



Administration & Regulatory Affairs
 BARC Animal Shelter and Adoptions
 Chapter 6 Revisions
 2/24/2014



Item	Section	Issue	Action
1	6-1	BARC is no longer the Bureau of Animal Regulation and Care. This section defines terms within the document. An accurate description of BARC is needed.	Deleted the antiquated definition of BARC and replaced with an accurate one.
2	6-1	The term "Dog Kennel" is insufficient when describing the diverse multitude of animal related businesses. A more inclusive definition is needed.	The term "Dog Kennel" was replaced with "Commercial Pet Service Facility" throughout the entire document.
3	6-1	There is no definition for extreme weather conditions as it pertains to Chapter 6.	A definition of extreme weather conditions was added.
4	6-1	There is no definition for "Adoption" in Chapter 6	A definition of adoption was added.
5	6-1	There was no definition for "Animal Control Officer"	A definition for "Animal Control Officer" was added
6	6-1	There is no definition for disposition clarifying the termination of BARC's ownership of an animal through live release or humane euthanasia	A definition for disposition was added.
7	6-1	The term "wild" is not accurate when applied to feral cats. Wild is defined in section 6-51. A feral cat is a domesticated animal that is living in the environment and may act accordingly. It is not wild by nature like a bobcat or mountain lion.	The term "wild" was removed from the definition and the word domestic was added to explain an untamed domestic cat.
8	6-1	The term "Licensee" is no longer needed.	The term was removed from the definitions section and from every area in the Chapter.
9	6-1	A definition for hobby/conformation breeder did not exist	The term "Hobby/Conformation Breeder" and the definition for a "Hobby/Conformation Permit" to provide additional clarity (see Sec. 6-112) was incorporated.
10	6-1	The definition for Humane Organization did not include all organizations that qualify	Organizations that utilize foster care networks consisting of individual member or volunteer homes was added to the definition
11	6-1	"Non-commercial breeder" was not defined	"Non-commercial breeder" was defined.



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12	6-1	The term "Police Officer" was not defined	"Police Officer" was defined.
13	6-1	The term "Livestock" was not defined.	"Livestock" was defined.
14	6-1	The term "Owner" as it relates to pet ownership is not adequately defined.	Removed previous definition and replaced with a clear concise definition of a pet owner.
15	6-4(a)	The term "animal control center" is misleading and may reference more than one organization. For purposes of this chapter, the "animal control center" should be referred to as "BARC." This is true for the entire chapter.	Removed the term "animal control center" and replaced with "BARC."
16	6-5 (a)	Under current ordinance, licensed pet removal services are not allowed to trap or impound animals.	"Licensed pet removal service" was added to the list of people or organizations that are allowed to catch and impound animals.
17	6-5 (b)(1)	This section is too broad and could encompass almost any animal at any time. More specific guidance is needed.	References to section 6-51 and section 6-3 were added for provide more guidance for a defense to prosecution as it pertains to catching animals.
18	6-5(b)(3)	This section requires a citizen to report a captured animal to BARC and requires BARC to pick up the animal.	The section was changed so that wild animals must be reported to BARC and BARC has the power to determine its disposition but does not require BARC to physically pick up the animal.
19	6-5(b)(4)	Under current ordinance, citizens are not allowed to capture domestic animals for the purpose of bringing them to BARC.	Language was created to identify a defense of prosecution for citizens catching animals for the purpose of brining them to BARC.
20	6-5(c)	The reader is directed to the Texas Agriculture Code, section 142.002 for the definition of "estrays." The correct section is 142.001	Changed 142.002 to 142.001.



