ORDINANCE NO. 2024-25

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING ARTICLE I, "IN GENERAL," AND ARTICLE II, "ANIMAL CONTROL," OF CHAPTER 6, "ANIMALS," OF THE SAGINAW CITY CODE BY AMENDING AND ADDING REGULATIONS RELATED TO ANIMALS WITHIN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS 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 Xl, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; 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 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 control within the City.

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

SECTION 1.

Subsection (d), "Members," of Section 6-1, "Animal shelter advisory committee," of Article I, "In General," of Chapter 6, "Animals," of the Saginaw City Code is hereby amended to read as follows:

"(d) *Members*. The composition of the committee shall include at least one licensed veterinarian, at least one municipal official, at least one person whose duties include the daily operation of an animal shelter, and at least one representative from an animal welfare organization. The same person shall not be appointed to fulfill more than one of these positions. It shall be required for the representative of the animal welfare organization to reside within the city limits or for the agency he or she represents to be chartered in the city. It shall not be required for the licensed veterinarian to reside within the city limits if his or her primary veterinary practice is located within the city limits. The following positions shall be filled:

(1) One municipal official—department representative supervising animal services;

(2) One municipal employee--whose duties include the daily supervision and operation of the animal shelter;

(3) Three representatives of the general public—citizens of Saginaw;

(4) One representative—animal welfare organization; and

(5) One representative--licensed veterinarian."

SECTION 2.

Section 6-2, "Interference, false statements or claims," of Article I, "In General," of Chapter 6, "Animals," of the Saginaw City Code is hereby added to read as follows:

"**Sec. 6-2. - Interference, false statements or claims.**

(a) A person commits an offense if he or she prevents, obstructs, or interferes with any animal services manager, animal services officer, or police officer in the performance of their duties under this chapter.

(b) A person commits an offense if he or she fails to comply with a lawful order by an animal services manager, animal services officer, or police officer duly acting under the authority of this chapter.

(c) A person commits an offense if he or she knowingly initiates, communicates, or circulates a false report or statement concerning any violation under this chapter, either verbal or written, which he or he knows to be false or baseless.

(d) A person commits an offense if he or she knowingly makes a false claim regarding ownership of an animal with the intent to obstruct an investigation or enforcement under this chapter.

Secs. 6-3 – 6.30. Reserved."

SECTION 3.

Section 6-32, "Definitions," of Division 1, "In General," of Article II, "Animal Control," of Chapter 6, "Animals," of the Saginaw City Code is hereby added to read as follows:

"Sec. 6-32. - Definitions.

When used in this chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

Animal control authority or *authority* means the animal control department of the City of Saginaw.

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

Aggressive animal means an animal, other than a dog, that:

(1) 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 animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or

(2) Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a person or to another animal.

Community cat means any free-roaming cat, regardless of socialization or sociability, cared for by one or more known or unknown residents of the immediate area.

Aggressive animal means an animal, other than a dog, that:

(1) Makes an unprovoked attack on another animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or

(2) Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a person or to another animal.

Dangerous dog means a dog that:

(1) 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

(2) 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 a person or to another animal.

Dangerous incident means an incident in which a dog or another animal:

(1) 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 or animal as being kept, and that was reasonably certain to prevent the dog or animal from leaving the enclosure on its own; or

(2) Commits unprovoked acts in a place other than an enclosure in which the dog or animal was being kept and that was reasonably certain to prevent the dog or animal from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog or animal will attack and cause bodily injury to a person or to another animal.

Dog park means the Saginaw Dog Park or a public park designed for dogs to exercise and play off leash in a controlled environment under the supervision of their owners or keepers, which is enclosed to prevent the dogs from running at large.

Ear tipped means a straight-line cut, v cut, or notch cut of a feral or free-roaming cat's ear to mark that the cat has been through the trap-neuter-vaccinate-return ("TNVR") program.

Estray means a domestic animal that has strayed and has no obvious owner.

Euthanize means to cause the death of an animal implementing a technique that is in accordance with the methods, recommendations, and procedures prepared by the American Veterinary Medical Association ("AVMA") and set forth in the latest edition of the AVMA Guidelines for the Euthanasia of Animals.

Feral cat means a cat that is (1) born in the wild or is the offspring of an owned or feral cat and is not socialized, (2) is a formerly owned cat that has been abandoned and is no longer socialized, or (3) a community cat.

Feral cat caretaker means a person other than the owner, who provides food, water, or shelter to, or otherwise cares for, a feral cat or community cat.

Feral cat or community cat colony means a group of cats that congregate, more or less, together as a unit. Although not every cat in a colony may be feral, any non-feral cat or community cat that congregates with a colony shall be deemed to be part of it.

