
<u>Animals are legally our personal property.</u>

OPPOSE: "UNSTERILIZED DOG LICENSE." $50 Annual Pet License Fee.
<u>Only 774 Intact Dog Permits were sold (at $50 each)</u> in 1½ years and those were to "impounded dogs" being claimed by owners. Why are dog licenses higher than cat licenses? Cat Licenses are $5 Sterilized or Unsterilized! Cats are more of a problem than dogs in the city.
License fee should be $5, the same for all dogs and cats and sold at HEB again. Pet ownership is expensive and pet owners don't buy licenses as it is. The city of Fort Worth did away with their Differential Licensing years ago because Rabies Cases had doubled from 45 to 90 Cases and they set a $7 Pet License Fee overall to increase compliance.

OPPOSE: Sec. 5-108. LITTER PERMIT. $50 Annual Fee
<u>Only 359 Litter Permits (at $50 each) have been sold in 2 years</u>. People won't buy them. Dog/Cat Litters and Intact Dogs are being dumped in droves since the 2007 ordinance passed – just as we said they would.
RPOA asks that the Litter Permit be deleted in its entirety as it is a failure and unenforceable. The Litter Permit number is required to place a Classified Ad in the Express-News. Because of the failure of the Litter Permit, local "animal rights" extremists and ACS Director Gary Hendel are frustrated and are now proposing a "Sellers Permit" to entrap those evil out-of-towners who dare to sell purebred dogs and cats in the newspaper. <u>Per an American Humane Association study less than 7% of dogs in shelters are purebreds and less than 1% of shelter cats are purebred. So targeting these people who advertise accomplishes nothing.</u> "Breeders" of mixed breed animals don't advertise in the newspaper and they are the problem. Providing free and low cost pet sterilization services in low income areas of the city is a more effective approach.

OPPOSE: Sec. 5-109. SELLER'S PERMIT. $250 Annual Fee
<u>Only applies to dogs.</u> Educational course required, display permit number in advertisements, guarantee good health for two weeks, puppy must be examined by veterinarian.
RPOA asks that the Seller's Permit be deleted in its entirety as it is unenforceable. This permit is to apply to <u>non-residents</u> who advertise puppies or dogs in the Express-News Classified Ads. ACS Director Gary Hendel says the Sellers Permit and the Litter Permit will be enforced by <u>four animal control officers scanning the Ads each day, checking for valid permit numbers, and setting up mini-stings.</u> The vast majority of the Ads are from outside of city limits as we said in 2007 when the Litter Permit passed. How can anyone in their right mind think this can be enforced outside city limits? Did Legal o.k. this? Violations authorize ACS to seize the puppies. ACS can't pick up loose dogs and cats on San Antonio streets but can travel far and wide to do so?
Claims that it is written to address "Brokers" are simply not based on fact. USDA licenses "Brokers" who couldn't live or operate in city limits due to pet limits and USDA's stringent commercial regulations which could NOT be met in a home environment. Hendel said the newspaper hasn't agreed yet to enforce this.

OPPOSE: Sec. 5-151. ALL OUTDOOR CATS MUST BE SPAYED/NEUTERED. This is totally unenforceable but very convenient to be able to change to all outdoor "dogs and cats" in the future. It is worrisome due to the political climate that exists. Should be deleted as ludicrous. Citations issued?

OPPOSE: ARTICLE IV. DANGEROUS ANIMALS AND AGGRESSIVE DOGS

Sec. 5-83. Aggressive Dogs, LEVEL (a) (1) is BAD and should be deleted in its entirety:.

(a) Level 1 behavior is established if:

(1) A dog while in the enclosure in which the animal was being kept and acts to cause a person to reasonably believe that the animal will attack and cause bodily injury to that person; or …

THIS DESCRIBES 95% OF THE DOGS IN THE CITY!

(d) Should add "<u>teasing</u>" to exceptions of dog being abused, tormented or trespassing, etc.

Sec. 5-85. Aggressive Dog Hearings; notice of hearings; appeal

(d) The Municipal Court Judge that sits as the administrative appeal hearing officer is only allowed to "apply pure substantial evidence review of an aggressive dog hearing" and consider the factual record made at the Hearing, then decide if the decision is reasonably supported by substantial evidence. *This should be changed to be the same as the Dangerous Animal Section.* There's been a problem with factual transcripts not being provided to the judge.

(e) It is questionable whether the result of the administrative appeal hearing can be declared final.

OPPOSE: "ANIMAL DETERMINATION HEARING OFFICER:" is appointed by the director to conduct hearings regarding dangerous animals and aggressive dogs which makes ACS the accuser, judge, jury and executioner. Same pertains to "Animal Permit Hearing Officer." Why even hold hearings?

OPPOSE: "COMPETITION ANIMAL DEFINITION:" "Shall mean a cat or dog that is of a breed recognized by and registered with an approved breed registry approved by the director and shows or competes in animal shows or other competition events sponsored by an approved breed registry." This definition is from California and was soundly defeated in a state bill as Lassie would never have been born under their regulations. It shows total ignorance regarding the multiple breed registries that exist in the US and is unworkable. What gives the ACS director the authority/right to play God and choose which registries and breeds to approve? If the director doesn't like a breed, he could refuse to approve the registry. Doesn't say exactly what "proof" is required of a Competition Animal. What about young dogs? Purebred dogs and cats are not the problem at animal shelters. **Section on Mandatory Spay/Neuter on Second Impoundment (where this is used) should be deleted in its entirety.**

OPPOSE: OWNER DEFINITION. "Owner" is a legal term, NOT just "any person having care, custody, possession or control of an animal." Owner "has lawful title or legal right of possession of the animals."

OPPOSE: TEMPORARY "OWNER": No such legal term. Change to "KEEPER" throughout ordinance.

OPPOSE: UNPROVOKED ANIMAL ATTACK DEFINITION: Should add "teased" and be amended to say "not <u>teased</u>, hit, kicked, or struck" by a person.

OPPOSE: PUPPY DEFINITION means dogs under 4 months of age; change to 6 months. Excess Animal Permit requires sterilization at 4 months. This is like sterilizing your 3 year-old daughter or son.

OPPOSE: FLOORING in Sec. 5-9 "Unlawful to house any animal on a surface that permits the feet or any portion of the foot to pass through any opening." What about toe nails? This is simply too "vague" for animal cruelty or animal control officers to interpret and should be deleted.

OPPOSE: DOMESTIC FOWL is usually defined as being for the purpose of meat production (food) or egg laying and not for "ornament or show." Ownership of over 3 parakeets or finches requires a permit. "Ornament or Show Fowl" should be deleted from definition. Gary Hendel says then there would be "no limit." How many finch & parakeet permits have been sold for owning more than 3 birds?

PROBLEM OF CONFLICT IN ORDINANCE: <u>Sec. 5-152</u>. Misdemeanor violations by animal owners; presumptions. **<u>Conflicts with Sec. 5-162</u>**. In regard to barking, whining of an animal being a nuisance. One section says it takes "two or more neighbors" to file an affidavit of complaint and the other section says "one person" can file an affidavit of complaint and a citation is issued to appear in municipal court. Which is it? We can not get an answer from ACS.