

AN ORDINANCE OF THE CITY OF POTEET TEXAS CODE OF ORDINANCES AMENDING ORDINANCE No. 09052017-02 FOR REGULATION OF ANIMALS, LIVESTOCK, AND FOWL WITHIN THE CITY LIMITS, AMENDING ARTICLE II ANIMAL SHELTER/ ANIMAL CONTROL OFFICER, ARTICLE III LICENSING AND PERMITS, ARTICLE V SPAY AND NEUTER, AND ARTICLE VIII LIVESTOCK, INCORPORATING RECITALS; SAVINGS CLAUSES, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Poteet Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the City of Poteet, Texas ("City") to establish comprehensive rules and regulations for animal control in the City; and

WHEREAS, the proper care, regulation and control of animals, fowl and livestock is necessary for the health, safety and quality of life of the citizens of the City; and

WHEREAS, the establishment of reasonable requirements for the care and control of dogs, cats, animals, fowl and livestock is necessary to protect such animals and the general public; and

WHEREAS, it is necessary for the City to adopt requirements and regulations which will enable the officers and employees of the City to respond in a manner consistent with State law to unusual circumstances and conditions that arise from time to time with respect to the keeping, care and control of domestic, wild and exotic animals; and

WHEREAS, the rules, regulations and requirements established by ordinance may not be inconsistent with State law; and

WHEREAS, the City Council has determined that it is in the best interest of the City to regulate animals within the City in accordance with State law.

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

SECTION 1. AMENDMENT. That the Code of Ordinances of the City of Poteet, Texas is hereby amended Article II, Animal Shelter/Animal Control Officer, which shall hereinafter read as follows:

Article II.

Section 1.2 Animal Shelter

There shall be erected and maintained under the supervision of the Animal Control Officer of the City a suitable building and kennels to be known as the animal shelter for the confinement of all animals seized impounded or surrendered pursuant to the provisions of this Chapter. The animal shelter shall be kept in a sanitary condition and all animals taken up and impounded therein shall be properly fed and provided water. All animals shall be treated in a humane manner while under the custody of the Animal Shelter. The Animal Control Officer is hereby designated as the Health Authority for the purpose of this Chapter. General Shelter procedures are as follows;

- A.) Impounded animals with visible identification or a microchip or that have a collar shall be held **for a maximum of 5 days**. Any animal not reclaimed by its owner within **5 days** shall become the property of the City and shall become available for adoption in a suitable home or humanely euthanized.
- B.) Impounded animals without visible identification or a microchip or that do not have a collar shall be held **for a maximum of 72 hours**. Any animal not reclaimed by its owner within 72 hours shall become the property of the City and shall become available for adoption in a suitable home or humanely euthanized.

SECTION 2. AMENDMENT. That the Code of Ordinances of the City of Poteet, Texas is hereby amended Article III, Licensing and Permits, which shall hereinafter read as follows:

Article III.

Section 1.5 Limiting the number of domestic animals

A.) It shall be a violation of this Chapter for any person to possess, own or otherwise keep within the City **limits** more than **ten (10) animals** of the same species in any developed, residentially zoned section or to keep more than **ten (10) animals** of the same species, excluding livestock, in an area zoned agricultural-residential which exceeds one (1) acre except in cases of newly born or hatched litters or clutches under the age of three (3) months old.

B.) Exception shall be made for fostering of animals by a Humane Society or Animal Shelter meeting the following criteria:

1. Letter from sponsoring agency.
2. Total of **ten (10) animals** of any species including personal pets.
3. Must have proof of rabies vaccination for each fostered animal over four (4) months of age.
4. Fostered animals allowed on premises no longer than six (6) months.

C.) This section shall not apply to commercial kennels, veterinary establishments or animal hospitals operated by a licensed veterinarian or pet shops and grooming shops located on property zoned for such purposes. Such establishments however must meet sanitation requirements and keep animals securely caged or penned.

D.) This section shall not apply to any Feral Cat Caregiver managing a registered Feral Cat Colony as part of an authorized trap, neuter and return program.

E.) The section shall not apply to Special Purpose or Service Animals with official certification.

SECTION 3. AMENDMENT That the Code of Ordinances of the City of Poteet, Texas is hereby amended Article V, Spay and Neuter, which shall hereinafter read as follows:

Article V.

Section 1.16 Mandatory spay neuter of unrestrained dogs and cats

A.) The owner of a dog or cat which has been impounded for being at large or creating a public nuisance shall pay to have the animal spayed/neutered prior to release from impoundment.

SECTION 4. AMENDMENT. That the Code of Ordinances of the City of Poteet, Texas is hereby amended Article VII, Livestock, which shall hereinafter read as follows

Article VII.

Section 1.27 Estray

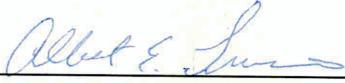
It shall be unlawful for the owner keeper or person in charge of any livestock to allow said animal to be unrestrained or to allow or permit the same to run at large within the City. Horses, ponies, mules, donkeys and cattle shall be kept in a stable, shed, pen or other enclosure, wherever located within the City, which shall be a distance of at least two- hundred (200) feet and all other livestock shall be a minimum distance of one thousand (1,000) feet from every building structure other than the owner of such livestock used for sleeping, dining and living and shall be kept in such a manner as will be reasonably calculated not to be offensive to neighbors or to the public. **Exception will be made for student school/extracurricular "AG" and "4-H" livestock related projects.**

SECTION 5. The remainder of Ordinance No. 09052017-02 in the City's Code of Ordinances remains unchanged. The Code of the City of Poteet, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 7. The Amendment to this Ordinance shall take effect immediately upon approval by the City Council of Poteet.

PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF POTEET TEXAS THIS 1ST DAY OF MAY, 2018.



Albert Trevino, Mayor

Attest:



Abigayle Frautschi, City Secretary