Harboring means the act of keeping and caring for an animal or of providing a premise where the animal returns for food, shelter, or care for a period of three days or more.

Keeper means any person keeping, holding, caring for, having an interest in, or having control or custody of an animal.

Livestock means animals raised for food or other products or kept for use, especially farm animals, such as meat, dairy, cattle, pigs, and poultry.

Owner means any person who owns, harbors, or who has care, custody, or control of an animal.

Protective custody means the impoundment of an animal:

(1) Due to the arrest, eviction, hospitalization, or death of the animal's owner;

(2) Pursuant to a court order; or

(3) At the request of a law enforcement agency.

Quarantine by owner means (at the discretion of the Local Rabies Control Authority) the animal must be inside an enclosed structure, i.e., house or garage, and must remain there for ten days. The animal control officer will approve the enclosure and a home quarantine form will be filled out. An animal control officer will check on the animal periodically throughout the quarantine time. If an owner does not allow an animal control officer to inspect the animal or is found in violation of the home quarantine rules, the animal will be remanded to animal services or a Texas Department of Health and Safety approved veterinarian office for the remainder of the quarantine period. The animal must be kept away from other animals and people, except those in the immediate household. The animal must not be removed from the corporate city limits of Saginaw while under quarantine.

Rabies vaccination means the vaccination of a dog, cat, or other domestic animal with an anti-rabies vaccine approved by the Texas Department of Health and administered by a veterinarian licensed by the state.

Residential domesticated animal means all species of animals commonly and universally accustomed to living near people in a residential area not including wild animals or dangerous wild animals, as defined herein, by prior ordinance of the city, or by state or federal law, as amended.

Rooster means a male chicken.

Running at large means:

(1) Off premises:

a. Any dog that is not restrained by means of a leash or chain of sufficient strength and length to control the actions of such animal while off premises; or

b. Any domesticated cat which is causing a nuisance.

c. Any dog confined within a city owned dog park is not considered running at large.

d. Feral cats, community cats, or stray cats that have been sterilized and ear notched or otherwise permanently marked, and returned to locations within the city in order to reduce the population of feral

cats and community cats through sterilization, shall not be considered at large or running at large

(2) On premises:

a. Any dog not confined to the premises of the owner by a fence of sufficient strength and height to prevent the animal from escaping therefrom. A dog intruding upon the property of another person other than the owner shall be termed "at large." Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed "at large."

Scratch means contact with claws or nails that breaks the skin.

Shelter means a place giving temporary protection from bad weather or danger. An object or structure that is covered on all sides to allow animals to escape inclement weather, i.e., dog house, covered patio, etc.

Secure enclosure means a fence or structure, being securely enclosed and locked, having four sides, a top, and a bottom, and having signs posted on all sides warning of the presence of a dangerous dog or dangerous animal with nine-inch letters, that is suitable to confine and prevent the escape of a dangerous dog or dangerous animal, and to prevent any unauthorized entry.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Service animal means a dog that is individually trained to do work or perform tasks directly related to a disability for a person with disabilities, as defined by the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101, as amended. Dogs whose sole function is to provide comfort or emotional support are not considered service animals under the ADA or under this chapter.

Stray animal means any animal, for which there is or is not an identifiable owner or harborer, which is found to be at large within the corporate limits of the City of Saginaw.

Sterilized means rendered permanently incapable of reproduction by means approved by the American Veterinary Medical Association.

Swine means any of various stout-bodied, short-legged, omnivorous artiodactyl mammals of the Suborder Suina, including pigs, hogs, and boars.

Wild animal means any animal or reptile that commonly exists in a natural unconfined state and is usually not a residential domesticated animal, regardless of the circumstances or duration of captivity. Examples of wild animals include, but are not limited to the following: lions, tigers, ocelots, bobcats, cougars, panthers, pumas, leopards, cheetahs, jaguars, lynx, servals, caracals, hyenas, bears, koala bears, wallabies, bandicoots, wombats, bats, kangaroos, opossums, javelinas,

wolves, coyotes, dingoes, foxes, jackals, weasels, skunks, martins, minks, badgers, sloths, anteaters, armadillos, elephants, monkeys, baboons, chimpanzees, orangutans, gorillas, beavers, porcupines, antelope, deer, moose, elk, bison, camels, hawks, eagles, falcons, vultures, gila monsters, water moccasins, coral snakes, rattlesnakes, copperheads, king cobras, any poisonous snake or reptile, pythons, anacondas, marine snakes, pit vipers, true vipers, crocodiles, alligators, any hybrid of any of the above animals, or any hybrid of any animal defined as a wild animal, exotic animal, or dangerous animal by city ordinances, prior ordinances of the city, or by state or federal law."

