

4-25-22

ORDINANCE NO. 32194

An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Sections 7-4.2, 7-4.5 7-4.10, and 7-8.1; prohibiting the sale of dogs and cats at retail pet stores; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (b) of Section 7-4.2, "Microchipping of Dogs and Cats," of Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(b) It is a defense to prosecution under Subsection (a) that:

- (1) the dog or cat was under four months of age;
- (2) the dog or cat was being held [~~for sale by a retail pet store or~~] for adoption by animal services or an animal welfare organization;
- (3) the owner of the dog or cat has resided in the city for fewer than 30 days;
- (4) the dog or cat qualifies for a medical exception from a licensed veterinarian;
- (5) the dog or cat owner is a not a resident of the city and is staying in the city for fewer than 60 days; or
- (6) the person charged produces to the court proof of a registered microchip showing the dog or cat was implanted with a microchip at the time the citation was issued or not later than 20 days after the citation was issued."

SECTION 2. That Section 7-4.5, "Sale of Dogs and Cats," of Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

“SEC. 7-4.5. SALE OF DOGS AND CATS.

(a) A person commits an offense if the person sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat four months of age or older unless:

(1) the dog or cat is currently vaccinated or cannot be vaccinated due to health reasons as verified by a licensed veterinarian; and

(2) the person has a current registration receipt and registration tag for the dog or cat.

(b) It is a defense to prosecution under Subsection (a) if the person is:

(1) animal services;

(2) an animal welfare organization; or

(3) an animal adoption agency.

(c) Except as provided in this subsection, a retail pet store commits an offense if the retail pet store sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat, regardless of age.

(1) A retail pet store may provide space for the display of dogs or cats available for adoption by an animal shelter, animal welfare organization, or animal adoption agency, if the retail pet store does not have an ownership interest in any of the displayed dogs or cats and the retail pet store does not receive any fees or compensation associated with the display of the dogs or cats.

(2) It is a defense to prosecution under this subsection, if the individual only sells, gives, or otherwise transfers dogs or cats bred by that individual.”

SECTION 3. That Subsection (b) of Section 7-4.10, “Restrictions on Unsterilized Dogs and Cats,” of Article IV, “Specific Requirements for Dogs and Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(b) It is a defense to prosecution under Subsection (a) that:

(1) the animal is under six months of age;

(2) a licensed veterinarian annually certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;

(3) the animal is being held [~~for sale by a retail pet store or held~~] for adoption by animal services or an animal welfare organization;

(4) the animal is certified annually as a competition cat or competition dog;

(5) the person charged produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the citation was issued or not later than 20 days after the citation was issued; or

(6) the owner holds a valid breeding permit issued under Section 7-4.11 of this chapter for the animal.”

SECTION 4. That Subsection (e) of Section 7-8.1, “Violations; Criminal and Civil Penalties,” of Article VIII, “Violations, Penalties, and Enforcement,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:

(1) \$50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5(a), 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a);

(2) \$100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-7.3, or 7-7.5(a); and

(3) \$150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, 7-4.14, 7-6.1, 7-6.2, or 7-7.1.”

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 6. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

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SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect on November 11, 2022 and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By  _____
Assistant City Attorney

Passed **MAY 11 2022**



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 11 2022

ORDINANCE NUMBER 32194

DATE PUBLISHED MAY 14 2022

ATTESTED BY: