

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-2, PROVIDING FOR DEFINITIONS; ADDING REQUIREMENTS FOR FLOCKS; PROVIDING REQUIREMENTS FOR SETTING TRAPS; 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.

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Set: To keep in a place where an Animal can gain access to it.

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SECTION 2. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-5 be and hereby is amended to now read as follows:

Sec. 8-2-5. - Nuisance Animals.

[(a)-(f)] TEXT UNCHANGED

(g) It shall be unlawful for a chicken flock to have more than twenty-five (25) percent male birds (roosters).

(h) Flocks that consist of less than four (4) birds may not have more than one (1) rooster.

(i) Flock size limitation shall not apply to a governmental entity or a non-profit organization.

SECTION 3. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-7 be and hereby is amended to now read as follows:

Sec. 8-2-7. - Striking Animal with vehicle; setting traps; artificially coloring Animals.

(a) TEXT UNCHANGED.

(b) ~~1. No person shall expose an open trap or metal jaw trap that shall be liable to injure any Domestic Animal or person.~~ No person shall set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, snares, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing the entrapped animal, for the purpose of ensnaring any animal within the city limits, unless the use of such traps is specifically deemed necessary by the Animal Management and Welfare director or designee for the control of communicable disease. This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; except that the owner is responsible for taking care that any of the above said "rodent" traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human.

2. A person may set up or allow to be set up on his own property humane traps used to capture dogs, cats, and other small animals alive which must be sheltered and shall be checked at least once every eight hours by the owner of the property on which the trap is set. Traps shall be designed in a manner to prevent injury to the trapped animal and will be maintained in a manner that prevents injury to the person emptying the trap. Humane care shall be provided for any trapped animal including the provision of food, water, and protection from extremes of the environment including heat, cold, and precipitation as specifically provided in this Article. Trapped dogs or cats bearing identification shall be turned over to the Animal Management and Welfare or the animal's owner. For purposes of this section, the owner of the property on which the trap is set shall be the responsible party for maintenance of the trap, providing humane care to the trapped animal, and the notification of Animal Management and Welfare.

[(c) -(d)] TEXT UNCHANGED.

SECTION 4. 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 5. 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 6. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

SECTION 7. 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 _____, 2017; and PASSED on Second and Final Reading the _____ day of _____, 2017.

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

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