

# ANIMAL SERVICES ADVISORY COMMITTEE

April 29, 2008

6:30 P.M.

## MINUTES

- Members Present:** Pat Jackson, Chairperson, Animal Shelter Representative  
Gene Carey, Mayor, Council Representative  
Martin Newcomb, DVM, Vice Chairperson, Veterinarian Representative  
Nick Rudolph, Animal Welfare Organization Representative  
Cynthia Lombardo, Citizen at Large  
Pam Henricks, DVM, Citizen at Large
- City Staff Present:** Sherry Harper, Manager Health & Code Enforcement Division  
Robin Mangum, Animal Services Field Supervisor  
Summer Wilhelm, Emergency Management Coordinator  
Deborah Dierks, Secretary
- Visitors in Attendance:** Ron Dennis, yournewpuppy.com  
Candy Rochell, candyska.com  
Deb Anderson, Texas Tail Waggers  
Rhonda Hurst, Texas Tail Waggers  
Sarah Wittum, Lewisville Animal Rescue  
Bridget Wittum, Lewisville Animal Rescue  
Jennifer Huggins, Flower Mound Humane Society  
Patti Castleberry, DFW Lab Rescue  
Scott Castleberry, DFW Lab Rescue
- Item #1:** Mr. Jackson called the meeting to order at 6:37 p.m. All six (6) Committee members were present, constituting a quorum.
- Item #2:** Minutes from the February 20, 2008 meeting were approved by a vote of 6-0.
- Item #3:** Mr. Jackson introduced Summer Wilhelm, the City of Lewisville Emergency Management Coordinator, to the committee. Ms. Wilhelm gave a brief description of her duties at the city and expressed her interest and intent to include animals in the City of Lewisville Emergency Management Plan.
- Item #4 & 5:** Mr. Jackson introduced Rhonda Hurst to the committee and gallery. She was at the meeting to discuss prohibiting the auctioning of animals in the city; this was in response to a puppy being offered on the internet for a CCA of Lewisville fund-raising auction. Ms. Hurst stated that she would like the City of Lewisville

to prohibit the auctioning of animals. She stated that an auction type event causes an impulse to win in bidders. This impulse to win does not allow the bidders to think about actually owning the animal and all that ownership entails. She also stated that an auction type atmosphere does not allow for the screening of bidders to make sure that they would be responsible owners. Ms. Hurst suggested that organizers of auctions should work with pet organizations and pet stores to offer pet services, food, etc. instead of auctioning live animals.

Ms. Hurst then went on to explain why she would like the City of Lewisville to also prohibit the sale of puppies on the side of the road or in business parking lots. She stated that such activities on the side of the road are a distraction to drivers and can cause public safety issues. She also stated that the persons selling the puppies are not usually licensed and that there is no accountability for animal care prior to the sale of the animal. This can result in sick animals that can spread disease, or animals that die shortly after being purchased. Also, like bidders in auctions, many people that buy a puppy from a vendor on the side of the road buy on impulse and do not think about the future care and quality of life for the animal. Another point made by Ms. Hurst was that the City of Lewisville does not collect any sales tax from the sale of these puppies; therefore, the city loses revenue.

Ms. Hurst stated that she had done some research into the ordinances of other cities and would like the City of Lewisville to do the same. She handed out copies of other city ordinances.

Upon the completion of her presentation, Ms. Hurst opened the floor to questions from the committee. Mr. Jackson asked if she preferred any particular city's ordinance over the others. Ms. Hurst replied that she preferred an ordinance from Farmington, New Mexico; it has greatly reduced dog sales and auctioning. She also explained that the Farmington Police department and Farmington Animal Services work together on these types of calls.

The Mayor then asked how the CCA dog auction was resolved. Ms. Hurst said representatives from area animal groups met with CCA officials to discuss the consequences of such activities and the auction of the puppy was cancelled.

A person in the gallery inquired about what type of paperwork or permission is required to obtain a temporary sales permit. Staff answered that written permission from the property owner is required to be attached to the application for a Temporary Sales permit.

There was further discussion between the gallery, Committee, and Ms. Hurst on the general medical problems and other concerns regarding puppies purchased from vendors on the side of the road.

Mr. Jackson then asked the committee if they wanted to move forward on this issue and propose an ordinance for City Council consideration. Dr. Henricks made a motion that staff move forward and propose an ordinance for City Council consideration, to prohibit live animal auctions and puppy sales on the side of the road. Nick Rudolph seconded the motion and the motion passed by a vote of 6 – 0.

