

ORDINANCE NO. 2023-26

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING CHAPTER 6, ARTICLE II OF THE SAGINAW CITY CODE; PROVIDING DEFINITIONS AND REGULATIONS GOVERNING ANIMAL RESCUE, FOSTERING, AND SERVICE ANIMALS IN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City has previously adopted Ordinance No. 2004-02, and codified as Chapter 6 of the Saginaw City Code, "Animals," which regulates the care and keeping of animals within the City; and

WHEREAS, the City Council has determined that it is in the best interest of the public to provide for comprehensive regulations governing the care, custody, and control of all domestic animals within the City; and

WHEREAS, for purposes of promoting the public health, safety and general welfare, the City Council desires to adopt regulations governing animal rescue organizations and animal foster homes; and

WHEREAS, the City Council desires to adopt provisions governing the care of service animals within the City.

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

SECTION 1.

Section 6-32, "Definitions" of Article II "Animal Control," of Chapter 6 "Animals" of the Saginaw City Code is hereby amended to add new definitions to read as follows:

"Sec. 6-32. Definitions.

Animal control authority means the animal control department of the City.

Animal control officer means any employee or agent of the City assigned to the animal control authority or whose responsibilities include animal control.

Animal Foster Home means any residence that is registered with a 501c3 non-profit animal rescue or animal rescue organization for the purpose of temporarily housing domestic animals in need of adoption into a permanent household. The foster home must be inspected and approved by the rescue group and may be subject to inspection by Animal Services Center staff at any time.

Animal Foster Home Caregiver means a person who harbors fostered animals through an animal services-approved rescue group.

Approved Rescue Group or Animal Rescue Organization means any animal rescue group or animal rescue organization that has filed their 501C3 with the Saginaw Animal Services Adoption and Rescue Coordinator and is currently in compliance with Saginaw Animal Services standards of care, which include but are not limited to sterilization, vaccinations, or medical care, etc.

Service Animal means a dog trained to perform a task directly related to a person's disability. This definition does not include emotional support animals. Emotional support animals are not recognized by the Americans with Disabilities Act ("ADA") because providing emotional support or comfort is not a task related to a person's disability."

SECTION 2.

Chapter 6 "Animals," Article II "Animal Control," of the Saginaw City Code is hereby amended by adding a new section to read as follows:

"Sec. 6-39. Multi-Pet Household Permits.

- (a) *Number of Dogs and Cats Allowed.* Except as provided by this Section, no residence within the City shall harbor more than five (5) adult dogs, five (5) adult cats, or five (5) adult dogs and cats in any combination (for example, 4 dogs and 1 cat or 4 cats and 1 dog). No residence within the City shall harbor more than one litter of puppies or one litter of kittens over 4 months of age at any given time.
- (b) *Multi-Pet Permit.* Any person desiring to keep more than five (5) adult dogs and/or cats or more than one litter of puppies or kittens at a residence may apply with the animal control authority for a multi-pet permit allowing them to keep two (2) additional dogs or cats ("service animals" as defined in Sec. 6-32 will be counted in this number and are not exempt from registration). The applicant shall pay an application fee at the time of filing. The animal control authority is authorized to issue such a permit if the following conditions are met:
 - 1. An applicant provides the animal control authority with information concerning the maximum number of animals to be kept at any one time at such premises and a

record search indicates that there have been no enforcement actions for violations of this Section within the preceding twelve (12) months.

2. The applicant shall be the owner of the property. If the applicant is a renter/tenant of the property, they must provide a notarized letter from the property owner stating permission for the pets on the premises. This permission must be written, notarized, and must be provided annually or upon request of the animal services manager or their designee.
 3. The animal control authority inspects the property and deems it appropriate for housing multiple pets based on criteria including, but not limited to:
 - i. Facilities shall be of sufficient size as to allow each animal to move about freely. Size of the facility shall be in proportion to the size of the individual animal's height and weight.
 - ii. Adequate food and water must be provided so that each and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.
 - iii. The said premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects, and flies that could be harmful to the animal's health and/or to the health of the general public.
 - iv. The animals and the facility must be kept free of odor or stench which is offensive to a person of ordinary sensibilities.
 - v. The animals must be maintained in a manner which does not pose a danger to the health of the animals themselves or adjacent animals.
 - vi. The animals must not cause noise which is offensive or disturbing to a person of ordinary sensibilities on adjoining or adjacent premises.
 - vii. All animals must be vaccinated and must wear current rabies tags at all times in accordance with this Section.
 - viii. All animals at the residence must be sterilized.
 - ix. All animals at the residence must be microchipped, and proof of registration with a national database will be required at the time of application.
- (c) Fees for the issuance of a multi-pet permit shall be set by City Council.
- (d) Such permit may be revoked by the animal control authority for cause, including but not limited to, violations of the provisions of this Section or the inability of the permit holder to keep the animals in a healthy or sanitary environment.
- (e) Multi-pet permits must be renewed annually and each renewal will require inspection and approval by the animal control authority or its designee.

