

9-6-22  
Agenda

### AGENDA REQUEST

ORDINANCE     RESOLUTION

2M    NO: 2022-146

**CAPTION:** An ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 6, Animals and Fowl, Etc., Article III, Division 1, Generally, Sec. 6-41 Definitions; and Kennels and Pet Establishments, Division 2, License by deleting Secs. 6-65, 6-66, Reserved and adding Section 6-65, Pet and live animal sales; providing a penalty; providing a repealing clause; providing a savings clause; and providing for severability.

**RECOMMENDATIONS & JUSTIFICATION:** Authorize and approve ordinance amendment to regulate the selling or giving away, or displaying for a commercial purpose a live animal on a roadside, public right-of-way, commercial parking lot, indoor or outdoor flea market, parking lot sale, or similar event and the commercial or retail selling of canines and felines at pet establishments. Furthermore, requiring pet establishments to source their pets from a municipal or county animal shelter, or a humane organization.

This ordinance amendment aligns with the department's mission to reduce pet overpopulation and will become effective September 21, 2022. Any pet establishment fully permitted and in operation prior to this effective date shall remain in operation as-is until September 22, 2023, thereby allowing existing pet establishments to have one year to come into compliance with the amended ordinance.

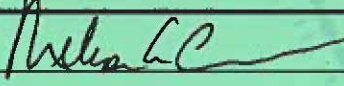
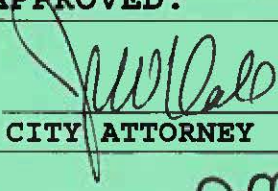
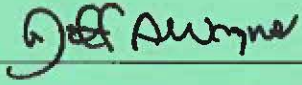
(IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH SECOND PAGE)

BUDGETED:

COUNCIL DISTRICT(S) AFFECTED: ALL

REQUIRES APPROPRIATION:

See attached Certification

		COUNCIL ACTION	
 MELISSA CLARK                      DATE: <u>8/24/22</u> REQUESTING PARTY (TYPED)		FIRST READING:	FINAL READING:
BUDGET DEPARTMENT		<u>Ybarra</u> MOTION	<u>Harrison</u> MOTION
PURCHASING DEPARTMENT		<u>Schoenbein</u> SECOND	<u>Valerio</u> SECOND
APPROVED:			
 CITY ATTORNEY		<u>09-06-22</u> DATE	<u>09-08-22</u> DATE
 MAYOR		DEFERRED: _____	

ORDINANCE NO. 2022- 146

An ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 6, Animals and Fowl, Etc., Article III, Division 1, Generally, Sec. 6-41 Definitions; and Kennels and Pet Establishments, Division 2, License by deleting Secs. 6-65, 6-66, Reserved and adding Section 6-65, Pet and live animal sales; providing a penalty; providing a repealing clause; providing a savings clause; and providing for severability.

WHEREAS, the City of Pasadena, Texas, Animal Control and Adoption Division's main objectives are the health and safety of the public, the health and safety of the animals in its care, controlling the stray pet population; and to engage and educate the community on responsible pet ownership; and

WHEREAS, the systematic inhumane treatment of animals in commercial breeding facilities has been brought to light by numerous animal rights organizations; and

WHEREAS, the City of Pasadena Animal Control and Adoption Division has been made aware of public opinion that is in favor of amended pet establishment ordinances that require all pet establishments source their dogs and cats for sale from municipal or county animal shelters or not-for-profit humane organizations; and

WHEREAS, the City of Pasadena Animal Control and Adoption Division finds that it is in the best interest of Pasadena and its citizens to amend the Code of Ordinances as set forth below, and that such amendments are in furtherance of the health,

safety, and general welfare of the Pasadena community and its pets;  
and NOW THEREFORE,

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

SECTION 1. That Chapter 6, Animals and Fowl, Etc. of the Code of Ordinances of the City of Pasadena, Texas is hereby amended at Section 6-41, Definitions, and deleting Sections 6-65, 6-66 Reserved and adding Section 6-65, Pet and live animal sales; to read as follows:

**Sec. 6-41. Definitions.**

For the purpose of this article, the following definitions and meanings shall apply:

*Humane organization* means any not-for-profit organization that rescues and places animals into permanent homes. Humane organization does not include an entity that breeds animals; or in exchange for payment or compensation, obtains any dog or cat from a person who either breeds dogs or cats or facilitates the sale of dogs or cats that were obtained from a person who breeds dogs or cats.

