

ORDINANCE NO. 2022-O-005

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 6 “ANIMALS AND FOWL,” ARTICLE III “SMALL ANIMALS AND FOWL,” OF THE CODE OF ORDINANCES TO AMEND GROOMING SHOP REQUIREMENTS TO ALLOW FOR MOBILE BUSINESSES; ADDING A SECTION 6-49 RELATED TO PROCEDURES FOR REVOKING PERMITS GRANTED UNDER THIS ARTICLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Laredo Code of Ordinances regulates requirements for pet shops and grooming shops conducting business within the City of Laredo; and

WHEREAS, the City of Laredo requires mobile businesses operating within the City to obtain a permit; and

WHEREAS, current grooming shop requirements do not allow for mobile business yet there are currently mobile grooming shops operating within the City; and

WHEREAS, the City of Laredo Animal Care Services department seeks to require mobile grooming shops to adhere to all City of Laredo ordinances to include the mobile business permit requirement; and

WHEREAS, City Council is concerned about pet shops and grooming shops in the City of Laredo conducting business that is in violation of City of Laredo ordinances; and

WHEREAS, the City of Laredo deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City and its residents to adopt and enforce procedures for revoking permits for pet shops and grooming shops; and

WHEREAS, the City Council finds it further necessary and desirable to adopt the amendments to the Laredo City Code as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1. The City of Laredo Code of Ordinances, Chapter 6, Article III, “Small Animals and Fowl”, Sections 6-46 and 6-47 are hereby amended as follows:

Sec. 6-46. Pet shop/pet store requirements.

(a) No person shall operate a pet shop within the city without first obtaining a pet shop permit from the director.

(1) *Application.*

a. All pet stores, excluding veterinarians and veterinary hospitals, are required to obtain and submit an application for an appropriate animal permit from the animal control division.

b. Upon initial application for a permit, the animal care services department director must review and certify that the pet store has been inspected and is in compliance with all construction, zoning, or other ordinances of the city governing the conduct of the business of the commercial animal establishment after consulting with the building official and zoning and code enforcement administrator. An appropriate certificate of occupancy issued by the building official may be considered as evidence that the commercial animal establishment complies with the city's construction and zoning ordinances.

(2) *[Renewal.]* A pet shop permit is renewable annually upon:

a. Inspection of the pet store by the Animal Care Services Department Director or their designee;

b. Review and certification by the Animal Care Services Department Director, or their designee, that pet store is in compliance with all applicable state and local laws, ordinances, rules, and regulations governing the conduct of the business of the commercial animal establishment; and

c. Payment of the required fees.

(3) *[Change in location or ownership.]* Upon a change in the location or ownership of a pet store/pet shop, a new application for a permit is required.

(b) In order to provide a safe environment, all enclosures used for public display of an animal shall prevent direct contact between the animal and the viewing members of the public unless:

(1) The enclosures have been inspected to assure the public safety; and

(2) The handling of animals is, at all times, supervised by the owner of the pet store or its agents/employees; and

(3) The animals are only handled by members of the public in a specifically designated area of the store; and

(4) The store provides hand-washing facilities (soap and water and/or hand sanitizers) in the area and requires the use of said facilities both before and after the handling of any animal.

(c) Dogs and cats shall be removed from their primary enclosures at least twice during each twenty-four-hour period and exercised unless the primary enclosure is of sufficient size to conduct an exercise regimen needed by the animal for good health.

(d) All animals shall be able to stand, stretch, and turn without touching any of the four (4) sides or top of their primary enclosure. Group housing of compatible animals is allowed if the space prevents crowding and allows for easy removal of animal waste, and the unhampered movement and comfort of each animal.

(e) Sick, diseased, and injured animals shall be kept isolated and the establishment must have standing orders as to care, management and/or consultation with a veterinarian either upon discovery or as directed by the veterinarian for appropriate care, disease management or euthanasia.