SECTION 4.

Subsection (d), of Section 6-33, "Animals at large prohibited," of Division 1, "In General," of Article II, "Animal Control," of Chapter 6, "Animals," of the Saginaw City Code is hereby added to read as follows:

Sec. 6-33. Animals at large prohibited.

(a) It shall be unlawful for any person owning, keeping, or harboring an animal to permit such animal to run at large.

(b) Any officer or citizen of the city is hereby authorized to take up and deliver to the office of the animal control officer any animal mentioned in this chapter that may be found "at large" in the corporate limits of the city, subject to the applicable provisions of the law. Failure to notify and/or turn over to the animal control officer any such animal within 48 hours shall be a violation of this article and may subject the person taking up the animal to civil and/or criminal action.

(c) The animal control officer or his agent and peace officers are authorized to impound any animal mentioned in this chapter which is in violation of the section. In the event the animal is on private property or property of the animal's owner, the animal control officer, his agent, or peace officer may enter the property, other than a private dwelling, for the purpose of impoundment or issuance of a citation for violation of this chapter, or both, subject to applicable provisions of the law. However, the authority extended to the animal

(d) Feral cats, community cats, or stray cats that have been sterilized and ear notched or otherwise permanently marked, and returned to locations within the city in order to reduce the population of feral cats and community cats through sterilization, shall not be considered at large or running at large."

SECTION 5.

Section 6-34, "Impoundment of animals," of Division 1, "In General," of Article II, "Animal Control," of Chapter 6, "Animals," of the Saginaw City Code is hereby amended to read as follows:

"**Sec. 6-34. – Impoundment of animals.**

(a) *Impoundment generally*. Animals owned or harbored in violation of this chapter, any other ordinance of the city, or any law, rule, or regulation of the State of Texas or of the United States shall be taken into custody by an animal control officer or other designated official and impounded under the provisions of this section.

(b) *Redemption of impounded animals*. In order for a person to redeem an impounded animal, he or she must meet the following requirements:

(1) Rabies vaccination of the animal is required.

a. For the purposes of this subsection, sufficient proof of an animal's current rabies vaccination shall be either a rabies vaccination certificate issued by a licensed veterinarian or verbal or written confirmation of a current rabies vaccination by the licensed veterinarian who administered the vaccination.

b. If the owner cannot prove that the animal has a current rabies vaccination, the owner shall pay a fee to have a rabies vaccination given prior to the release of the animal.

c. If a vaccination cannot be given at the time of the redemption, the owner shall have five business days to provide written proof of obtaining a current rabies vaccination to the city enforcement agent.

d. If, in the opinion of a licensed veterinarian, the rabies vaccination should not be given within five business days, the owner must provide a signed statement from the veterinarian stating why the vaccine should be temporarily delayed and when the vaccine may be given.

e. The owner shall provide written proof of the administering of the vaccination to a city enforcement agent within forty-eight hours.

(2) A microchip implant in the animal is required. If the animal is not already identifiable by microchip, the owner shall pay a fee to have a microchip implanted into the animal prior to release, or provide written documentation that they are not longer the legal owner of said animal, and proof of ownership shall be provided (name/address/contact number).

(3) Sterilization of the animal is required.

a. The owner shall submit proof of having the animal sterilized within thirty days of its release. The proof shall be a completed sterilization certification form provided by the animal services facility that is signed by the sterilizing veterinarian.

b. Subsection (a) above shall not apply if the owner provides proof that the animal has a current city registration and rabies vaccination, the animal is

identified by microchip or visible identification, and one or more of the following conditions is met at the time of impoundment:

(A) Either the animal is registered with a national registry, or the animal is a sporting dog, livestock dog, or working dog, and the owner was a member of a national breed club, local breed club, or sporting or hunting club; or

(B) The animal was a professional trained assistance or police service animal; or

(C) The animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence.

(D) A letter from a licensed veterinarian must explain the reason why it is in the best interest of the animal to not be sterilized.

(c) Nothing in this subsection shall be construed as permitting sterilized dogs and cats to run at large.

(d) Upon the animal's first impoundment in any twelve-month period, if the owner chooses to have their animal sterilized prior to redemption, their impoundment fee shall be waived. The owner shall pay a sterilization fee and any other applicable fees prior to the animal being returned.

(e) Any animal that is impounded a second time in any consecutive twelve-month period shall be sterilized prior to redemption by the owner. This subsection shall not apply if the animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence.

