

ORDINANCE NO. 20-H-06

AN ORDINANCE OF THE CITY OF SCHERTZ, TEXAS, AMENDING CHAPTER 14-ANIMAL CONTROL, OF THE CODE OF ORDINANCES; PROVIDING FOR MANDATORY MICROCHIPPING REGULATIONS FOR DOGS AND CATS; THEREFORE REMOVING THE REQUIREMENT FOR AN ANNUAL CITY LICENSE FOR DOGS AND CATS; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Schertz, Texas is a Home Rule Municipality acting under authority of its Charter and laws of the State of Texas; and

WHEREAS, the City of Schertz, Texas has adopted animal control regulations, which are codified in Chapter 14 of the Code of Ordinances; and

WHEREAS, the City Council wishes to amend the existing animal control regulations to improve the overall quality of animal services within the community; and

WHEREAS, the City Council finds that adopting this Ordinance serves the best interests of the City and health, safety and welfare of the public.

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

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 2. Chapter 14 of the City of Schertz Code of Ordinances is hereby amended as set forth in the attached Exhibit A, attached hereto and incorporated herein.

Section 3. All Ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this

Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 7th day of April 2020.

PASSED AND APPROVED ON THE SECOND READING THE 14TH day of April 2020.

Mayor, Ralph Gutierrez

ATTEST:

City Secretary, Brenda Dennis

(Seal of City)

EXHIBIT A

NOTES FOR CODIFICATION SERVICE: AMEND CHAPTER 14, ANIMAL CONTROL AS PROVIDED BELOW. DELETIONS ARE NOTED AS STRIKETHROUGH AND ADDITIONS ARE NOTED AS UNDERLINED:

City of Schertz MANDATORY ANIMAL MICROCHIPPING

Add the following definition to section 14-1

Sec. 14-1. - Definitions.

For purposes of this Chapter, the following terms, words, and the derivation thereof shall have the meaning given herein.

~~**Animal licensing:** The assignment by the Schertz Animal Shelter of a number to each animal for which the appropriate fee has been paid and which has been vaccinated with anti-rabies vaccine if required.~~

Microchip: is a permanent method of electronic identification that is implanted subcutaneously (just under the skin) between the shoulder blades at the back of an animals neck. A microchip has a unique number that is detected using a microchip scanning device.

Microchipped: shall mean an animal that:

(1) has a microchip implanted; and

(2) the animal, owner and microchip are registered with a national microchip registry.

Registered Microchip: shall mean a microchip that is registered with a company, organization or non-profit group that maintains microchip registration information, which includes identifying and contact information for animal owners.

Article III. ~~DLICENSING~~ MICROCHIPPING AND PERMITS

Sec. 14-4. --~~Dog and Cat license required; application; license tag~~ **Microchipping Required**

- (a) ~~The owner of any dog or cat must apply for a license and pay the license fee required by the city for each dog or cat before the animal attains four months of age. The license may be purchased at the animal shelter or city business offices. The application shall~~

~~include the name and address of the applicant, description of the animal, and have attached thereto a copy of the proof of rabies vaccination if applicable.~~

- ~~(b) The animal shelter shall maintain a record of the identifying numbers of all dog or cat license tags issued.~~
- ~~(c) No person may use any pet dog or cat license for any animal other than the one for which it was issued.~~
- ~~(d) License fees shall not be required for seeing eye dogs or governmental police dogs; however, other requirements of other sub paragraphs under this article shall remain in force.~~
- ~~(e) Application for a license must be made within 30 days after obtaining a dog or cat over three months of age; this requirement will not apply to a non-resident keeping a dog or cat within the municipality for no longer than 60 days.~~
- ~~(f) Upon acceptance of the license application and fee, the city shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags will be designed so that they may be conveniently fastened or riveted to the animal's collar or harness. Each dog and cat must wear an identification tag attached to a properly fitted collar at all times.~~
- ~~(g) The licensing period shall begin with the rabies vaccination date and shall run concurrently with this date.~~
- ~~(h) It shall be the duty of the owner of any dog or cat to procure a duplicate tag from the city in the event that the original tag is lost or destroyed. There will be a fee charged for each replacement tag.~~
- ~~(i) No person may use any license for any animal other than the animal for which it was issued.~~
- ~~(j) The animal shelter supervisor or his or her designee shall maintain a record of the identifying numbers of all tags issued.~~

- (a) All residents of the City of Schertz shall have their dog(s) and cat(s) implanted with a registered microchip.
- (b) Newborn dog(s) and cat(s) must be implanted with a registered microchip before the animal attains four (4) months of age.
- (c) Newly acquired dog(s) and cat(s) must be implanted with a registered microchip within 30 days of ownership.
- (d) New residents of the City of Schertz shall have their dog(s) and cat(s) implanted with a registered microchip within 30 days of moving to the city, if the animal is not already microchipped. If the animal is already microchipped, the owner shall update their contact information.

(e) An animal is exempt from this requirement if it is determined to be medically unsuitable for microchipping by a licensed veterinarian, in writing, provided that:

- i. The animal is determined to be medically unsuitable for microchipping, the owner shall have the animal permanently marked with an identifying tattoo by a licensed veterinarian; and
- ii. Proof of medical unsuitability for microchipping along with the identifying tattoo number and owner's or keeper's name, address and telephone number is provided to Schertz Animal Services within thirty (30) days of tattooing; and;
- iii. If there is a change in contact information, the owner or keeper of a tattooed animal shall update the contact information with Schertz Animal Services within thirty (30) days of the date of the change in contact information and;
- iv. If there is a change in ownership of a tattooed animal, the previous owner or keeper shall be responsible for notifying Schertz Animal Services of the change within thirty (30) days of the date of change in ownership; and
- v. If they reside in the City of Schertz, the new owner or keeper shall be responsible for providing Schertz Animal Services with the new owner's or keeper's name, address and telephone number within thirty (30) days after the change in ownership.

(f) If there is a change in ownership of a microchipped animal, the previous owner shall be responsible for ensuring that the microchip is no longer registered in the previous owner's name within thirty (30) days of the date of change in ownership.

(g) Any person who violates any of the provisions of this chapter shall be subject to the enforcement and penalty provision provided for in Article X. – Special Provisions.

(h) It is a defense to prosecution under this section that:

- i. At the time of the offense the person was using the dog or cat in a research program at an institution of higher education, which is accredited by the American Association for the Accreditation of Laboratory Animal Care; or
- ii. The dog or cat is being fostered by the resident, and has a microchip that is registered to the organization responsible for the animal.
- iii. The dog or cat owner is a nonresident of this city and is keeping the animal in the

city for fewer than thirty (30) days; or

- iv. The dog or cat owner has been a resident of this city for fewer than thirty (30) days;
or
 - v. The dog or cat had been abandoned or lost and the temporary owner has had the
animal for fewer than thirty (30) days.
- (i) It shall be an affirmative defense to prosecution under this section that the animal is a feral
cat in the city's trap, neuter and return program.