

Ordinance

Amending Chapter 2 and Chapter 6 of the Corpus Christi Code to reassign Animal Care Services roles and responsibilities; to designate the Animal Care Services Manager as the Local Rabies Control Authority; to establish a fee schedule; authorizing waiver of fees; providing Animal Control Service Manager authority to prohibit dangerous dogs within the City; eliminating \$25 refund for sterilization of adopted animals; prohibiting traps with holding mechanisms; to modify the name of Animal Control Advisory Committee; to modify the ex officio members; to designate the Animal Care Advisory Committee as the Animal Shelter Committee; Providing for severance; Providing for publication; Providing for penalty; and Providing an effective date.

Whereas, pursuant to Health and Safety Code §826.017, City Council shall designate an officer to act as the local rabies control authority for purposes of Chapter 826 Health and Safety Code.

Whereas, pursuant to Health and Safety Code §823.005, City Council shall appoint an advisory committee to assist in complying with the requirements of the Chapter 823 Health and Safety Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

SECTION 1. Chapter 6, Section 1 *Definitions*, is amended as follows:

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Animal Care Officer means the Animal Care Services division manager, employees of the Animal Care Services division, or authorized agents of Animal Care Services.

Animal Care Services means a division of the ~~Department of Public Health~~ Corpus Christi Police Department responsible for enforcing state and local laws, ordinances, rules, and regulations regarding the care and keeping of animals, including the provisions of this chapter.

At large or running at large means any animal within the city not kept under restraint.

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Circus means a commercial variety show featuring animal acts for public entertainment.

~~*City Health Officer* means the director of the Department of Public Health for the city or the director's designee.~~

City animal shelter means a place operated by or for the city, whether in city facilities or by contract, for the detention of dogs, cats, and other animals as prescribed by law.

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SECTION 2. Chapter 6, Section 3 *Animal care services division and manager*, is amended as follows:

(a) The Animal Care Services division is a unit of the ~~Department of Public Health~~ Corpus Christi Police Department and is in the charge of a person having suitable qualifications and designated by the city as the Animal Care Services manager.

(b) In addition to the duties specifically prescribed in this chapter, it is the responsibility of the Animal Care Services manager to execute other duties under the jurisdiction of the ~~Department of Public Health~~ Police Department as the ~~City Health Officer~~ Chief of Police may delegate.

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SECTION 3. Chapter 6, Section 6 *Regulations* is amended as follows:

Regulations providing for the interpretation and enforcement of this chapter may be adopted by the ~~City Health Officer~~ Corpus Christi Police Department and Animal Care Services. The regulations are effective after review at a public meeting held by the Animal Control Advisory Committee. A copy of the regulations will be kept on file in the city secretary's office.

SECTION 4. Chapter 6, Section 8 *Compliance with sanitation standards required for keeping animals*, is amended as follows:

The owner of any animal within the city and the holder of any commercial permit issued under this chapter must comply with the standards of sanitation established by the ~~City Health Officer~~ Chief of Police under this chapter.

SECTION 5. Chapter 6, Section 10 *Inspection of animals and premises*, is amended as follows:

Animals and premises where animals are kept or maintained are subject to inspection by the ~~City Health Officer, the City Health Officer's designee~~ Animal Care Services manager, an Animal Care Officer, or any police officer at any reasonable hour, or at any hour in cases of emergency.

SECTION 6. Chapter 6, Section 11 *Abatement of conditions not complying with chapter*, is amended as follows:

Whenever any premises where animals are kept are in an unsanitary condition, the facilities are not in keeping with the provisions of this chapter or any regulations established by the ~~City Health Officer~~ Chief of Police, or if any health ordinance or law pertaining to the care or keeping of an animal is not observed, the ~~City Health Officer or the City Health Officer's designee~~ Animal Care Services

Manager or designee, by written notice to the person responsible for the condition of the premises or the keeping of the animals or to the person owning or in control of the premises, may order the abatement of the conditions which are not in accordance with this chapter other regulations or laws, or which constitute a nuisance. Failure to comply with the written notice constitutes grounds for the city to obtain relief by injunction. Additionally, failure to comply with the written notice may subject the violator to administrative proceedings and criminal charges.