(f) *Disposition of impounded animals*. If the owner of an animal is known, immediate notice shall be given to them. Any impounded animal may be redeemed upon payment of the impoundment fee, care and feeding charges, veterinary charges, rabies vaccination charges, and such other costs as set by the animal control officer. If such animal is not redeemed within seventy-two hours after notification to owner where the owner is known, or within seventy-two hours after impoundment where the owner is unknown, it shall be deemed abandoned, the city shall be deemed the owner of the animal, and the animal may be placed for adoption, subject to payment of the impoundment fee, care and feeding charges, veterinary charges, rabies vaccination charges, and such other costs as set by the animal control officer, such animal may be adopted, transferred, or euthanized, at the sole discretion of the department, by injection or other humane means commonly used by such officials. All impounded cats (community cats, feral cats, and owned cats) shall be held for a minimum of twenty-four hours, unless the cat is microchipped.

(1) Any impounded animal suffering due to illness, injury, or disease may be transferred or euthanized during the hold period at the sole discretion of the department.

(2) Due to their immature immune systems, any impounded animal under three months of age shall immediately become property of the city and may be adopted, transferred, or euthanized at the sole discretion of the department.

(3) The owner of an impounded animal remains subject to prosecution for a violation and liable for any fees related to impoundment whether or not the animal is reclaimed.

(g) *Disposition of impounded animal being held on complaint.* If a complaint has been filed in municipal court for the city against the owner of an impounded animal for violation of this chapter, the animal shall not be released except upon an order of the court, which may also direct the owner, prior to release, to pay any penalties for violation of this chapter in addition to all impoundment fees, care and feeding charges, veterinary charges, rabies vaccination charges, and any other costs reasonably related to the animal's impoundment and care as set by the animal control officer. Surrender of any animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation of this chapter. Any animal not released under this subsection within seventy-two hours after the court authorizes release shall be deemed abandoned, the city shall be deemed the owner of the animal, and the animal may be placed for adoption, subject to payment of the impoundment fee, care and feeding charges, veterinary charges, rabies vaccination charges, and such other costs as set by the animal control officer, or the animal control officer may humanely euthanized said animal by injection or other humane means commonly used by such officials.

(h) *Adoption of dogs and cats.* The city shall comply with all sterilization laws set forth in V.T.C.A., (Vernon's Texas Code Annotated) Health and Safety Code Chapter 828, as amended. A copy of the statute may be obtained from animal services.

(1) A person may adopt a dog and cat from animal services that has been spayed or neutered or will become spayed or neutered and classified as adoptable for the adoption fee as set forth in the animal services fee schedule including, care and feeding charges, veterinary charges, rabies vaccination charges, and such other costs as set by the animal control officer. If the animal has not been spayed or neutered prior to adoption, the new owner must make arrangements to have the animal sterilized and vaccinated for rabies.

a. Animal services may establish an adoption receipt, sterilization agreement, or medical contract for use in the adoption process and violation of any term of such agreement shall constitute a violation of this chapter.

b. Any person who fails to sterilize an animal, as set forth in the sterilization agreement, is guilty of a misdemeanor offense punishable by a fine.

c. Any person who fails to microchip an adopted animal, as set forth in the adoption agreement or medical contract is guilty of a misdemeanor offense punishable by a fine.

(i) The animal services manager or designee may refuse or deny the adoption of an animal for any valid reason, including but not limited to, a person to whom animal services has reason to believe:

a. Would not have the proper facilities to contain or care for the animal;

b. Wants the animal for the purpose of resale or for purposes other than pet ownership;

c. There are reasonable grounds to believe the animal would be subjected to abandonment or cruelty;

d. The person is under the age of eighteen; or

e. That the purpose of the adoption is to avoid or assist in the avoidance of the enforcement of any provision of this chapter.

(j) The animal services manager or designee shall be the sole judge as to whether an animal is suitable to offer for adoption; however, a decision to offer a particular animal for adoption shall not constitute any warranty, express or implied, of the health, temperament, or age of the animal.

(k) The city and its agents, employees, and officers shall have no liability associated with the adoption or impoundment of any animal.

(l) Prisoners' animals.

a. Any person who is taken into custody by the department or other law enforcement agency and having in their possession an animal shall be notified that the animal will be impounded and transferred to animal services. Under certain conditions, and when time allows, an arrestee's animal may be released to an authorized person, identified by the arrestee. The receiving person must agree to take possession of the animal and must be capable of properly caring for the animal.

b. During confinement of arrestee, the animal will be cared for by animal services. The animal may be redeemed from impoundment within twenty-four hours from the time of arrest of the owner, at no charge to the owner. If the animal has not been redeemed within the twenty-four-hour period, the owner will be responsible for any incurred boarding fees after the conclusion of the initial twenty-four-hour impoundment. After seventy-two hours, the animal may become the property of the city and may become eligible for adoption, placed into another organization, or be humanely euthanized. The owner will be responsible for any veterinarian fees incurred regardless of the length of stay.

c. No one shall be able to redeem an animal taken possession of by animal control pursuant to this section, except the owner's duly authorized designee."