*Kennel.* The term "kennel" means:

- (a) Any lot, enclosure, premises, structure or building whereon three (3) or more dogs or three (3) or more cats over the age of four (4) months and any of which are not altered are kept or maintained for any purpose whatever, or
- (b) Any lot, enclosure, premises, structure or building whereon any combination of five (5) dogs and cats over the age of four (4) months are kept and maintained for any purpose whatever, and all of which are altered animals, except in both cases (a) and (b) a veterinary hospital operated by a graduate veterinarian duly licensed by the state board of veterinary examiners.

*Pet animal.* The term "pet animal" shall mean any mammal, bird, amphibian, reptile or other animal commonly kept as a

household pet and not governed under article I of this chapter as livestock or article IV as a wild animal.

*Pet establishment.* The term "pet establishment" shall mean any shed, building, store, lot or other place within the city where pet animals are sold, offered for sale, groomed, boarded or bred for sale or distribution.

*Veterinary hospital.* The term "veterinary hospital" means a place where pet animals or livestock are treated for disease or injury, or pet animals are boarded under the supervision of a licensed veterinarian.

**Sec. 6-65. Pet and live animal sales.**

- (a) It is unlawful for any person to sell, trade, barter, lease, rent, give away, or display for a commercial purpose a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, indoor or outdoor flea market, parking lot sale, or similar event.
- (b) This section does not apply to:
  - (1) An agent of a business that has a valid permit for a pet establishment under section 6-41 of this Code;
  - (2) An event primarily for the sale of agricultural livestock such as hooved animals or animals or fowl commonly raised for food, dairy, or fiber products; or
  - (3) A tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.
- (c) Notwithstanding anything to the contrary in this section, it is unlawful for anyone to sell or offer for sale in commercial or retail pet store, feed store, or other related retail establishment, any canine or feline of any age that is not sourced from a municipal or county animal shelter, or a humane organization as defined in section 6-41 of this Code.
  - (1) Commercial or retail establishments selling canines or felines shall keep a record of the animal shelter or humane organization that any canine or feline sold was sourced from. Such records must be kept for a minimum of one year from the date of the sale, and be available for inspection by Pasadena Animal Control and Adoption upon request.
  - (2) It shall be an affirmative defense to this section, during the period from September 21, 2022 until September 21, 2023, that such an establishment was fully permitted under this division and in operation prior to September 21,

2022. Thereafter, commencing on September 22, 2023, this affirmative defense shall no longer apply. Anytime such an establishment allows for its permit to lapse or it is no longer compliant with Article III of this Code, it must then comply with section 6-65(c) of this Code.

SECTION 2. That all ordinances in force when this Ordinance becomes effective which are inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

SECTION 3. That all rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

SECTION 4. That this Ordinance shall become effective upon passage of the Ordinance.

SECTION 5. That the City Council of the City of Pasadena, Texas does hereby declare that if any Section, subsection, paragraph, sentence, clause, phrase, word or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the City Council would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any other portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION 6. That whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this article the doing of anything or act is required or the failure to do anything or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$2,000.00. Each violation shall constitute and be punishable as a separate offense.

SECTION 7. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

(SIGNATURE AND APPROVAL - NEXT PAGE)

PASSED ON FIRST READING by the City Council of the City of Pasadena, Texas in regular meeting in the City Hall this the 6<sup>th</sup> day of September, A.D., 2022.

APPROVED this the 6<sup>th</sup> day of September, A.D., 2022.

Agenda.  
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JEFF A. WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:

Amanda Mueller  
AMANDA MUELLER  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

APPROVED:

Jay Dale  
\_\_\_\_\_  
JAY DALE  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the City of Pasadena, Texas in regular meeting in the City Hall this the 8<sup>th</sup> day of September, A.D., 2022.

APPROVED this the 8<sup>th</sup> day of September, A.D., 2022.

Agenda.  
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JEFF A. WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:

Amanda Mueller  
AMANDA MUELLER  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

APPROVED:

Jay Dale  
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CITY ATTORNEY  
CITY OF PASADENA, TEXAS