SECTION 7. Chapter 6, Section 15 is created to read as follows:

Sec. 6-15. Fee Schedule

The Animal Care Services Manager shall prepare the initial schedule of all fees to be charged to the public for the provision of services, permits, and registrations under this Chapter. This initial schedule must be reviewed by the city manager and is effective upon the city manager's approval. Each successive schedule is subject to the same review and approval requirement on an annual basis. Such fees may not increase annually by more than twenty-five (25) percent nor may new fees be created without city council's approval by motion or resolution. Each approved schedule must be filed with the city secretary and copies provided to the city council.

SECTION 8. Section 6-16 of the Corpus Christi Code of Ordinances is created to read as follows:

Sec 6-16 Waiver or Reduction of Fees

The Animal Care Services Manager is authorized to reduce or waive fees for adoption events or where necessary to advance the goals of Animal Care Services.

SECTION 9. Section 6-17 of the Corpus Christi Code of Ordinances is created to read as follows:

Sec. 6-17 - Local rabies control authority.

- (a) The Animal Care Services Manager is designated as the local rabies control authority to enforce the provisions of the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code § 826.001 et seq.).
- (b) The duties of the local rabies control authority shall include but are not limited to the enforcement of:
 - (1) The provisions of the Rabies Control Act of 1981, and the rules of the state board of health which comprises the minimum standards for rabies control;
 - (2) The ordinances and/or rules of the City of Corpus Christi; and/or

- (3) The rules adopted by the state board of health under the area quarantine provisions of V.T.C.A., Health and Safety Code § 826.045 of said Act.

SECTION 10. Chapter 6, Section 27 *Fees*, is amended as follows:

(a) The annual registration fee for a dog or cat that has been currently vaccinated with a manufactured one-year or three-year interval rabies vaccination is established in the fee schedule pursuant to section 6-15 of this chapter. as follows:

~~(1) Each spayed or neutered dog or cat\$ 4.00~~

~~(2) Each dog or cat not spayed or neutered12.00~~

(b) The fee for a three-year registration for a dog or cat that has been currently vaccinated with a manufactured three-year interval rabies vaccination is established in the fee schedule pursuant to section 6-15 of this chapter. as follows:

~~(1) Each spayed or neutered dog or cat\$10.00~~

~~(2) Each dog or cat not spayed or neutered35.00~~

(c) No fee may be charged for a registration issued for any dog actually used by a person with disabilities who utilizes the dog as a service animal to aid the person in going from place to place within the city.

(d) No fee may be charged for a registration issued for any dog that is owned and used by any law enforcement agency for drug awareness, drug or bomb detection, or any other law enforcement purpose.

(e) Participating veterinarians will ~~be rebated~~ retain one dollar (\$1.00) for each registration they issue if duplicate copies of the registration and vaccination certificates are submitted to the Animal Care Services division within ten (10) days of issuance of the registration.

SECTION 11. Chapter 6, Section 29 *Issuance and wearing of tag*, is amended as follows:

(a) *Issuance.* Upon acceptance of the dog or cat registration application and payment of the applicable fee, the city's collections section, the Animal Care Services manager, Animal Care Services manager's designee, or the participating veterinarian will issue a durable registration tag, stamped with a serial number and the year of issuance.

(b) *Wearing of tag.* Dogs and cats must wear registration tags fastened to a collar or harness at all times.

(1) It is presumed, in a prosecution of a violation of this subsection, that a dog or cat that is determined by an Animal Care Officer or a police officer to be without a registration tag fastened to its collar or harness while in a public place within the city has not been vaccinated in compliance with this chapter.

(2) It is presumed, in a prosecution of a violation of this subsection, that a dog or cat that is determined by an Animal Care Officer or a police officer to be without a registration tag fastened to its collar or harness while in a public place within the city has not been registered in compliance with this chapter.

(c) *Replacement of tag.* A duplicate registration tag may be obtained from the Animal Care Services division upon payment of a ~~five-dollar (\$5.00)~~ replacement fee established in the fee schedule pursuant to section 6-15 of this chapter and proof of presentation of the original registration receipt. For animals administered a rabies vaccination through the Animal Care Services division for which the vaccine remains effective, a duplicate rabies vaccination tag may be obtained from the division upon payment of a ~~five-dollar (\$5.00)~~ replacement fee established in the fee schedule pursuant to section 6-15 of this chapter.