SECTION 6.

Section 6-35, "Dogs and cats," of Division 1, "In General," of Article II, "Animal Control," of Chapter 6, "Animals," of the Saginaw City Code is hereby amended to read as follows:

"**Sec. 6-35. – Dogs and cats.**

(a) *Ownership of multiple pets.* No person shall keep or harbor more than three dogs or three cats, and no person shall keep or harbor more than five animals, either three dogs and two cats or two dogs and three cats, except in a properly licensed and zoned kennel, veterinarian clinic, or animal hospital. Puppies and kittens under three months of age shall not be counted for purposes of this subsection. Birds shall not apply to this section, unless they create a health or safety nuisance. This section shall not permit ownership of non-domesticated canines, felines, or any wild, dangerous, or exotic animals and any registration or attempted registration of such shall be void.

(b) *Vaccinations.*

(1) Vaccinations required. Every owner of a dog or cat four months of age or older shall have the animal vaccinated against rabies. All dogs or cats shall be re-vaccinated at one year of age and annually thereafter. Any person establishing residence within the city shall comply with this section within ten days of establishing such residency. If an un-vaccinated dog or cat inflicts a bite, scratch, or otherwise attacks any person within the city limits, a rabies vaccine shall not be administered to the dog or cat until after a ten-day observation period of the date of the bite, scratch, or attack.

(2) Certificate of vaccination. Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate and it shall contain the following information:

a. The name, address, and telephone number of the owner of the vaccinated dog or cat;

b. The date of vaccination;

c. The type of rabies vaccine used;

d. The year and number of rabies tag; and

e. The breed, age, color, and sex of the vaccinated dog or cat.

f. Rabies tag. Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat must attach a metal tag indicating the vaccination to the collar or harness of the vaccinated animal. The metal tag must be serially numbered to correspond with the vaccination certificate number and must include the year of issuance.

(c) *Registration and licensing.*

(1) License required. All dogs and cats four months of age or older that are kept, harbored, or maintained within the corporate limits of the city shall be licensed. Cat and dog licenses shall be issued by the city upon payment of the required fee for each cat or dog. Before a city license will be issued, the owner of the cat or dog must present a certificate from a licensed veterinarian showing that said cat or dog has been vaccinated within the preceding twelve months. If the veterinarian is unable to verify the vaccination, the owner shall sign an affidavit with information on the veterinarian or clinic's name, address, and date of the vaccination; the owner's name and address; and the breed, color, and sex of the cat or dog to be licensed. Said license shall be good for one year from the date of issuance. This section shall not authorize licensing of non-domesticated canines or felines and any license issued for the same shall be void.

(2) Tag and collar. Upon payment of the license fee, the city shall issue to the owner a license certificate and metal tag having stamped thereto on the year for which it is issued and the number corresponding with the number of the certificate. Such tag shall at all times be securely attached to a collar or harness around the neck of the animal. In case the tag is lost, a replacement will be issued by the animal control officer or their agent upon presentation of the receipt showing the payment of the license fee for the calendar year. Tags shall not be transferable from one animal to another and no refunds shall be made.

(3) Microchipping. Any dog or cat that has been impounded or turned into animal services without displaying proper identification as required by subsection (c)(2) of this section, will be required to be microchipped with an ISO microchip prior to reclamation by the owner and that cost shall be paid at the time of reclamation by the owner.

(4) Revocation of registrations. The animal control officer or their agent may revoke any cat or dog registration after a hearing for any of the following reasons:

a. Impoundment of a cat or dog by the city more than three times during a twelve-month period;
b. More than three convictions for violating this chapter when such violations relate to the cat or dog that is being considered for revocation of its registration certificate;

c. Any combination of subsections a. and b. above, totaling three incidents; or

d. Upon a determination that the cat or dog is a "dangerous animal" or "dangerous dog," as defined in this chapter.

e. Upon revoking the registration of any cat or dog, the animal control officer shall notify the owner of the cat or dog 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 the cat or dog owners is deposited in the U.S. mail.

f. Upon the expiration of ten days after written notification of revocation is deposited in the U.S. mail, no cat or dog that has had its registration revoked shall be kept, maintained, or harbored within the city limits.

(d) *Outside cats*. Any cat that is kept as an inside or outside pet shall be sterilized by a licensed veterinarian to prevent the animal from reproducing, and microchipped for identification purposes should the animal be impounded by animal services.