- (f) Any person either denied a multi-pet permit, or who has had their permit revoked, may file an appeal with the city manager or their designee. Such appeal must be made in writing within ten (10) days of receiving written notice from the animal control authority of the permit denial or revocation. If no appeal request is filed within the 10-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the City Manager or their designee shall hold a hearing at a time and place of their designation. Based upon the recorded evidence of such hearing, the City Manager or their designee shall make a final finding.
- (g) *Changes in residence or ownership.* Multi-pet permits are issued for specific owners of a specific property. Application for a new multi-pet permit will be required if:
1. The original permit holder moves to a new residence within the city limits and wishes to keep more than five (5) adult dogs/cats or more than one litter of puppies/kittens on the new property, or if
 2. Ownership of the property for which a permit was originally issued changes and the new owners/tenants desire to keep more than five (5) adult dogs/cats or more than one litter of puppies/kittens.
- (h) *Complaints.* A person may file a complaint for violations of this Section with the animal control authority of the City. The report must be in writing and made under oath (notarized), and the report must include the following:
1. Name, address, and telephone number of complainant and other witnesses, if any;
 2. Date, time, and location of the incident forming the basis of the report;
 3. Description of the violation;
 4. Name, address, and telephone number of the animal owner, if known;
 5. A statement of facts upon which such report or application is based;
 6. Any other relevant facts or circumstances; and
 7. A Texas state notary stamp and signature.

The animal control authority, upon receipt of a report filed under this Section or upon learning of a violation, shall investigate the complaint and may issue sworn reports based on the animal control authority's investigation or observation.

- (i) *Filing of False Claims and Reports.* A person commits an offense if he knowingly initiates, communicates or circulates a claim of ownership for an animal with the Animal Services Manager or their designee that he knows is false or baseless. A person commits an offense if they knowingly initiate, communicate or circulate a report of a violation of City ordinance or State law with the Animal Services Manager or their designee that they know is false or baseless.

(j) *Revocation of Permit.* The Animal Services Manager or their designee may revoke any multi-pet permit after a hearing for any one or more of the following reasons:

1. Impoundment of a cat or dog by the City more than three times during a twelve-month period.
2. More than two (2) final convictions of a person for violating this Section.
3. Any combination of (1) and (2) totaling two (2) incidents.
4. Upon a determination that the cat or dog is a "dangerous animal" or "dangerous dog" as defined in this Section.

Upon revoking the multi-pet permit, the Animal Services Manager or their designee shall notify the applicant of said action in writing. Written notification shall be deemed made when a certified letter, return receipt requested, addressed to the last known mailing address of applicant is deposited in the U.S. mail.

Upon the expiration of ten (10) days after written notification of revocation is deposited in the U.S. Mail, as provided above, applicant will need to remove all excess animals over the limit allowed by ordinance (5 dogs or 5 cats, or any combination totaling 5) for a period of 12 months.

If found in violation for exceeding the limit, citations may be issued at the Animal Services Manager's or their designee's discretion. Every day a violation exists constitutes a new and separate violation."

SECTION 3.

Chapter 6 "Animals," Article II "Animal Control," of the Saginaw City Code is hereby amended by adding a new section to read as follows:

"Sec. 6-42. Animal Foster Home Requirements.

- (a) Fostered animals are to be provided with adequate food, water, shelter, and shade at all times.
- (b) The foster home must provide an area in which to segregate newly fostered animals until those animals can be socialized with other animals living in the foster home.
- (c) The number of animals allowed to be fostered at a location shall be based on adequate housing space as determined by the size of animals being housed, and should not be more than two (2) adult animals (dogs or cats), or no more than two litters (dogs or cats).