(d) *Nontransferable.* No person may use any registration tag for any animal other than the animal for which it was issued.

SECTION 12. Chapter 6, Section 32 *Dangerous dog registration*, is amended as follows:

(a) A dog found to be a "dangerous dog" as defined in Chapter 822, Health and Safety Code, as it may be amended, must wear a dangerous dog registration tag issued annually by the Animal Care Services division upon a payment of ~~a fifty dollar (\$50.00) registration fee~~ the maximum fee allowed for a dangerous dog registration under Chapter 822, Health and Safety Code, as it may be amended. The dangerous dog registration fee is listed in the fee schedule pursuant to section 6-15 of this chapter.

(b) A dangerous dog registration tag must be worn at all times by the dangerous dog attached to a lime green colored, one-inch-wide collar.

(c) The owner of a dangerous dog shall present proof of the secure enclosure in which the dog will be kept, proof of liability insurance coverage or financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages that may result from an attack by the dangerous dog causing bodily injury to a person, and proof of compliance with other conditions as may be required by the ~~City Health Officer~~ Animal Care Services Manager and as may be required under Chapter 822, Health and Safety Code, as it may be amended.

(d) The Animal Care Services manager may require a dangerous dog to be removed from the city limits.

SECTION 13. Chapter 6, Section 51 *General provisions*, is amended as follows:

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(f) A commercial permit must be displayed in a prominent place on the premises.

- (g) In addition to all other conditions of this article, owners and possessors of dogs defined as "guard dogs" under this chapter must meet all applicable provisions of this chapter and regulations promulgated by the ~~City Manager~~ Animal Care Services Manager.
- (h) No commercial animal establishment may sell any dog or cat four (4) months of age or older to any person unless the animal has a valid rabies vaccination.

SECTION 14. Chapter 6, Section 52 *Application*, is amended as follows:

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- (b) Upon initial application for a permit, the Animal Care Services Manager or designee must review and certify that the commercial animal establishment has been inspected and is in compliance with all construction, zoning, or other ordinances of the city governing the conduct of the business of the commercial animal establishment after consulting with the Building Official and Zoning and Code Enforcement Administrator. An appropriate certificate of occupancy issued by the building official may be considered as evidence that the commercial animal establishment complies with the city's construction and zoning ordinances.

SECTION 15. Chapter 6, Section 54 *Fees*, is amended as follows:

(a) Annual Fees for commercial permits are established in the fee schedule pursuant to section 6-15 of this chapter. as follows:

- ~~Auctions\$100.00~~
- ~~Circuses200.00~~
- ~~Department Stores 50.00~~
- ~~Grooming Shops 25.00~~
- ~~Guard Dogs:~~
 - ~~Single dog/single site 50.00~~
 - ~~Multiple dogs/single site 75.00~~
 - ~~Multiple sites with one (1) dog125.00~~
- ~~Kennels:~~
 - ~~Authorized less than ten (10) animals 50.00~~
 - ~~Authorized between ten (10) and fifty (50) animals 75.00~~
 - ~~Authorized fifty one (51) or more animals125.00~~
- ~~Performing Animal Exhibit 25.00~~
- ~~Performing Animal Exhibition200.00~~
- ~~Pet Stores 50.00~~
- ~~Petting Zoos (temporary; less than ten (10) days)50.00~~
- ~~Rodeos200.00~~
- ~~Stables:~~
 - ~~Authorized less than ten (10) horses 50.00~~
 - ~~Authorized between ten (10) and twenty five (25) horses 75.00~~
 - ~~Authorized twenty six (26) or more horses125.00~~

(b) Any commercial animal establishment providing services classified in two (2) or more categories listed in subsection (a) of this section is required to obtain only one (1) permit, and the fee charged for the permit is the highest of the fees for any of the applicable categories.

SECTION 16. Chapter 6, Section 57 *Permission to possess prohibited animals*, is amended as follows:

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(b) Possession of a prohibited animal under this section is exempt from the terms of section 6-153 and is subject to regulations and rules prescribed by the ~~City Health Officer~~ Animal Services Manager, including, but not limited to, indemnification of the city, proof of insurance, and any other conditions deemed necessary to preserve the health, safety, and welfare of the public.