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21	6-5(d)	Under current ordinance, traps may be used during extreme weather conditions. This threatens the safety and welfare of the animal and may place a citizen in danger.	This section was added to prevent the use of traps during extreme weather conditions.
22	6-6(1)	There is no guidance on the type of structure that is required to house an animal.	Language was added to instruct citizens that stables and enclosures should be adequate based on an animal's, species, size, weight and age.
23	6-6 (13 - 14)	Current ordinance does not require proper exercise or grooming requirements for animals. Additionally, additional language was needed to clarify the standards in which a dog can be restrained by a tether.	Language was added to instruct citizens that proper grooming and exercise is required for all animals under their care. Additional language was added to clarify the standards in which a dog can be restrained by a tether.
24	6-7 Title	This section does not include feral animals	Language was added to include feral animals
25	6-7 (a)	The rules and definitions in this section do not adequately meet the needs of the city as it pertains to the destruction of wounded and feral animals.	Language was added to include feral animals. Changes were made so that BARC can store records electronically versus keeping copies with the city secretary.
26	6-7 (1-3)	Currently language does not specify what information is needed. It also requires the statements of two witnesses.	Language was added to improve the required information collected about the destruction of a wounded animal. The section requiring statements from two witnesses was removed
27	6-8	There is no reference to the Building Code as it pertains to livestock enclosures.	A reference to the Building Code was added.
28	6-10	When discussing persons staking, tying or hobbling any animal which is owned by someone else was noted as requiring a "notarized" letter.	The language was changed to say "sworn or unsworn" declaration to reflect a recent change in the Civil Practice and Remedies code.



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Item	Section	Issue	Action
29	6-11	Currently, Chapter 6 allows any citizen to obtain a license to house a milch goat. Since goat milk is readily available at most grocery stores there is no need to house goats in the city limits. Thus, the milch goat exception should be removed.	The milch goat exception for citizens was removed. The exception is still present for "a qualified institution, approved by the director, where such milch goats are being held for teaching and research purposes."
30	6-12	This section refers to restrictions to housing milch goats. Because citizens will no longer be allowed to own or house these animals in city limits, this section should be removed.	Completely removed this section.
31	6-12 thru 16	Section numbers were adjusted for these sections. When Sec 6-12 was deleted, the other sections were adjusted as well. 6-17 is still the same as previous versions	N/A
32	6-12(a and b)	This section does not reference domestic or wild sheep.	Language was added to include domestic and wild sheep.
33	6-12 (c)	There is no reference to the Building Code as it pertains to livestock enclosures.	A reference to the Building Code was added.
34	6-14(a and b)	These sections do not include sheep.	Sheep were added to the sections
35	6-15-18	Language to help increase accountability for livestock owners was needed	A permit system was put into place to protect owned livestock in the city limits
36	6-15(b)	Chapter 6-15 does not currently have a prosecution clause explaining an affirmative defense to prosecution under subsection (a) for a federal or state permitted bird rehabilitator to take, transport and temporarily possess sick, injured or orphaned birds for rehabilitation purposes. Ultimately, citizens who possess the proper permits to help sick and injured birds break the law when attempting to render aid.	Amended ordinance to provide an exception for permitted bird rehabilitators.
37	6-15(d)	Clarification on displaying livestock permit was needed	Language was added that indicates a livestock permit must be displayed as required in Sec. 6-17



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Item	Section	Issue	Action
38	6-16(a)(1)	BARC has a process for collecting fees for quarantined animals that is not covered in the current ordinance. Also, the current ordinance states an animal shall be quarantined for ten days. It does not specify at what time of the day an animal can be released. Additionally, the current ordinance does not specify the difference between a bite that might transmit rabies and a bite where rabies transmission is not possible.	The process for collecting quarantine fees is specified. Instead of ten days, BARC now requires 240 hours from the time of the bite. Language was added to include only bites where rabies can be transmitted. Superficial bites do not qualify as "bite cases."
39	6-16(a)(2)	Currently, the city is more stringent than state law as it pertains to quarantining animals involved in a bite case. Also, space at BARC is limited for bite case quarantine. The city requires that an animal be licensed at the time of the bite. This is not mandated by the state. Allowing pet owners to purchase a license after a bite has occurred will reduce the number of animals required to stay at BARC for quarantine thus reducing the demand for available space at BARC. Citizens will be able to quarantine their animals at home with the Animal Control Manager's approval if the animal has a current rabies vaccination at the time of the bite and they purchase a city license after the bite has occurred.	Removed the ten day rule and replaced it with 240 hours from the date and time of the bite. Added language to allow pet owners the ability to purchase a city license post bite and house their animal at home for the quarantine period.
40	6-16(a)(3)	Currently, certified Animal Control Officers are not allowed to examine an animal for rabies. It is time consuming and costly to for a citizen to have this examination performed at a Vet Clinic.	Language was added to allow certified ACO's to perform rabies examinations in the field. This permits ACOs to approve in home quarantine immediately. This is allowed by state law and makes the process easier for responsible pet owners.
41	6-16(c)	The current language includes bites that take place even if rabies could not have been transmitted.	Language was added to only include bites where rabies could have been transmitted.