(e) *Confinement during estrus.* Any unspayed female dog or cat in the state of estrus (heat) must be confined while the animal is in the state of estrus in a house, building, or secure enclosure, and said area of enclosure shall be so constructed that no other dog or cat may gain access to the confined animal. Owners who do not comply shall be ordered to remove the animal in heat to a boarding kennel or veterinary hospital. The owner must pay all expenses incurred resulting from this confinement. Failure to comply with the removal order of the animal control officer shall be a violation of this subsection and the dog or cat will then be impounded as prescribed in this chapter.

(f) *Barking dogs.* Any person who harbors on their premises, or in or about the premises under their control, any dog or other canine, which by its loud continuous barking or howling shall disrupt the peace and quiet of the neighborhood or the occupants of adjacent or nearby premises, shall be guilty of a misdemeanor, and a separate offense shall be deemed committed upon each day during or on which such violation occurs or continues.

(g) *Guard dogs.* All dogs kept solely for the protection of persons and property, whether residential, commercial, or personal, must be registered with animal services. The area or premises in which such dog is confined shall be conspicuously posted with warning signs bearing letters not less than four inches high and that states "guard dog on premises," within public view of any approach to the property and within fifty feet of each other. Said dog shall be issued a tag varying in color from the city license tag, so as to designate the dog as a guard dog. Said tag shall be attached to the collar or harness of the dog at all times. Dogs registered under this subsection shall not be required to purchase an additional city license tag as designated in subsection (c) hereof, but shall be required to comply with all other guidelines within subsection (c). Guard dogs shall not be exempt from any other provision of this article, including but not limited to regulations regarding barking or being at large.

(h) *Removal of dogs and cats from confinement.* It shall be unlawful for any person to remove from any place of confinement any dog or cat that has been confined as authorized by the city, without the consent of the impounding agency.

(i) *Filing of false claims and reports.*

(1) A person commits an offense if they knowingly initiate, communicate, or circulate a claim of ownership for an animal with the Animal Services Manager or their designee that is false or baseless.

(2) A person commits an offense if they knowingly initiate, communicate, or circulate a report of a violation of city ordinances or state law with the Animal Services Manager or their designee that is false or baseless.

ARTICLE III. - FERAL CAT/ COMMUNITY CATS

Feral cat/ Community cat colonies.

Feral cat/ Community Cat colonies shall be permitted and Feral cat/ Community Cat colony caretakers shall be entitled to maintain and care for Feral cat/ Community Cats by providing food, water, shelter and other forms of sustenance, provided that the Feral cat/ Community Cat colonies are registered with the animal services department.

Registration of Feral cat/ Community Cat colonies.

Each Feral cat/ Community Cat colony within the city limits must be registered annually with the animal services department. This registration shall include:

(1) The name and contact information for the primary colony caretaker.

(2) The location of the Feral cat/ Community Cat colony.

(3) The approximate number of cats in the colony.

(4) Documentation showing the approximate number of cats that have been spayed or neutered, in the colony in the past year.

Kitty Committee.

The animal services supervisor shall appoint a committee of three (3) individuals to assist with the management of Feral cat/ Community Cat colonies within the city limits. Two (2) committee members shall have prior experience in managing and/or educating the public about Feral cat/ Community Cat colonies. The third member of the committee shall be an animal services liaison. This committee will assist the animal services supervisor with:

(1) Ensuring that the registered caretakers are operating within the requirements of this article,

(2) Resolving conflicts or complaints over the conduct of a Feral cat/ Community Cat colony caretaker or of any cats within a colony.

(3) Determining the disposition of an abandoned Feral cat/ Community Cat colony.

(4) Establishing and reviewing written minimum educational standards for all registered colony caretakers.

(5) Establishing and reviewing the procedures for Feral cat/ Community Cat colony maintenance.

Feral cat/ Community Cat colony caretaker responsibilities.

 All registered Feral cat/ Community Cat colony caretakers are responsible for the following:

(1) Registering the colony with the animal services department.

(2) Successfully completing the annual department-approved educational course for Feral cat/ Community Cat colony caretaker.

(3) Taking all appropriate and reasonable steps to have the colony population vaccinated for rabies in accordance with 6-13 of this Code.

(4) Taking all appropriate steps to have the colony population spayed or neutered by a licensed veterinarian.

(5) Providing food, water and, if feasible, shelter for colony cats.

(6) Obtaining proper medical attention for any colony cat that appears to require it.

(7) Obtaining written authorization from the appropriate property owner to enter on to private property to provide colony care.

(8) Notifying the department within seven (7) days of any change in address or contact information for the caretaker.