- (f) All pet shops and stores selling animals, birds, reptiles and fish shall:
- (1) Take care to house animals in a sanitary manner; and comply with section 6-21, including rabies vaccination.
 - (2) Provide appropriate medical services, care, and housing according to individual species' needs;
 - (3) Immunize all cats and dogs offered for sale, trade or other compensation or for free giveaway (except an animal taken to the department) against common disease in accordance with standard veterinary practices, in the case of dogs, against canine distemper, adeno-virus parainfluenza, parvovirus, corona virus, and leptospirosis, and in the case of cats, against feline rhinotracheitis, and panleukopenia; and
 - (4) Not offer any puppy or kitten under the age of eight (8) weeks (unless otherwise approved by a veterinarian in writing but in no event shall the animal be less than six (6) weeks old for dogs and cats) for sale, trade or other compensation or for free giveaway (except a puppy or kitten, or litter or litters taken to the department, or any tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, or any recognized rescue organization which is currently registered with the department).
 - (5) The owner of a pet shop that sells reptiles shall post a sign warning of reptile-associated salmonellosis.
- (g) Animal enclosures shall be cleaned of debris and fecal matter at least once every twenty-four (24) hours.
- (h) Sanitizing of dog and cat enclosures shall be done once every day by washing the surfaces with water and either soap or detergent, or by the use of a pressure water system or steam cleaner all of which shall be followed by the application of a safe and effective disinfectant.
- (i) The exercise and run areas having pea gravel or other nonpermanent surface materials shall be thoroughly cleaned at least every twenty-four (24) hours and more frequently if necessary by removal of soiled materials and application of suitable disinfectants followed by the replacement of clean surface materials when necessary.
- (j) It shall be unlawful for a pet shop owner, operator, manager, or employee to sell, trade, transfer, barter, give away, maintain, or act as a dealer or agent between a buyer and seller of any prohibited animal as defined by this chapter.
- (k) All cats and dogs taken into a pet shop facility for resale shall be checked no later than seventy-two (72) hours from the date the dog or cat is taken into the pet shop for internal and external parasites, unless documentation is provided indicating the animal has had a veterinary exam and treated within the past thirty (30) days and is free of internal and external parasites.
- (1) Any animal exhibiting any signs of parasites shall be promptly treated, and medical records maintained for each animal.
 - (2) Any animal exhibiting signs of any infectious or contagious disease including, but not limited to, canine distemper, adeno-virus parainfluenza, parvovirus, corona virus, and

leptospirosis, and in the case of cats, feline rhinotracheitis, and panleucopenia, will be immediately isolated and given adequate veterinary care.

- (l) Complete records of veterinary care will be kept and delivered to the purchaser upon the sale of the animals.
- (m) The department may restrict the sale of any animal(s) suspected of being diseased or otherwise unfit for sale and may require that said animal(s) be examined within twenty-four (24) hours by a licensed veterinarian.
- (n) The permit holder shall reimburse the enforcing agency's veterinary fees if the veterinarian concludes that the animal is unfit for sale at the time of the examination.
- (o) The pet shop permit holder shall furnish a purchaser a written statement at the time of sale which shall include:
 - (1) Date of sale;
 - (2) Name, address and telephone number of purchaser and pet shop permit holder;
 - (3) Pet shop permit number of permit holder;
 - (4) Breed, description, approximate age and sex of dog, cat or other animal sold (small mammals, parrot-type birds, and fish not included);
 - (5) Medication and prophylactic immunization and dates administered;
 - (6) Internal parasite medication(s) and date(s) administered;
 - (7) A guarantee of general good health at the time of sale with a disclosure of any health issue and/or provide veterinarian care while at the store and with recommendation to have the animal examined by a licensed veterinarian. The permit holder shall retain a copy of the written statement for twelve (12) months from date of sale.
 - (8) If the animal is a reptile insure that a written warning related to reptile-associated salmonellosis is provided to each purchaser of a reptile.
 - (9) All purchasers of dogs and cats shall also be furnished with information as to the requirements of ownership of these animals within the city including requirements for rabies vaccination, litter permits, intact animal permits, micro chipping and registration.
 - (10) The pet shop permit holder shall provide the department the name, address, and telephone number of each purchaser of any dog or cat transferred within five (5) days after the sale or transfer.
 - (11) If the animal is a reptile insure that a written warning related to reptile-associated salmonellosis is provided to each purchaser of a reptile.
- (p) Records shall be maintained in good auditable condition, and surrendered to the director or his authorized representative upon request and without reservation or purpose of evasion. Failure to produce such records upon demand by the director or any authorized representative of the director shall be cause for the revocation of an existing permit and the refusal to issue a new permit for a period not to exceed two (2) years.
- (q) Pet shops are subject to inspection at anytime during the shop's regular business hours.
- (r) The pet shop permit must be displayed in a prominent place on the premises.

- (s) Pet shops must comply with all requirements of this chapter including illegal vending in the right-of-way.

Sec. 6-47. Grooming shop requirements.

- (a) No person shall operate any grooming shop, as defined in this chapter, without first obtaining a permit from the director who shall take into consideration the type of building construction, the mobile business permit (if applicable), the regulatory compliance history of the permittee as it relates to sanitation, health, welfare of the animals, and related zoning requirements. The director shall utilize a standardized checklist for inspecting and evaluating the qualifications of applicants. A grooming shop permit for a mobile grooming business shall not be approved if the applicant does not have a mobile business permit as required by Chapter 18 of the Code of Ordinances.
- (b) Applications for an original or renewal grooming shop permit shall be submitted to the department and shall be approved or denied by the director. The department shall investigate the applicant's qualifications for a permit, and report its findings to the director. A conviction for the violation of any provision of this chapter may constitute cause for denial or revocation.
- (c) Grooming shops are subject to inspection at any time during the shop's regular business hours.
- (d) Each grooming shop permit shall be valid for one (1) year.
- (e) A permit holder has the right to request that any dog or cat accepted for grooming be vaccinated against common diseases, and require proof of such vaccinations be furnished to the shop operator.
- (f) The grooming shop permit must be displayed in a prominent place on the premises.

