

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-2, PROVIDING FOR AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, Chapter 8-2 of the Amarillo Municipal Code provides for and prescribes local requirements for custody and control of animals found within the City Limits; and

WHEREAS, the City Council finds that procedures are necessary for the management, welfare and disposition of animals found within the City Limits upon a violation of the prescribed requirements, in order to promote public health, safety, welfare, and protection of property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-1 be and hereby is AMENDED to now read as follows:

Sec. 8-2-1. - Definitions.

* * *

Abandonment means leaving an animal unattended for more than 24 hours without making reasonable arrangements for assumption of care or custody of the animal by another person, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, shelter or medical care.

Breeder means any person who allows dogs or cats to breed.

Breed means the mating and production of offspring by animals.

* * *

Intact means an animal that has not been spayed or neutered.

SECTION 2. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-2 be and hereby is amended to now read as follows:

Sec. 8-2-2. - Enforcement

(a) _____ A City of Amarillo Animal Management & Welfare Officer is authorized to enforce all ordinances and state laws pertaining to the ownership, care, and management of Animals by exercising lawful authority to issue citations or notices of violation, seizing Animals, and obtaining warrants or court orders pertaining to Animals. Such authority is also extended to any Texas peace officer acting to enforce this chapter or state laws pertaining to Animals.

(b) It shall be unlawful for any person to interfere with, obstruct, resist or oppose any Animal Management & Welfare officer or other person authorized to enforce the provisions of this chapter while such person is apprehending an animal or performing any other official duties. It shall be unlawful to take or attempt to take any animal from any Animal Management & Welfare Officer or from any vehicle used by the Animal Management & Welfare Officer to transport any animal or to take or attempt to take any animal from the animal shelter or other kennel or confinement area used to impound an animal.

(c) In all instances of a violation of any provision of this chapter, whether the animal is impounded or not, the owner or keeper of such animal may be cited by an officer who has the authority to enforce this chapter for any violation of this chapter.

SECTION 3. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-6 be and hereby is amended to now read as follows:

Sec. 8-2-6. - Inhumane treatment; unlawful restraint; statutes; presumptions; definitions, enforcement.

(a) Inhumane treatment.

(1) - (4) TEXT UNCHANGED

(5) Abandonment.

(a) It shall be unlawful for a person to leave an animal unattended for more than 24 hours without making reasonable arrangements for assumption of care or custody of the animal by another person or to release the animal upon a street or public highway or public or private lands without providing for proper or adequate food, water, shelter, or medical care.

(b) It is not a defense to the crime defined in subsection (a) of this section that the person abandoned the animal at or near an animal shelter, veterinary clinic, or other place of shelter if the person did not make reasonable arrangements for assumption of care or custody of the animal by another person.

(c) The release of a community cat as defined by this Chapter into an area where food, shelter and monitoring are provided does not constitute abandonment within the meaning of this ordinance.

(b)-(d) TEXT UNCHANGED

SECTION 4. The Amarillo Municipal Code, Chapter 8-2, is hereby amended to add as follows:

ARTICLE VI. – BREEDERS

Sec.8-2-88 Application for breeder's permit per intact bitch.

(a) A person who breeds shall apply to the director of Animal Management & Welfare or designee for a breeder's permit. An application for a breeder's permit shall include:

(1) The name, address, and telephone number of the applicant;

(2) The name, address, and telephone number of the location where the breeding will be conducted;

(3) A description of the type and breed of animal to be bred; and

- (4) Any other information deemed necessary by the director.
- (5) Primary veterinarian who will handle issues with the animal to be bred
- (6) Proof of current rabies vaccinations for adult animals at the designated location.

(b)The director shall issue the breeder's permit with a unique identifying number if the applicant meets the qualifications to obtain the permit. The director shall deny a breeder's permit if the applicant fails to:

- (1) Complete the application for a breeders permit;
- (2) Properly restrain the dogs and cats in their care and custody;
- (3) Adequately care for and protect the animals in their care and custody;
- (4) Meet all requirements for a breeder's permit; or
- (5) Pay all required fees pertaining to the breeder's permit.

(c) Permit shall only be valid till offspring are sixteen weeks of age.

(d) All advertising for the litter must clearly display the unique identifying number issued by the director.

(e) Each litter shall require a new breeder's permit

(f) Breeder's permit fees are non-refundable and non-transferable

(g) Fee Structure for Breeder's Permit shall be reviewed at an interval not to exceed five (5) years.

(h) Each day is a new violation.

Sec. 8-2-89. Grounds for revocation.

The director shall revoke a breeder's permit if the permit holder fails to comply with the provisions set forth in subsection (b) of the previous section.

Secs. 8-2-90 – 8-2-95 Reserved.

SECTION 5. The Amarillo Municipal Code, Chapter 8-2, Article III, Section 8-2-59 be and hereby is added to read as follows:

Sec. 8-2-59. Roadside, flea market sales, and garage sales.