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Item	Section	Issue	Action
42	6-17	Currently, animals that bite a person are not required to receive a microchip. Owners have the option of tattooing their animal. Tattooing is an antiquated method of identifying animals and poses certain health risks to the animal and tattoo artist. This method should be abandoned.	Amended ordinance to make it mandatory for every impounded or quarantined animal involved in a bite to receive a microchip before its release. All language referring to tattooing has been removed.
43	6-17	Language regarding minimum standards for inspection, issuance and display or certificate needed additional clarification	Language was added that indicates a permit must be provided on demand if requested by enforcement
44	6-18	It was unclear how many days after the date of suspension/revocation a hearing can be held	Language was added to indicate that the hearing should be held no later than 7 business days after the date of suspension
45	6-18	It was unclear how many days after suspension/revocation of a permit that removal of animals from the facility can take place	Language was added to clarify the time period as ten calendar days
46	6-19	The language in this section does not accurately describe the powers of animal enforcement officers. The language should be changed.	All language referring to the powers and authority of police officers was removed. The language was changed to improve accuracy and readability.



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Item	Section	Issue	Action
47	6-20	Additional language to clarify the licensing of unlicensed quarantined animals was needed	Additional information requiring quarantined animals to be licensed with the city before it can be released to the owner was added. Once a license is obtained, the animal will be released into the custody of the owner for the remainder of the quarantine period once fees are paid. Language was also changed to require owners to provide a written report from a vet with exam results 24 hours after the exam. Additional clarification regarding the protocol by enforcement regarding animals and rabies.
48	6-21	The prohibited activity and defense to prosecution were included in one section. This outdated structuring makes it difficult for citizens to distinguish between the two.	Restructured the language into two separate sections to comply with current legal department ordinance structure practices.
49	6-22	This section restricts citizens from feeding animals in public places. There is currently no language providing an exception for citizens participating in a humane trap, neuter, release program (TNR). Citizens who are trapping feral cats for the purpose of a TNR should be exempt from this rule. At this time, citizens who are trapping animals IAW a qualifying TNR program are breaking city ordinance.	Added an exception for citizens who are trapping stray cats as part of an approved TNR program.
50	6-26	Chapter 6 does not clearly define pet ownership. This is pertinent information when BARC must determine if an animal is a stray or owned animal. Also, citizens should be made aware of what criteria is used to determine the difference between a stray and owned animal.	This section was previously reserved and blank. A paragraph was added explaining pet ownership and the responsibilities of a pet owner.



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Item	Section	Issue	Action
51	6-31	The distance for keeping fowl and their enclosures from a residence is inadequate. At 100 feet, unwanted noise, foul odors, and disease transmission may be present. This places an undue angst on neighbors. The distance needs to be increased.	Removed 100ft requirement and replaced with 250ft.
52	6-32(b)	6-32(a) states that a citizen may own and house a rabbit or guinea pig outside as long as it is housed at least 100ft from any actual residence or habitation of human beings. An amendment is needed to allow citizens the option of housing a rabbit or guinea pig inside their homes and have an affirmative defense to prosecution. This allows pet owners to keep their pets inside their home without fear of breaking the law.	Added subsection (b) which includes the language for the affirmative defense.
53	6-38	Roosters are the leading cause of noise complaints as it pertains to Chapter 30-5 of the City of Houston Code of Ordinances. Also, roosters are often kept as instruments of illegal cock fighting operations. Prohibiting their ownership will hopefully discourage their use in these illegal activities and reduce noise complaints.	Section 6-38 was previously blank. Language was added to prohibit the ownership of a rooster.
54	6-39	Clarification regarding coop for chicken hens and other keeping standards was not clearly defined.	Additional language was added to clarify hen keeping standards
55	6-57	It is illegal to own wild animals. No special permit is needed.	This section was removed. Special permits will no longer be provided for wild animals.
56	6-88	The pricing that is currently allowed in the ordinance does not meet the organization's needs or cover the cost of delivering these services. Deciding specific prices for various services should be determined by the Director and correspond to customer supply and demand. Removing set prices allows flexibility and keeps the ordinance relevant.	All language referring to pricing was removed. Additional language was added to help readability.