Section 2. The City of Laredo Code of Ordinances, Chapter 6, Article III, "Small Animals and Fowl", is hereby amended as follows:

Sec. 6-49. Revocation of permits.

(a) Any permit obtained under this chapter may be immediately revoked by the department issuing the permit for any of the following:

(1) If the permit holder fails to maintain or renew any required City of Laredo permits or licenses;

(2) If the permit holder does not comply with any of the terms of the permit issued to the holder;

(3) If the permit holder has knowingly made any false, misleading, or fraudulent statement of fact in the permit application;

(4) The permit holder is operating a pet shop/store or grooming shop in a manner that is a substantial danger of injury or an adverse health impact to any animal, including but not limited to (i) animals at the pet shop/store or grooming shop being deprived of necessary food, water, care or shelter; (ii) animals at the pet shop/store or grooming shop being cruelly confined or

otherwise being cruelly treated; (iii) unsanitary conditions exist at the pet shop/store or grooming shop to such an extent that those conditions create a possible medium for the transmission of a disease to the animals kept there or to human beings or (iv) the Animal Care Services Department has received three (3) verified complaints within twelve (12) month period regarding the permit holder's pet shop/store or grooming shop.

(b) All permits under this chapter may be revoked by the Animal Care Services Department Director for violation by the holder thereof of any provisions of this chapter. Revocation of the permit is accomplished by mailing to the holder of such permit a written notice by certified mail stating the permit is revoked. Revocation may also be accomplished by personally delivering to the permit holder a written notice stating the permit is revoked. Upon revocation of a permit the permit holder has the right to appeal the suspension to the city manager in writing within ten (10) days. The city manager, or their designee, shall conduct a hearing to determine if the suspension is appropriate. The city manager may, as determined appropriate, reinstate the permit or deny reinstatement.

Section 3: This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5: The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

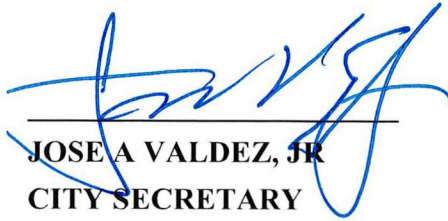
Section 6. This Ordinance shall become effective immediately upon passage.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS 18th
DAY OF January, 2022.



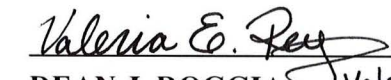

PETE SAENZ, JR
MAYOR

ATTEST:



JOSE A VALDEZ, JR
CITY SECRETARY

APPROVED AS TO FORM:



~~DEAN J. ROGGIA~~ Valeria E. Reyes
Assistant CITY ATTORNEY

City Council-Regular

Meeting Date: 01/18/2022

Initiated By: Kristina L. Hale, Assistant
City Manager

Staff Source: Karina Elizondo, Laredo Animal Care Services Director

SUBJECT

2022-O-005 An Ordinance of the City of Laredo, Texas, amending Chapter 6 “Animals and Fowl,” Article III “Small Animals and Fowl,” of the Code of Ordinances to amend grooming shop requirements to allow for mobile businesses; adding Section 6-49 related to procedures for revoking permits granted under this article; providing a severability clause; providing for publication; and declaring an effective date.

VENDOR INFORMATION FOR COMMITTEE AGENDA

N/A.

PREVIOUS COUNCIL ACTION

N/A.

BACKGROUND

The City of Laredo Code of Ordinances regulates requirements for pet shops and grooming shops conducting business within the City of Laredo. Council recently passed Ordinance No. 2021-O-206 requiring mobile businesses operating within the City to obtain a mobile business permit. Current grooming shop requirements do not allow for mobile business, yet there are currently mobile grooming shops operating within the City. The Laredo Animal Care Services Department seeks to require mobile grooming shops to adhere to all City of Laredo ordinances include the mobile business permit requirement.

Additionally, the Laredo Animal Care Services Department currently provides permits for pet shops and grooming shops operating within the City but does not a revocation process. Chapter 6, Article III has been amended to add Section 6-49 related to procedures for revoking permits that are granted by the department.

COMMITTEE RECOMMENDATION

N/A.

STAFF RECOMMENDATION

Staff recommends approval of this ordinance.

Fiscal Impact

Fiscal Year:

Budgeted Y/N?:

Source of Funds:

Account #:

Change Order: Exceeds 25% Y/N:

FINANCIAL IMPACT:

N/A

Attachments

2022-O-005