(a) It is unlawful for any person to sell, trade, barter, lease, rent, give away, or display a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, garage sale, flea market, parking lot sale, or similar event.

(b) This section does not apply to:

(1) An event primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; or

(2) A tax-exempt non-profit organization founded for the purpose of providing humane sanctuary, shelter or adoption for abandoned or unwanted animals.

(3) A publicly or privately owned zoo maintained or operated by a nonprofit organization or governmental entity.

(4) A publicly or privately maintained circus, traveling show or rodeo, which does not remain in the City longer than fifteen (15) consecutive days.

Secs. 8-2-59-61 - 8-2-70 – Reserved.

SECTION 6. The Amarillo Municipal Code, Chapter 8-2, Article III, Section 8-2-56 be and hereby is amended to now read as follows:

Sec. 8-2-56. Prohibited transactions

~~It shall be unlawful for any person to sell, trade, lease, rent, giveaway or otherwise market a live Animal, fowl, reptile, or fish to the general public without utilizing a Fixed Business Location, unless the person obtains a Transient Retail Business license in accordance with the requirements of [Chapter 14-6](#), Article II, of this Code of Ordinances, as amended.~~

It shall be unlawful for any person to sell, trade, lease, rent, giveaway or otherwise market a puppy or kitten without obtaining a Breeder’s Permit. All advertising (including but not limited to digital, paper, online), posting, or other marketing for puppy(s) or kitten(s) must include the unique breeder’s permit number.

SECTION 7. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-4 be and hereby is amended to now read as follows:

Sec. 8-2-4. – Fees.

(a)-(b) TEXT UNCHANGED.

(c)

(1) – (5) TEXT UNCHANGED.

~~(6) Euthanasia:~~

a.	Cats	10.00	
b.	Dogs	10.00	
	11-25 lbs.....	15.00	
	26-50 lbs.....	20.00	
	51 lbs and	up	25.00

(7) ~~(6)~~ TEXT UNCHANGED

(8) ~~(7)~~ TEXT UNCHANGED

(8) Pre-birth Breeder’s Permit 500.00

(9) Post-birth Litter Breeder’s Permit1,000.00

(10) Surrender Fee20.00

(11) Mandatory Spay/Neuter Opt-Out Fee500.00

(d) TEXT UNCHANGED

SECTION 8. The Amarillo Municipal Code, Chapter 8-2, Article III, Section 8-2-58 (Bestiality) with all subsections is hereby removed and amended to read as follows:

Sec. 8-2-58. - Spay/Neuter Fund established.

The city shall create a special revenue fund, labeled "Spay/Neuter fund", for animal services purposes to account for the collection and spending of Breeder's Permits, Surrender Fees, and Mandatory Spay/Neuter Opt-Out Fees with said funds to be utilized exclusively for the purposes of spaying and neutering animals. Expenditures of these monies will require city council approval through the normal budgeting process.

SECTION 9. The Amarillo Municipal Code, Chapter 8-2, Article III, Section 8-2-59 be and hereby is added to read as follows:

Sec. 8-2-59. - Mandatory Spay/Neuter

Any animal that is impounded twice in the course of three (3) years shall be required to be spayed or neutered at the owner's expense prior to being reclaimed by the owner. The owner may pay the Opt-Out fee set forth in this chapter. The Opt-Out fee shall be charged per each subsequent violation. An owner that declines to have their animal spayed or neutered under this section shall immediately forfeit ownership rights of the animal.

Secs. 8-2-~~59~~60-8-2-70. Reserved.

SECTION 10. The Amarillo Municipal Code, Chapter 8-2, Article III, adding Section 8-2-53 to read as follows:

Sec. 8-2-53 Notice of impoundment of tagged Animals.

Upon impounding an Animal found at large with current vaccination or other identifying information, the Animal Management & Welfare Department shall make a reasonable effort to notify the Owner of such impoundment, and of the conditions whereby the Owner may regain custody of such Animals.

It shall be unlawful to neglect to reclaim a pet from the shelter within twenty-four (24) hours of notification that the animal has been impounded.

SECTION 11. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-16 be and hereby added to now read as follows:

Sec. 8-2-16. -Intact dogs and cats at large.

It shall be unlawful for any Owner of any intact dog or cat to be at large.

A violation of this section shall be separate and distinct from the charge of animal at large.

It shall be presumed that a female dog or cat found at large is intact. This presumption may be rebutted by evidence that the animal has been spayed or neutered.

Secs. 8-2-~~16~~ 17- 8-2-30. - Reserved.

SECTION 12. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 13. Continuation. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance and such prior law is continued in effect for purposes of such pending matter.

SECTION 14. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

SECTION 15. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the _____ day of _____, 2018; and PASSED on Second and Final Reading the _____ day of _____, 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM

William M. McKamie, City Attorney