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57	6-88(5)	Although the State already mandates it, the current language in this section of the ordinance does not require a citizen to obtain a current rabies vaccination in conjunction with renewing a city license.	Inserted appropriate rabies vaccination information. Added a 60 day requirement to procure a license.
58	6-88(6)	The current ordinance does not provide a low cost license for people on public assistance.	This subsection was added to include constituents who use public assistance who might be eligible for a reduced cost license.
59	6-88.1	There is no reference to the city fee schedule. Currently, the Director does not have any leniency when determining adoption pricing.	Language was added referencing the current city fee schedule. Provides a clause for pricing based on Director's discretion.
60	6-90	Under current ordinance, the Director may deputize a veterinarian to provide city licenses. The vets would be required to purchase software and train employees on licensing procedures.	This section was removed. BARC has a dedicated licensing department and maintains sole licensing authority.
61	6-101(a)	The definition of "at large" is too vague. Simply stating that the area cannot have access to sidewalks or streets leaves multi unit properties exposed to owned animals running at large.	Language was added to prohibit animals running at large in common areas of apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.
62	6-101(d & e)	With the creation of nuisance dogs and aggressive dogs, they are not included in this "running at large" section.	Nuisance dogs and aggressive dogs were added to the list.
63	6-102	Clarification regarding identification tags was needed	Language was added to clarify time periods for how long after an out-of-date license tag will be held at BARC
64	6-118(1)	BARC now permits commercial pet sales. The language in this section refers to a certificate of occupancy from the building inspection division. They do not have authority over pet sales. This language needs to be changed to reflect the actual permit required for pet sales.	The language was added to include a valid permit for commercial pet sales and any mention of the building inspection division was removed.



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Item	Section	Issue	Action
65	6-112	The application process for a hobby/conformation and non-commercial breeder permit was needed.	This section incorporates language to clarify the application process for hobby/conformation and non-commercial breeders.
66	6-121(2)	BARC does not currently have the ability to inspect houses where foster animals are kept. This could lead to animal cruelty or animal hoarding because of these unknown housing conditions.	This subsection was added to allow BARC to inspect homes where foster animals are housed.
67	6-122	Currently, there are no requirements about the information that is collected on a license application.	This section was created to specifically define the information that is needed on a license application.
68	6-124(a thru d)	Currently, an owner of a commercial pet service facility does not have the responsibility of notifying BARC if their business contact information (address, telephone, etc.) changes. Also, are commercial pet service facility licenses transferable? Can a business have multiple locations under one license?	Sub sections b thru d were added to make the business owner responsible for communicating their contact information to BARC. Also, it prohibits the transfer of a pet service facility license and only one address can be assigned per license.
69	6-126(a)(4)	Noise complaints are one of the most common complaints as it pertains to commercial pet service facilities. Current ordinance does not provide guidance on the suspension of a license due to continuous noise complaints and a business owner's unwillingness to address the issue.	This subsection was added to specify suspension of a license for noise complaints. If a business has three convictions of noise complaints IAW Chapter 30-3 in a 12 month period, their license can be suspended.