(9) Following the written procedures for colony maintenance as established under this article by the Kitty Committee.

Withdrawal of Feral cat/ Community Cat colony caretaker.

In the event a registered caretaker is unable or unwilling to continue their duties with a colony, the caretaker must notify the animal services department in writing. If no replacement caretaker is readily available, the animal services supervisor will meet with the Kitty Committee to determine the disposition of the abandoned Feral cat/ Community Cat colony.

Disposition of Feral cat/ Community Cat colony cats.

Any person which traps a cat within the city limits, must provide the exact location of where the animal was trapped to the animal services department. The animal services department will notify

the registered caretaker of that location and inform them that a cat was trapped in that area. The caretaker must:

(1) Retrieve the colony cat from the shelter within three (3) days, or

(2) Inform the animal services department that they do not intend to reclaim the cat.

(j) *Enforcement.*

(1) The establishment of feral cat/ community cat colonies does not diminish the right for individual private property owners to trap and remove stray animals from their property in accordance with established procedures of the animal services department.

(2) Feral cat/ community cat colony cats that are repeatedly trapped on private property or otherwise cause a continued nuisance will be reported to the registered caretaker. The caretaker will be provided thirty days to resolve the issue. In the event the caretaker is unable to resolve the problem, the animal services supervisor will discuss the disposition of the cat(s) with the Kitty Committee.

(3) Feral cat/ community cat colony cats that are trapped on private property do not constitute a violation of this chapter regarding unrestrained animals and the registered caretaker is not subject to the implementation of a fine under that provision.

(k) *Non-compliant colony caretaker*.

(1) A feral cat/ community cat colony caretaker that repeatedly fails to manage a colony or otherwise continues to act in a manner that is not in compliance with this chapter may be prohibited from serving as a feral cat/ community cat colony caretaker. Such decision will be at the discretion of the animal services supervisor with the advice of the Kitty Committee.

(2) Repeated violations of this chapter may be punishable as a Class C misdemeanor.

(l) *Existing feral cat/ community cat colonies*. Feral cat/ community cats who were spayed or neutered and vaccinated for rabies prior to the date on which this section became effective, shall be deemed to be in compliance with this section provided that the colony caretaker provides the animal services department with a description of the individual cat. Feral cat/ community cat colony caretakers shall take all appropriate steps to bring new cats into compliance with this section within three years."

SECTION 7.

Subsection (d), of Section 6-40, "Rabies control," of Division 1, "In General," of Article II, "Animal Control," of Chapter 6, "Animals," of the Saginaw City Code is hereby added to read as follows:

(a) *Reporting bites.* Every physician or other medical practitioner who treats a person or persons for any animal bite shall within 12 hours report such treatment to the police department or animal control officer, giving the name, age, sex, and precise location of the bitten person or persons and such other information as the officer or agency may require.

(b) *Reporting suspected rabies.* Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat, or other domestic or wild animal shall immediately report the incident to the police department or animal control officer, stating precisely where such animal may be found. If a known or suspected rabid animal bites or scratches a domestic animal, such incident shall also be reported as required above.

(c) *Confinement of dogs and cats.* Any owned dog or cat, which has bitten a person, shall be observed by trained personnel for a period of ten days (240 hours). The procedure and place of observation shall be designated by the investigating officer or responsible agency, in compliance with state law. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment at any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. Stray dogs and cats whose owner cannot be located shall be destroyed and the brain of such animal immediately submitted to a qualified laboratory for rabies examination at the expense of the city. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce said dog or cat for impoundment. Home quarantine may be allowed only in those incidences, where permitted by state law and agreed to by the animal control officer. Refusal to produce said dog or cat constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation. Any wild animal, which has bitten a person, shall be caught, killed, and the brain submitted for rabies examination. Rodents, rabbits, birds, and reptiles are not considered to be transmitters of the rabies virus and shall not be submitted for laboratory examination for rabies.

(d) Any animal suspected or known to have rabies or any animal that has been exposed to rabies, and any animal which has bitten or scratched a person will be quarantined only at the animal services or at a Texas Department of State Health Services approved veterinary clinic. The animal services manager or designee may allow home quarantine, provided the owner of the animal strictly complies with the following:

(1) The animal was not running at large at the time of the bite and is current on its state required rabies vaccinations;

(2) The animal must be inside an enclosed structure (i.e., house or garage) and must remain there for two hundred and forty hours.

(3) The animal must be kept away from other animals and people, except those people in the immediate household;

(4) The animal may not be removed from the city while under quarantine; and

(5) The owner or person making the request for home quarantine must allow the animal services manager or designee the opportunity to inspect the animal and location as needed for compliance with these standards."

SECTION 8.

