

ORDINANCE NO. O-2015-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, TO AMEND BY UPDATING LANGUAGE, AND TO ADD REGULATIONS RELATED TO ANIMALS IMPOUNDED BY THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety, and welfare for persons and animals alike; and

WHEREAS, the City is currently operating a temporary shelter facility for animals retrieved by the City of Tyler Animal Control officers, and plans to build a new Animal Care Facility which will provide a variety of services related to the care of animals in our community; and

WHEREAS, in planning for the operation of the new Animal Care Facility, regulations regarding the disposition of impounded animals, liability for animals after release, and owner responsibility for costs of impoundment need to be adopted; and

WHEREAS, certain out-of-date Code language needs to be amended to reflect current industry standards; and

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

PART 1: That Tyler City Code Chapter 14, "Animals", Article I., "In General", is hereby amended by amending Section 14-3 to read as follows:

Sec. 14-3. Designation, operation of animal shelter.

a. The City Council shall select and establish, by contract or otherwise, facilities for impoundment, maintenance, shelter, and disposition of stray, surrendered, diseased, injured, or vicious Animals.

b. The Supervisor shall insure that any facility so selected or designated by the City Council shall, at all times, comply with Federal, State, City or Association of Shelter Veterinarians' regulations and guidelines.

c. Any such facility shall require proof of rabies vaccination prior to the release of any dog or cat. In the absence of a current rabies vaccination, the shelter facility shall:

1. Require vaccination on the shelter premises prior to release of the animal; or
2. Collect from the owner an amount equal to the cost of vaccination and issue a credit voucher therefor to such owner; and

3. In addition, the Supervisor or his designee or any Animal Control officer or other authorized person shall write a citation to the owner, harborer, or other person in control of the animal, which is to be served at the time of release.

The owner may then present the credit voucher provided under part c.2. above to any participating Veterinary clinic as payment for a current rabies vaccination. In turn, the

inoculating veterinarian may present the credit voucher to the shelter facility for reimbursement of the costs of providing such inoculation.

(Ord. No. O-96-13, 2-21-96) (Ord. No. O-2014-85; 9/24/14) (Ord. No. O-2015-19; 1/28/15).

PART 2: That Tyler City Code Chapter 14, "Animals", Article I., "In General", is hereby amended by adding Section 14-6 to read as follows:

Sec. 14-6. Disposition of impounded animals.

- a. Any Animal impounded pursuant to this chapter shall be held in safe and humane custody for a minimum of three (3) days after the time of impound prior to making any final disposition of the Animal.
- b. The Animal shall become the property of the shelter facility after three (3) days of impoundment.
- c. For purposes of this section a day means a 24 hour period beginning at the time of the day and on the date on which the animal was taken into custody.
- d. The shelter facility may humanely euthanize any Animal at any time prior to the expiration of the three (3) day impoundment period to prevent unnecessary suffering due to serious injury or disease, or if the Animal poses a risk to the health of any person.
- e. Any Animal surrendered to the shelter facility shall become the property of the shelter facility upon the signing of a Voluntary and Permanent Surrender Form by the Owner as defined in this chapter.
- f. After the required time period, in lieu of having an Animal euthanized, the shelter facility may release an Animal to a bona fide animal welfare organization, a Person having no previous interest in the Animal, or any other Person or organization that the shelter facility manager designates.
- g. Upon release of the Animal the recipient may be requested to pay a fee as established by the shelter facility including but not limited to fees for adoption, rabies inoculations, and sterilization costs.
- h. All Animals released from the shelter facility, after the impoundment period, are required to be sterilized at the time of release unless such surgery would be dangerous to the Animal due to its age or physical condition. Transfer of Ownership shall not occur until sterilization has been performed although possession may be given to a Person or organization upon their written assurance to have the sterilization performed by a specified date. (Ord. No. O-2015-19; 1/28/15).

PART 3: That Tyler City Code Chapter 14, "Animals", Article I., "In General", is hereby amended by adding Section 14-7 to read as follows:

Sec. 14-7. Liability for accident or subsequent disease from impoundment.

The City Council, its employees, agents, and persons authorized herein to enforce the provisions of this chapter shall not be held responsible for any accident or subsequent disease which may be suffered by an Animal as a result of the administration or implementation of this chapter. (Ord. No. O-2015-19; 1/28/15).

PART 4: That Tyler City Code Chapter 14, "Animals", Article I., "In General", is hereby amended by adding Section 14-8 to read as follows:

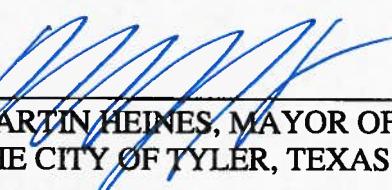
Sec. 14-8. Owner's duty to redeem animal and pay costs of impoundment.

- a. As soon as practical after the impoundment of any Animal, the shelter facility or City of Tyler Animal Control shall make a reasonable effort to notify the Owner of the Animal's location, if the identity of the Owner is known. If needed to establish the identity of the Owner, information contained on any identification, rabies, or license tag; or microchip attached to the Animal, shall be used.
- b. The Owner of any impounded Animal may be held responsible for all the costs of impoundment including medical treatment and boarding and such costs shall be fully paid prior to the release of the Animal. In addition, prior to the release, the Owner shall pay for rabies inoculation or provide proof of efficacious rabies vaccination
- c. It shall be unlawful for any Owner to fail to make arrangements for the redemption or surrender of any Animal impounded pursuant to the provisions of this chapter or to fail to pay any fees associated with the redemption or surrender of such Animal.

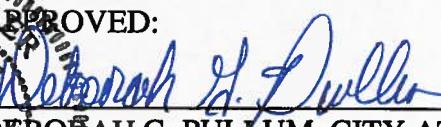
(Ord. No. O-2015-19; 1/28/15).

PART 5: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 6: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date of this Ordinance shall be January 30, 2015.


MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

 APPROVED:
CASSANDRA BRAGER, CITY CLERK  DEBORAH G. PULLUM, CITY ATTORNEY