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70	6-126(d)	Current ordinance is too restrictive for a hearing officer who has been commissioned to hear a suspension case.	This subsection was rewritten to allow a hearing officer to make a sensible decision. If a business has made the necessary changes and the public interest is not impacted, then a hearing officer may decide against suspending a license.
71	6-126(e)	Because subsection (a)(4) was created there is no guidance for a commercial pet service facility owner who wishes to alleviate a suspended license for noise violations.	Language was added to this subsection to specify the requirements of a commercial pet service facility that has a suspended license under section 6-126(a)(4). An inspection can be requested once the violations have been corrected.
72	6-126(h)	If a hearing officer finds no grounds to revoke a commercial pet service license, there is no guidance for what they can decide.	Language was added to this subsection that allows a hearing officer to deny a revocation if there is no evidence to support it.
73	6-126 (deleted)	If this section was not deleted, it would be 6-127. However, the arbitrary 100 foot rule described in this section does not guarantee proper animal welfare or prevent the spread of disease. A dog's bark can be heard over 100 feet away, so it doesn't guarantee a reduction in noise complaints. Most importantly, many commercial pet service facilities are not currently compliant with this rule and most new businesses will not be able to purchase a property that fits this rule. For these reasons, the 100 foot rule should be removed.	This section was removed. Now, BARC will operate on a nuisance based system. Please see section 6-126 for licensing suspension and revocation processes.



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Item	Section	Issue	Action
74	6-133	Does the Animal Shelter Advisory Committee operate under the Texas Open Meetings Act?	Language was added to this section that makes all Animal Shelter Advisory Committee meetings accessible under the Texas Open Meetings Act.
75	6-137(a)	Proving ownership of an animal was not clearly defined in the previous ordinance	Language was incorporated to clearly define what is needed to provide proof of ownership for an animal in BARC's possession
76	6-137(a)(1)(1)	There are a gross number of animals in the City of Houston that are not altered. This leads to large stray populations, unwanted litters, and extreme intake numbers at BARC.	In an effort to encourage pet owners to act responsibly, language was added to this subsection so that any animal impounded at BARC that is not altered will be required to be altered at BARC at the owner's expense. This encourages owners to keep their animals contained on their property or alter their animals at a vet of their choosing in the event their animal is impounded
77	6-137(a)(1)	Under current ordinance, if a person is arrested BARC will hold their dog at no cost to them for 15 days. There is no law governing this practice and it places an undue burden of cost and care on the city.	Language was removed from this subsection. A citizen who is arrested will be responsible for all fees associated with the impoundment of their animal.
78	6-138(1)	The ordinance is very rigid as it pertains to adoption pricing and promoting animals for adoption. This limits BARC's mission capabilities. Additionally, n	Language was added and deleted from this subsection to allow the director flexibility with adoption pricing and promotions.



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Item	Section	Issue	Action
79	6-138(1)	The time in which the ownership of animal in BARC's possession ceases was not clearly defined	Language was added to define BARC's ownership of an animal to cease upon the adoption or transfer of an animal to the humane organization
80	6-141(a and b)	Currently, someone convicted of animal cruelty may adopt an animal at BARC. If BARC cared deeply about animals, how can they adopt an animal to a convicted animal abuser?	This section was added to deny adoptions and fostering capabilities to anyone convicted of an animal cruelty charge. It also provided guidance on the appeal process for any denied under this section.
81	6-151	There are dogs that do not meet the criteria of a "dangerous dog" but still impact public safety. Current ordinance does not address this issue.	Aggressive dogs and public nuisance dog categories were created to address public safety. An owner may not meet the dangerous dog requirements but may fit into aggressive or public nuisance dogs. These definitions were added to this section.
82	6-154(7)	Proof of insurance for a dangerous dog does not require the insurance company to prove they understand a dog has been deemed dangerous and lives on the insured property. This can lead to a property failing to maintain enough insurance to cover a dangerous dog attack.	Language was added to mandate proof that the insurance company understands they are insuring a property that houses a dangerous dog.



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83	6-163	Under current ordinance, the City of Houston accepts dangerous dogs outside of their jurisdiction. This means, people may move from one jurisdiction into the city and possess a dangerous dog.	This section was added to forbid the transfer of dangerous dogs from outside city jurisdiction. A person may not possess a dog that has been deemed dangerous by another jurisdiction inside the city limits.
84	6-164 thru 6-169	No guidance exists for aggressive dogs and public nuisance dogs.	These sections were added to specify the actions required by BARC if an aggressive or public nuisance dog is discovered. It also covers the appeal process for citizens whose animal has been deemed aggressive or a public nuisance.