SECTION 17. Chapter 6, Section 58 *Waiver of requirements*, is amended as follows:

A waiver of a portion or all of the permit requirements of this article may be granted by the ~~City Health Officer or the City Health Officer's designee~~ Animal Care Services Manager in cases involving a scientific or educational program, a show or exhibition by a nonprofit organization, or for animals owned by the City upon a finding that a waiver would not endanger the public's health, safety, or welfare, an animal's health, or create a nuisance.

SECTION 18. Chapter 6, Section 76 *Registration and permit revocation—Administrative proceedings*, is amended as follows:

(a) *When held.*

(1) ~~The City Health Officer or the City Health Officer's designee~~ The Animal Care Services Manager or designee may hold an administrative hearing to determine whether any registration or permit issued under Article II or Article III of this chapter should be revoked or to otherwise regulate the keeping of an animal within the city, if:

- (A) A registration or permit holder fails or refuses to comply with any provision of this chapter, the regulations promulgated by the ~~City Health Officer~~ Animal Care Services Manager or any law governing the protection and keeping of animals in this state.
- (B) The owner of an unregistered animal, the owner of an unvaccinated animal, or the owner of a commercial animal establishment not properly permitted under this chapter fails or refuses to comply with any provision of this chapter, the regulations promulgated by the ~~City Health Officer~~ Animal Care Services Manager, or any law governing the protection and keeping of animals in this state.
- (C) An animal has been involved in an unprovoked biting offense and the incident involved bodily injury to a person;

- (D) An animal has been determined by an Animal Care Officer to be a public nuisance; or
- (E) An animal has been the subject of two (2) criminal charges brought against the animal's owner under this chapter that resulted in conviction of the animal's owner, of two (2) impoundments, or a combination of one such conviction and one impoundment, resulting from separate incidents, within the twenty-four-month period immediately preceding the date of the last conviction or impoundment. Impoundments which occurred as a result of provoked scratching, biting, or attacking incidents may not be considered for purposes of this subsection

(b) *Written notice required.*

- (1) An administrative hearing may not be held without giving the registration or permit holder, owner of a commercial animal establishment operating without a permit, or owner of an unregistered animal prior written notice of the date, time, and place of the hearing.
- (2) Written notice is deemed made when a certified letter, return receipt requested, addressed to the address indicated on the holder's last registration or permit application or, if no such application is on file, to the owner's last known address, is deposited in the U.S. mail. Written notice is also deemed made when the notice letter is delivered by an employee or representative of the ~~City Health Officer~~ Animal Care Services Manager to the address.
- (3) All persons on the register kept by a stable for which an administrative hearing will be held will be notified by certified mail deposited in the U.S. mail or by personal delivery made by an employee or representative of the ~~City Health Officer~~ Animal Care Services Manager that a hearing is to take place.

(c) *Disposition.* At the conclusion of the administrative hearing, the ~~City Health Officer or the City Health Officer's designee~~ The Animal Care Services Manager or designee shall determine if the person holding the registration or permit, the owner of a commercial animal establishment operating without a permit, or the owner of an unregistered animal has violated any provision of this chapter, the regulations promulgated by the ~~City Health Officer~~ Animal Care Services Manager, or any law governing the protection and keeping of the animal that is the subject of the administrative hearing. If any violation has been found to have occurred, the ~~City Health Officer or the City Health Officer's designee~~ Animal Care Services Manager or designee, in their discretion, may order that any of the following actions be taken within the time specified by the ~~City Health Officer or the City Health Officer's designee~~ Animal Care Services Manager or designee:

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SECTION 19. Chapter 6, Section 103 *Impoundment*, is amended as follows:

- (a) *Grounds for impoundment.* Animals may be impounded by the Animal Care Services division in any of the following circumstances:
- (1) Any dog not kept under restraint as required by this chapter.
 - (2) Any dog or cat not wearing a collar or harness affixed with a valid city registration tag.
 - (3) Any dog or cat for which a valid city registration has not been issued.
 - (4) Any animal that constitutes a public nuisance.
 - (5) Any animal that a person could reasonably suspect as having any infectious or contagious disease other than rabies and being in the custody of a keeper who fails or refuses to make arrangements satisfactory to the Animal Care Services manager for the proper treatment of the animal.
 - (6) Any animal that has rabies or exhibits symptoms of rabies, or that a person could reasonably suspect as having rabies.
 - (7) Any animal, when unprovoked, that bites, scratches, or otherwise attacks another animal or person within the city.
 - (8) Any animal not kept by the owner or permit holder in conformity with this chapter, regulations promulgated by ~~the City Health Officer~~ Chief of Police or Animal Care Services Manager, disposition made in accordance with Article IV of this chapter, or state law.
 - (9) Any animal upon the written request of the animal's owner and to which the Animal Care Services manager or the Animal Care Services manager's designee agrees that the animal be humanely euthanized for the protection of the public's health, safety, and welfare.
 - (10) Any dog that is the subject of a cause of action filed pursuant to Chapter 822, Health and Safety Code, as it may be amended, must be impounded until further order of a court of proper jurisdiction.
 - (11) Any free-roaming cat that has not been spayed or neutered.
- (b) *Length of impoundment.* Except for dogs impounded as subjects or probable subjects of a proceeding pursuant to Chapter 822, Health and Safety Code, for observation of rabies under section 6-127, or other administrative procedures, impounded animals not claimed must be kept for not less than three (3) working days from date of impoundment. In calculating the length of this time period, the first working day after impoundment is considered day one.
- (c) *Notification of owner.* If, by a registration tag or other means, the owner of an impounded animal can be identified, the Animal Care Services division shall, as soon as practicable after impoundment, notify the owner in person or by telephone, if reasonably possible, and, if not, then by mail, advising that, if the impounded animal is not redeemed within five (5) working days, disposition will be made in accordance with this chapter.
- (d) *Redemption.* Impounded animals, excluding those impounded as a public nuisance, a prohibited animal, or an animal held for observation of rabies under section 6-127 or other administrative procedures, are subject to immediate redemption. Impounded animals may be redeemed by anyone

entitled to possession of the animals while the animals are in the city animal shelter after paying the appropriate fees as follows:

- (1) Impoundment fee: Impoundment fees are established in the fee schedule pursuant to section 6-15 of this chapter.
 - (A) ~~First impoundment:~~
 - ~~Animals, excluding livestock:~~
 - ~~Unregistered, not sterilized\$ 75.00~~
 - ~~Unregistered, sterilized 50.00~~
 - ~~Registered, not sterilized 50.00~~
 - ~~Registered and sterilized 25.00~~
 - ~~Livestock, weighing less than 100 pounds 25.00~~
 - ~~Livestock, weighing 100 pounds or more 50.00~~
 - (B) ~~Second and subsequent impoundment within 12 months:~~
 - ~~Animals, excluding livestock:~~
 - ~~Not sterilized 75.00~~
 - ~~Sterilized 50.00~~
 - ~~Livestock, weighing less than 100 pounds 50.00~~
 - ~~Livestock weighing 100 pounds or more100.00~~
 - (C) (A) If an animal is sterilized within thirty (30) days of release following the animal's first impoundment, the veterinarian performing the sterilization will be reimbursed twenty-five dollars (\$25.00) of the impoundment fee upon submission of a copy of the sterilization invoice.
 - (D) (B) A waiver or partial waiver of an impoundment fee may be granted by the City Health Officer Animal Care Services Manager in cases involving exigent circumstances as determined and ~~published annually by the City Health Officer.~~ by the Animal Care Services Manager.
 - (2) ~~Boarding charge.~~ A boarding charge ~~determined, published, and set annually by the City Health Officer,~~ established in the fee schedule pursuant to section 6-15 of this chapter is not to exceed the reasonable cost of boarding, feeding, and caring for the animal for the period of impoundment. ~~A copy of the boarding charge schedule, setting out the annual rates, will be placed on file with the City Secretary's Office.~~ Boarding charges apply to redemption of impounded animals and are not applicable to adoption of animals.
 - (3) *Rabies vaccination charge.* All charges for rabies vaccination if required.
 - (4) *City registration charge.* City registration charge, if applicable.
 - (5) *Microchip charge.* All charges associated with placement of a microchip, unless the animal currently has an active microchip.
- (e) *Redemption—special circumstances.* In case any animal that is impounded is sought to be redeemed and is suffering from any disease or ailment, it may not be released until the Animal Care Services Manager is satisfied that arrangements looking to its proper treatment are assured. Animals put under observation as described in section 6-23 are subject to redemption no less than

ten (10) days from impoundment if the animal is determined to be free from rabies by the Animal Care Services Manager or designee.