- (d) All cats and kittens over the age of sixteen (16) weeks who are fostered animals must be vaccinated against rabies.
- (e) All dogs and puppies over the age of sixteen (16) weeks who are fostered animals must be vaccinated against rabies.
- (f) Foster caregivers shall obtain a City license for any animal remaining in the home for more than ten (10) days. A fostered animal remaining in the home for more than one hundred twenty (120) days will no longer be considered a foster animal; such animals will be considered owned animals and owners will be required to meet all obligations of ownership. Rescue groups may apply to the Animal Services Manager or their designee for an extension of up to sixty (60) days. A second extension of up to (60) days may be granted at the discretion of the animal services manager.
- (g) The foster home shall keep records for each fostered animal, including a rabies certificate and documentation for the length of time the animal has been in the foster home. These records will be provided to the Animal Services Manager or their designee upon request.
- (h) The foster caregiver shall be the owner of the property where the foster home is located or have notarized written permission of the owner of the property in order to participate as a foster home. If the foster caregiver is a tenant and not the owner of the property, written, notarized permission from the property owner or management company must be provided annually or upon request of the Animal Services Manager or their designee.
- (i) The foster caregiver shall provide a letter from the rescue group stating they are an approved foster for the rescue group and provide proof of 501c3 status to the Animal Services Manager or their designee. This letter will also include the number(s), species, age, color and sex of the animal(s), sterilization proof (if completed, or estimated date of sterilization), and microchip number that is implanted in the animal.
- (j) *Foster Permit Fees.* Fees for the issuance of a foster permit shall be set by the City Council.
- (k) *Foster Home Complaints.* A person may file a complaint for violations of this Section with the animal control authority of the City. The report must be in writing and made under oath (notarized), and the report must include the following:
 - 1. Name, address, and telephone number of complainant and other witnesses, if any;
 - 2. Date, time, and location of the incident forming the basis of the report;
 - 3. Description of the violation;
 - 4. Name, address, and telephone number of the animal owner, if known;
 - 5. A statement of facts upon which such report or application is based;
 - 6. Any other relevant facts or circumstances; and
 - 7. A Texas state notary stamp and signature.

The animal control authority, upon receipt of a report filed under this Section or upon learning of a violation, shall investigate the complaint and may issue sworn reports based on the animal control authority's investigation or observation.

Foster homes shall consent to inspection of the premises by the Animal Services Manager or their designee during regular business hours in response to a complaint. The animal services officer who responds to a complaint at a registered foster home will inform the foster home of the nature of the complaint. Failure to rectify any violations within the period granted by the animal services officer will result in the suspension of a foster home's designation until the violations are corrected. The rescue group under which the foster home operates will be notified of any complaint and findings. The rescue group will remove the foster home from their approved foster home list if any violations are not remedied to the satisfaction of the Animal Services Manager or their designee.

- (i) *Filing of False Claims and Reports.* A person commits an offense if he/she knowingly initiates, communicates or circulates a claim of ownership for an animal with the Animal Services Manager or their designee that he/she knows is false or baseless. A person commits an offense if they knowingly initiate, communicate or circulate a report of a violation of City ordinance or State law with the Animal Services Manager or their designee that they know is false or baseless.
- (j) *Revocation of Permit.* The Animal Services Manager or their designee may revoke any foster permit after a hearing for any one or more of the following reasons:
 - 1. Impoundment of a cat or dog by the City more than three (3) times during a twelve-month period.
 - 2. More than two (2) final convictions of a person for violating this Section.
 - 3. Any combination of (1) and (2) totaling two (2) incidents.
 - 4. Upon a determination that the cat or dog is a "dangerous animal" or "dangerous dog" as defined in this Section.

Upon revoking the foster permit, the Animal Services Manager or their designee shall notify the applicant of said action in writing. Written notification shall be deemed made when a certified letter, return receipt requested, addressed to the last known mailing address of applicant is deposited in the U.S. mail.

Upon the expiration of ten (10) days after written notification of revocation is deposited in the U.S. Mail, as provided above, applicant will need to remove all excess animals over the limit allowed by ordinance (five dogs or five cats, or any combination totaling five) for a period of twelve months.

If found in violation of the limit, citations may be issued at the Animal Services Manager's or their designee's discretion. Every day the violation exists constitutes a new and separate violation.

- (k) Nothing in this Section shall be construed as excusing an animal foster home or an animal foster home caregiver from all other pertinent laws, including those prohibiting nuisances or disturbances.
- (l) A foster home will not be eligible for a foster permit if they currently have a multi-pet permit."

SECTION 4.

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 5.

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

SECTION 6.

All rights or remedies of the City are expressly saved as to any and all violations of the City Code; any amendments thereto that have accrued at the time of the effective date of this Ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the City Council of the City shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Saginaw City Code. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

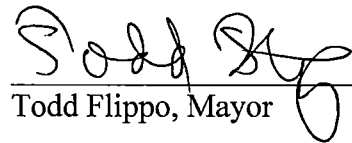
SECTION 8.

The City Secretary of the City is hereby directed to publish at least twice in the official newspaper of the City, the caption and the penalty clause of this Ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 9.

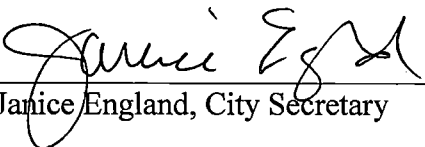
This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the 19th day of September, 2023.



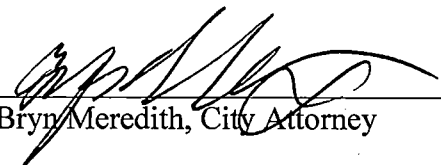
Todd Flippo, Mayor

ATTEST:



Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Bryn Meredith, City Attorney

