

STATE OF TEXAS           X

COUNTY OF BEXAR       X

ORDINANCE # 736-2015

CITY OF CONVERSE      X

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF CONVERSE, TEXAS PART II CODE OF ORDINANCES, CHAPTER 6- ANIMALS, DIVISION I AND DIVISION II APPROVING AND RECOMMENDING THE VOLUNTARY USE OF THE TRAP -NEUTER- RETURN (TNR) PROGRAM FOR FERAL CATS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, feral cats currently exist in large number and roam free throughout the City of Converse with no effective means of controlling their population; and

WHEREAS, the City recognizes the potential for a well-managed voluntary trap-neuter-return (TNR) program as a mechanism to reduce the existing and ever perpetuating feral cat over population, and move towards a reduction in the euthanasia rate of such feral cats in our community.

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

That Chapter 6, Division I and Division II of the Code of Ordinances, City of Converse, Texas is hereby amended to read as follows:

**Sec. 6-42. - Responsibilities.**

- (a) There is hereby created the position of animal control officer that shall be appointed by the city manager. This officer, or his designated assistant, shall have police powers in the enforcement of this chapter and no person shall interfere with, hinder, molest or abuse the animal control officer, or his assistant, in the exercise of such powers.
- (b) The animal control officer shall operate under the supervision of the police department to enforce the city ordinances regulating animals and shall serve as the local rabies control authority when charged by the city manager. The animal control officer shall be required to receive the pre-exposure rabies vaccination within six months of employment.
- (c) An animal control officer or police officer may enter onto the front and back of unfenced private property to pursue an animal at large.
- (d) Except as provided in article V of this chapter, concerning rabies control, it shall be the sole decision of the animal control officer to waive the holding period and immediately euthanize wild, trapped animals or to release them back into the wild at least five miles outside the city limits. (with the exception of cats that will be spayed/neutered, vaccinated

against rabies, ear-tipped and returned to their original location in accordance with the TNR methodology).

**Sec. 6-43. - Procedures for impounding and disposal of animals found running at large.**

- (a) The animal control officer shall take up or cause to be taken up any such animals including livestock or fowl found running at large within the limits of the city and shall impound any such animals in a suitable place provided for that purpose.
- (b) The animal control officer shall within three days after such animal has been impounded research the registration records attempt to identify and contact the owner. If the owner can be identified, the impounded animal shall be returned and the animal control officer shall collect a fee of \$25.00 per head for taking up and impounding each animal and \$10.00 per day for feeding and taking care of each animal. (except cats designated as part of a cat colony being managed by the approved TNR methodology).
- (c) If the animal control officer cannot identify the owner, he shall post two notices, one at the city hall, and one in some other public place, giving a full description of the animals that were impounded. The notices shall state the date and place of sale of the impounded animals. The date of sale shall not be less than five days from the date of posting the notice. The impounded animals shall be sold at public auction to the highest bidder for cash and the money shall be turned over to the city finance director for deposit into the general fund of the city.
- (d) After the sale of impounded animals, the owner shall have 90 days to apply to the animal control officer for the money from the sale. Upon satisfactory proof of ownership, the owner shall be entitled to receive the amount deposited on account from such sale, minus a fee of \$25.00 per head for impounding each animal, and \$10.00 per day for feeding and taking care of each animal, and \$20.00 per head for selling each animal.
- (e) The animal control officer shall keep a record of all animals impounded. The record shall include the description, the date of impounding, the date of sale, the amount realized from the sale, the fees and expenses associated with impounding and keeping the animal, the name of the owner, if known, and the name of the purchaser.
- (f) The Animal Control Officer shall refer residents' inquiries concerning outdoor cats to the San Antonio Feral Cat Coalition for information and education on Trap, Neuter, Return, the City's approved method of humane control.
- (g) The Animal Control Officer shall release any ear-tipped cat trapped inadvertently in a trapping project unless it requires medical attention.