After the Committee had voted and begun to discuss the next agenda item, a representative from YourNewPuppy.com began to express his concerns about prohibiting the roadside sale of animals. Mr. Jackson advised him that the item had already discussed and voted on, but he was more than welcome to present his information to staff; his information would be included for consideration as part of the ordinance proposal. He would also have an opportunity to present his input when an ordinance proposal was presented for City Council consideration.

**Item #6:** The issue of animals being transported in the open bed of trucks had been previously discussed and considered by the Committee a couple of times over the past few years. Committee member Nick Rudolph had requested that the Committee reconsider asking Council to prohibit animals being transported in the open bed of trucks.

Animal Services had surveyed ten (10) cities in the surrounding area to find out how they handle this issue. Mr. Jackson informed the Committee that three (3) of the cities surveyed do have ordinances against transporting animals in the open bed of motor vehicles; the cities are Plano, Dallas and the Town of Flower Mound. The animal services staff for those cities stated that they receive very few complaints about animals transported in the back of vehicles, and that their ordinances are essentially unenforceable since animal control officers cannot stop vehicles. Plano Animal Services reported that they have had one (1) person use the ordinance to charge a man, who the person had observed transporting his dog in the back of his truck on many occasions; other than that, there has been no enforcement of the ordinance that they could recall.

Mr. Rudolph stated that he had seen and heard of dogs that have been in the open bed of a vehicle being tossed out or jumping out into traffic. He said that he would like see an ordinance enacted to address this situation. He would want to have a requirement for dogs to be safely crated or tethered in the open bed of trucks.

Mayor Carey countered that he was concerned about enforcement since the police would only be able to do so much with the existing manpower available. He stated that he would favor education of the public and police department first.

Mr. Rudolph said that he would like the police to have the power to stop this type of behavior and be able to educate the offenders. He stated that he had spoken to a couple of the Lewisville Police Officers and they said that they would like to have the ability to enforce this type of ordinance.

Mr. Jackson suggested that the committee invite a representative from the police department to join in this discussion and provide another point of view.

Mayor Carey then stated that he would try to rally support for this proposed ordinance in City Council.

Mr. Rudolph made a motion that an ordinance requiring that dogs be safely confined in the open bed of vehicles be presented for Council consideration. The motion was seconded and passed by a vote of 6-0.

**Item #7:** The Committee reviewed the proposed ordinance draft relating to tethering dogs in the City. The original ordinance draft relating to tethering dogs, Option #1 was compared and discussed with a new ordinance draft, Option #2 that was prepared by the City Attorney. Option #1 allows tethering with specific requirements and Option #2 bans tethering completely.

In the general discussion, Mr. Jackson said that many cities are trying to understand and address the tethering issue. The newly proposed ordinance for review was based on the Irving and Fort Worth ordinances. These two ordinances are still very new and their impact is not yet known. Mr. Jackson stated that the other cities are not receiving much resistance to these ordinances.

Mayor Carey commented about situations in which dog owners might be upset under Option #2 if they were unable to tie up their dog's, such as when hosting events or social gatherings at their homes.

Mr. Jackson stated that Animal Services could try enforcing Option 1, which allows tethering with some specific animal welfare and public safety standards; Animal Services would try to track the results of this ordinance. This would give Animal Services more information about the impact of this ordinance, and determine whether or not it might need to be modified to be even more stringent.

Dr. Henricks asked if the previous draft used to say animal and not just "dog".

Mr. Jackson said it had been changed to say "dog" only, as requested by the Committee.

Dr. Henricks asked if this ordinance would be stricter than the existing ordinance. Mr. Jackson responded that the proposed ordinance in Option 1 is more specific, but does not ban tethering completely; it allows tethering provided that certain animal welfare and public safety standards are met.

Mayor Carey asked if the Animal Services department would be able to get the word out to educate the general public on this ordinance. Mr. Jackson responded that they could develop and implement a public education and information plan to make the public aware of the ordinance.

Nick Rudolph asked if it would not be best to just adopt Option 2, which would ban tethering dogs completely.

There was some further general discussion about which option to recommend for presentation to City Council.

Nick Rudolph made a motion to present ordinance Option 1 to City Council. The motion was seconded and passed by a vote of 6 – 0.

Mr. Jackson thanked the committee for its input.

**Item #8:** Mr. Jackson informed the Committee that they will be notified of the date, time, and location for the next meeting.

**Item #9:** The meeting was adjourned at 8:01 p.m.

**Respectfully submitted,**

**THESE MINUTES ARE APPROVED BY  
THE CITY OF LEWISVILLE ANIMAL SERVICES  
ADVISORY COMMITTEE**

**Deborah Dierks  
Secretary**

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**PAT JACKSON, CHAIRPERSON**

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**DR. NEWCOMB, VICE-CHAIRPERSON**