

BARC releases animals to persons or organizations under the following circumstances, based on Chapter 6 of the City Code of Ordinances:

1. Return to Owner: Sec. 6-136 outlines the rules regarding the release to an owner of an impounded animal, and requires BARC to hold impounded animals for three days prior to release to anyone other than the owner.
2. Adoption by/at BARC: Sec. 6-138(1) provides for adoptions of animals that have been vaccinated and sterilized for an adoption fee of \$45 to \$55. On no more than 30 occasions during the year, BARC may offer discounted prices for adoptions. An example of the latter is the Wags to Whiskers half-price adoption events.
3. Placement for adoption at another agency: Sec. 6-138(2) provides that BARC may place animals that it is unable to adopt at nonprofit shelters such as SPCA, CAP, or Humane Society, which meet the definition of “humane organization” under Sec. 6-1 (b). An example of this would be BARC’s transfer of 69 puppies to the Humane Society on July 24, 2009.
4. Adoption facilitated by a third party: Sec. 6-138(3) provides for adoptions on behalf of BARC by an authorized third party who must charge, collect and remit to BARC an adoption fee of no more than \$55. An example of this would be the Highland Village and PetsMart events managed by volunteers and volunteer organizations.



completion of any incentive program period, the director shall compile the results of the program and provide a report to council members on the effectiveness of the program.

(2) Any animal that is suitable for adoption as a pet and is not placed for adoption through city facilities, may be placed for adoption through a private nonprofit humane shelter. The director shall establish uniform criteria for the placement of adoptable animals through humane shelters and shall make surplus adoptable animals available to those shelters that meet the criteria. The criteria shall include requirements that animals be vaccinated and sterilized in accordance with law and that the animals be licensed in the jurisdiction where they will be kept.

(3) The director may authorize a third party, not regularly employed by the city, to offer animals for adoption and collect the adoption fees on behalf of the city if such third party demonstrates proof of financial responsibility for the fees to be collected and remitted in a form satisfactory to the director. A third party may not impose any fee in addition to that specified by this section.

(4) All animals that are not placed for adoption shall be destroyed by use of humane euthanasia procedures as recommended from time to time by the American Veterinary Medical Association.

(5) Under no circumstances may an animal be sold or donated for research or teaching purposes to a medical school, licensed hospital, or nonprofit university or college.

**Sec. 6-139. Euthanasia of animals upon owner's or citizen's request.**

**Sec. 6-140. Sterilization of dogs and cats.**

In accordance with applicable state law the director shall establish procedures to ensure that no unsterilized dog or cat is released from the city's animal control facilities except under the terms of a sterilization agreement as required by chapter 828 of the Texas Health and Safety Code.

**FROM THE TEXAS HEALTH AND SAFETY CODE:**

**§ 828.001. DEFINITIONS.** In this chapter:

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(2) "Releasing agency" means a public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

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**§ 828.002. REQUIREMENTS FOR ADOPTION.** Except as provided by Section 828.013, a releasing agency may not release a dog or cat for adoption unless the animal has been sterilized or the release is made to a new owner who signs an agreement to have the animal sterilized.

**§ 828.003. STERILIZATION AGREEMENT.** (a) The sterilization agreement used by a releasing agency must contain:

- (1) the date of the agreement;
- (2) the names, addresses, and signatures of the releasing agency and the new owner;
- (3) a description of the animal to be adopted;
- (4) the sterilization completion date; and
- (5) a statement, printed in conspicuous, bold print, that sterilization of the animal is required under Chapter 828, Health and Safety Code, and that a violation of this chapter is a criminal offense punishable as a Class C misdemeanor.

(b) The sterilization completion date contained in the sterilization agreement must be:

- (1) the 30th day after the date of adoption in the case of an adult animal;
- (2) the 30th day after a specified date estimated to be the date an adopted infant female animal becomes six months old or an adopted infant male animal becomes eight months old; or
- (3) if the releasing agency has a written policy recommending sterilization of certain infant animals at an earlier date, the 30th day after the date contained in the written policy.