(g) *Disposition of animals.*

(1) Immediately upon impoundment, the city is the designated caretaker of impounded animals. Except as provided in subsections (c) and (j) of this section, and certain livestock as provided for in this paragraph, impounded animals not redeemed by their owner within three (3) working days following impoundment become the property of the city and may be placed for adoption in a suitable home or with any nonprofit association organized for the protection and welfare of animals, sold under section ~~47-4~~ 17-6 of the Code of Ordinances, or humanely euthanized. Prior to the disposition of any livestock excluding goats and sheep, notice must be posted for a ten-day period at the county courthouse, city hall, and the city animal shelter upon the expiration of three (3) working days from the date of impoundment of the livestock. Upon the expiration of the ten-day notice period, the city may dispose of the livestock in the same manner as other unclaimed animals.

(2) The expiration of the three (3) working days period upon impoundment and the notice of and expiration of the ten-day period with respect to livestock does not apply to the disposition of any animal placed in impoundment by the written consent of the animal's owner and the acceptance of the animal by the animal care services manager. Any animal received by the consent of its owner may be disposed of immediately upon its impoundment in the same manner as unclaimed animals.

(3) In the case of a dog impounded under authority of V.T.C.A., Health and Safety Code chapter 822, as it may be amended, or other state law, the dog may be redeemed upon the court's finding and rendering a judgment that the dog did not engage in dangerous conduct and upon the conclusion of any proceeding provided for in this chapter; or upon the court's finding that the dog did engage in dangerous conduct, that the claimant of the dog shows proof of having fully complied with all insurance and restraint requirements provided by state law, and meets all requirements of this chapter that pertain to the keeping of a dangerous dog.

(4) Due to their immature immune system, any impounded animal under four (4) months of age shall immediately become the property of the city, for humane disposition, and may be offered for adoption, rescue, foster care or humanely euthanized at the discretion of the animal care service manager, veterinarian, or their designee.

(h) Adoption of unclaimed animal. A person ~~other than the previous owner~~ may adopt an unclaimed animal after the expiration of the redemption period and after paying any applicable ~~boarding charges and rabies vaccination registration,~~ rabies vaccination fees, registration fees, spay/neuter fees, and adoption fees established in the fee schedule pursuant to section 6-15 of this chapter. ~~and signs~~ A person adopting an

unclaimed animal must sign an agreement to have the animal sterilized within thirty (30) days of adoption, in compliance with V.T.C.A., Health and Safety Code ch. 828, if the animal is unsterilized at the time of adoption. All adoptions and approval of applications for adoption are at the discretion of the Animal Care Services Manager. ~~If an animal is sterilized within thirty (30) days of adoption, then a twenty-five dollar (\$25.00) refund will be paid to the veterinarian performing the sterilization, upon application by the veterinarian within thirty (30) days after the service is performed.~~

(i) *Compliance required for release.* No impounded dog or cat may be released until the person to whom the dog or cat is to be released agrees and meets all regulations promulgated by the ~~City Health Officer~~ Animal Care Services Manager.

(j) *Euthanasia.* The Animal Care Services Manager, a licensed veterinarian, or the Animal Care Services manager's designee may direct the immediate euthanization of any animal determined to be seriously injured or diseased under the rules, guidelines, or procedures established by the ~~City Health Officer~~ Animal Care Services Manager. Impounded animals not redeemed or adopted as provided for in this section must be humanely euthanized at the city animal shelter under the direction of an Animal Care Services Officer. The carcasses must be disposed of as directed by the ~~City Health Officer~~ Animal Care Services Manager.