- (h) The Animal Control Officer shall not agree to impound cats brought in by residents (unless the cat needs medical attention) but instead refer them to the TNR method approved by the City. The spay/neuter surgery and recovery may be carried out by the Converse Animal Control, at the City's expense, and the cat returned to its original location with its identifying ear tip.

#### **Sec. 6-104. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means dog or cat for the purpose of this article.

*Animal control authority* means the elements of municipal staff held responsible by the city council for enforcement of this article. The city manager, chief of police, and the animal control officer are delegated authority to act as necessary to protect public health and safety in accordance with the provisions of this article.

*Animal control officer* means the person appointed specifically as animal control officer by the city manager and under the supervision of the police department to enforce the city ordinances regulating animals. The animal control officer shall also serve as the local rabies control authority when assigned by the city manager. The animal control officer shall be required to receive the pre-exposure rabies vaccination within six months of employment.

*Animal shelter* means a public or private facility which, minimally, houses animals for impoundment purposes; or a centralized private facility which accepts or houses more than the limits on transfers for hobby breeders. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.

*At large* means off the premises of the owner, and not under the control of the owner or a member of the immediate family either by leash, cord, chain or otherwise.

*Cat* means both male and female *Felis catus*.

*Cat colony* means a group of cats (feral, stray, community, abandoned) that live outdoors and congregate, more or less, together as a unit and share a common food source.

*Cat colony caregiver* means any person who voluntarily cares for a cat colony, in accordance with a good faith effort to trap, neuter, vaccinate and return the cat to its original location.

*Commercial boarding and training facility* means a facility designated for daily care or overnight boarding of house pet animals in the absence of the owner. Additionally, a facility

that cares for house pet animals in training in the absence of the owner or owner's designee and receives compensation for boarding and training services qualifies as a commercial boarding and training facility. Training services include housing, training, handling, showing, grooming and transporting pet animals. Boarding services includes day boarding (day care) in which free boarding may be utilized and overnight boarding. Training services shall be for the purposes of exhibition, behavior modification or enhancement, field trial or lure course training, guard dog training, service dog training or any other type of training services.

*Dangerous dog* means a dog that makes an unprovoked attack on a person or another animal that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to another animal or a person. Attacks that occur in an enclosure in which the dog was being kept, and that was built to prevent the dog from leaving the enclosure on its own, shall not qualify as a basis for declaring a dog vicious or dangerous. Only unprovoked acts in a place other than an enclosure in which the dog was being kept and was built reasonably prevent the dog from leaving the enclosure on its own shall serve to justify a declaration of vicious or dangerous.

*Dog* means a domesticated animal that is a member of the canine family. The term "dog" means both male and female.

*Ear tip* means the international identification of an outdoor cat that has been trapped, neutered, vaccinated and returned to its original location as part of the approved Trap, Neuter, Return program endorsed by the City and encouraged by Animal Control Services. The ear tip is the removal of approximately 3/8 inch from the tip of the cat's left ear (straight line) while under anesthetic.

*Feral cat* means a cat that is unsocialized to people and typically avoids contact with humans.

*Foster home* means a site at which, through a written agreement with a licensed shelter facility, provides care and/or rehabilitation for sick, injured, orphaned, juvenile or other pet animals which are otherwise the responsibility of the shelter.

*Keeper* means a person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat, or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

*Kennel* means an establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.



*Licensing authority* means the animal control officer of the city or any designated representative charged with administering the issuance and/or revocation of permits and licenses under the provisions of this article

*Local rabies control authority* means the city manager who is charged to enforce the provisions of this article and V.T.C.A., Health and Safety Code § 826.001 et seq. The city manager is authorized to delegate authority as deemed appropriate to the chief of police and to the animal control officer.

*Mobile adoption* means a site other than the central shelter facility at which pet animals may be offered for adoption to the general public.

*Neutered* means rendered permanently incapable of reproduction.

*Nuisance* means a dog or cat that annoys and degrades the quality of life for others.

*Owner* means any person Having a right of property in an animal or who keeps or harbors an animal, has it his/her care and acts as its custodian. “Owner” does not include a cat colony caretaker.