Section 6-41, "Tampering with traps and equipment," of Division 1, "In General," of Article II, "Animal Control," of Chapter 6, "Animals," of the Saginaw City Code is hereby amended to read as follows:

"**Sec. 6-41. Tampering with traps and equipment**.

(a) If a citizen wishes to trap an animal, only traps signed out from animal services will be serviced. Due to safety issues, no personal traps will be serviced by the Animal Services Department.

(b) No person shall remove, alter, damage, or otherwise tamper with a trap or equipment set out by the animal control officer.

(c) A person may set up on their own humane traps signed out through animal services to capture dogs, cats, and other small animals. Trapped animals must be sheltered and shall be checked at least once every two hours or every eight hours if left overnight by the individual setting the trap. Humane care shall be provided for any trapped animals, including food, water, and protection from extremes of the environment including heat, cold, and precipitation.

(d) Trapping will not be allowed if the ambient outside temperature is above ninety degrees Fahrenheit or below thirty degrees Fahrenheit.

(e) It is a defense to prosecution under this section that the trap was designed to kill common rodents, including but not limited to, rats, mice, and gophers. A person shall not place rodent traps on their property in such a manner as is likely to trap animals other than common rodents."

SECTION 9.

Subsection (a), "Owner's duty to provide food, shelter, and care," of Section 6-43, "Animal care," of Division 1, "In General," of Article II, "Animal Control," of Chapter 6, "Animals," of the Saginaw City Code is hereby amended to read as follows:

"(a) *Owner's duty to provide food, shelter, and care*. No owner shall fail to provide their animal with sufficient, good, and wholesome food and water, adequate shelter and protection from weather, veterinary care when needed to prevent suffering, grooming to prevent matting, and with humane care and treatment."

SECTION 10.

Section 6-44, "Creating a health hazard," of Division 1, "In General," of Article II, "Animal Control," of Chapter 6, "Animals," of the Saginaw City Code is hereby amended to read as follows:

"**Sec. 6.44. - Creating a health hazard.**

(a) Any person who shall harbor or keep on their premises, or in or about a premise under their control, any dog, cat, or pet animal, and who shall allow their premises to become a hazard to the general health and welfare of the community, or who shall allow their premises to give off noxious or offensive odors due to the activity or presence of such animal, shall be guilty of a Class C misdemeanor.

(1) All animal manure and other excrements shall be disposed of in such a manner so as to prevent it from becoming a public nuisance.

(2) An owner, harborer, or other person having care, custody, or control of a dog or cat commits an offense if they knowingly permit, or by insufficient control allow, the dog or cat to defecate:

a. On private property other than property owned, leased, or controlled by the owner, harborer, or person having care, custody, or control of the dog; or

b. On public property or any other place to which the public or a substantial group of the public has access, including but not limited to, a street, sidewalk, alley, park, or playground, or any common area of a school, hospital, apartment house, office building, transport facility, or shop.

(b) It shall be unlawful for any person to feed wild animals at their property. A person commits an offense if they feed or harbor wild animals for a period of more than seventy-two hours.

(c) It is a defense to prosecution if:

(1) The owner, harborer, or other person having care, custody, or control of the dog immediately and in a sanitary manner removed and disposed, or caused the removal and disposal of all excreta deposited on the property by the dog; or

(2) The dog was specially trained to assist a person with a disability and was in the care, custody, or control of that disabled person at the time it defecated on the property; or

(3) The owner or person in control of the property had given prior consent for the dog to defecate on the property; or

(4) The dog was being used in official law enforcement activities."

SECTION 11.

Section 6-46, "Penalty and fees for violations," of Division 1, "In General," of Article II, "Animal Control," of Chapter 6, "Animals," of the Saginaw City Code is hereby amended to read as follows:

"**Sec. 6-46. – Penalty and fees for violations.**

Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined for each and every day during which any violation of this ordinance or provision exists. Violation of any provision of this chapter shall be deemed a misdemeanor, and upon conviction thereof any person, firm, or corporation violating the same shall be fined a sum not to exceed $2,000.00 a day for each violation or occurrence."

SECTION 12.

This Ordinance shall be cumulative of all provisions of ordinances of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of the such ordinances and such Code are hereby repealed.

SECTION 13.

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 section, paragraph, sentence, clause, or phrase 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 section, paragraph, sentence, clause, or phrase.

SECTION 14.

Any person, firm, or corporation violating any of the terms and provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with 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 hereunder.

SECTION 15.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Saginaw City Code, as amended, or any other ordinances affecting the subject matter herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 16.

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 17.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON this the 19th day of November, 2024.

Todd Flippo, Mayor

ATTEST:

Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, City Attorney