*Restraint* means a dog or cat that is within the real property limits of the owner by means of an enclosure, or is in a vehicle or cage from which it cannot escape or on a leash or lead held by a responsible person.

*Secure enclosure* means a fenced area or structure that is capable of inhibiting the entry of the general public, including children, and preventing the escape or release of a dog.

*Vicious animal* has the same meaning as dangerous dog.

#### **Sec. 6-105. - Owner/keeper responsibilities.**

- (a) It shall be unlawful for any dog or cat, licensed or not, to run at large within the limits of the city. (except cats designated as part of a cat colony being managed by the approved TNR methodology).
- (b) It shall be unlawful for any dog or cat to be left unattended and unrestrained, even when on the owner's property. A dog on the front porch will quickly become a dog chasing a jogger, bicycle, meter reader, delivery man, or a car. In the interest of safety for both the public and the pet, an enclosure or restraint is required at all times. (except cats designated as part of a cat colony being managed by the approved TNR methodology).
- (c) A dog or cat declared vicious or dangerous shall be kept in a secure enclosure. It shall be unlawful for any keeper of a vicious or dangerous dog or cat to permit the vicious or dangerous dog or cat to be out of its secure enclosure unless it is muzzled and on a leash or

lead held by a person capable of controlling the animal. If an enclosure is used to keep an aggressive, dangerous, or vicious dog, it shall be clearly marked as containing a dangerous dog in conformance with the requirements for enclosures as established by the animal control officer.

- (d) It shall be unlawful for the keeper of an unneutered female dog or cat that is in heat to allow such dog or cat to be off the premises unless accompanied by the keeper.
- (e) It shall be unlawful for the keeper or owner of an animal to allow the animal to defecate on the property of another, or upon public property, without immediately cleaning the feces from the property and properly disposing of it in a trash receptacle.
- (f) No dog or cat shall be allowed by its keeper to cause a nuisance as defined in section 6-104
- (g) It shall be unlawful for the keeper of any animal licensed or unlicensed, on a leash or running at large, to bring such dog or cat in any establishment that handles, dispenses or sells food or beverage for human consumption. This prohibition does not apply to service dogs guiding or assisting handicapped persons.
- (h) A dog or cat suspected to have rabies may leave the premises only to be taken to a veterinary hospital. It shall be unlawful for any person who knows or suspects a dog and/or cat to have rabies to allow such dog and/or cat to be taken off the premises for any other reason without the written permission of the city manager or his designated representative.
- (i) It shall be unlawful for any person to abandon an animal within the city. This shall also apply to any person who brings an animal to the city and abandons such animal. A cat colony caretaker who is returning a cat to its original location under the approved methodology of TNR is not deemed to have abandoned the cat.
- (j) It shall be unlawful for any person to allow an animal to ride in the back of an open truck, trailer or other vehicle unless the animal is in a cage or tied in such a manner that the animal cannot jump out of the vehicle.
- (k) No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

- (l) No owner shall fail to provide his animals with sufficient, good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (m) No person may use any license for any animal other than the animal for which it was issued.
- (n) Every person owning or keeping any dog, cat or domesticated exotic animal shall procure a written vaccination certificate, signed by the veterinarian administering the vaccine. The certificate shall include an accurate description of the dog, cat or domesticated exotic animal, date of immunization, and the name and address of the owner of such dog or cat.

SECTION III: SUPERSESSSION: All provisions of the Code of Ordinances of the City of Converse not herein amended or repealed shall remain in full force and effect.

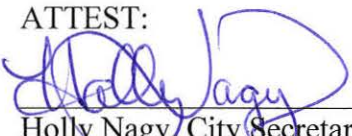
All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

This Ordinance shall become effective upon the publication in the newspaper as required by the Charter of the City of Converse, Texas.

PASSED AND APPROVED this 20 Day of Jan 2015.

  
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Al Suarez, Mayor

ATTEST:

  
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Holly Nagy, City Secretary