(k) *Records.* The Animal Care Services manager shall cause to be maintained a record describing each identifiable animal impounded within the preceding two (2) years. In the case of registered dogs and cats, the registration tag number and the name of the person to whom it was issued must be noted. In the case of each identifiable animal, it must be noted how the impounded animal was disposed of, giving the names and addresses of persons to whom the animal was delivered, and the fees and charges received from the persons.

(l) *Notice of violation.* In addition to, or in lieu of, impounding an animal under this section, an Animal Care Services Officer or any police officer may issue to the owner of the animal a citation for a violation of this chapter.

SECTION 20. Chapter 6, Section 104 *Small animal traps*, is amended as follows:

Small animal traps will be rented by the Animal Care Services division to a citizen for a charge established in the fee schedule pursuant to section 6-15 of this chapter ~~of ten dollars (\$10.00).~~ This rental fee provides for the use of a trap for seven (7) calendar days. ~~There is a required refundable deposit of fifty dollars (\$50.00) prior to the rental of a trap. The following are exempt from the rental fee and deposit: low income citizens below the poverty level as established by the U. S. Department of Health and Human Services; provided, however, in order to obtain such an exemption on the fee and deposit, the exempted citizen shall be required to state in a written agreement that he/she is entitled to the exemption.~~

There is a ~~fifty-dollar (\$50.00)~~ replacement charge established in the fee schedule pursuant to section 6-15 of this chapter for all small animal traps that are lost, stolen, or otherwise damaged rendering the trap unusable by the Animal Care Services division ~~regardless of exemption status for rental fees and deposit.~~

SECTION 21. Chapter 6, Section 105 *Dead animal pick-up service fee*, is amended as follows:

From participating local commercial businesses, a service fee ~~per visit of five dollars (\$5.00) for the first three (3) dead animals, then five dollars (\$5.00) for each dead animal thereafter~~ established in the fee schedule pursuant to section 6-15 of this chapter will be collected for each dead dog, cat, or small animal upon pick up of the animal by the city. The maximum weight of any animal picked up under this section may not exceed one hundred (100) pounds. The disposal of any dead animal weighing over one hundred (100) pounds will be handled in accordance with the provisions of Chapter 21 of the Code.

SECTION 22. Chapter 6, Section 106, is created to read as follows:

Sec. 6-106 Traps with holding mechanisms prohibited; exceptions

No person shall set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, snares, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing of the entrapped prey, for the purpose of ensnaring domestic or wild animals within the city limits, unless the use of such traps is specifically deemed necessary by the director of health or Local Rabies Control Authority in or for the control of communicable disease. This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; except that the owner is responsible for taking care that any of the above said "rodent" traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human.

SECTION 23. Chapter 6, Section 127 *Rabies impoundment and quarantine*, is amended as follows:

(a) *Impoundment.* Every animal that has rabies or symptoms of rabies or that a person could reasonably suspect as having rabies and that bites, scratches, or otherwise attacks any person or animal within the city must be impounded at once and held for observation and quarantine at the city animal shelter or other place designated by the ~~City Health Officer~~ Animal Care Services Manager for the period of time the ~~City Health Officer~~ Animal Care Services Manager may deem necessary; provided, however, the period of time may not be fewer than ten (10) days nor more than fourteen (14) days.

(b) *Prohibited from being on public ways, places.* No animal that has rabies may be allowed at any time on the streets or public ways of the city. No animal that has been suspected of having rabies may be allowed at any time in public places, except as expressly provided in this chapter until the animal has been released from observation by the ~~City Health Officer~~ Animal Care Services Manager, Local Rabies Control Authority or Licensed Veterinarian.

(c) *Owner's responsibility.* The owner of any animal that is reported to have rabies, or symptoms of rabies, or to have been exposed to rabies, or to have scratched, bitten, or otherwise attacked any person or animal within the city, or that the owner knows or suspects to be rabid and to have scratched, bitten, or attacked any person or animal shall submit the animal for quarantine to the Animal Care Services manager, an Animal Care Officer, or any police officer. Failure of an owner to submit the animal, as required by this subsection, is a violation of this chapter.

(d) *Reporting of incidents.* Any persons having knowledge of any animal exhibiting symptoms of or exposed to rabies, or that has scratched, bitten, or otherwise attacked any person or animal, shall report the incident to the Animal Care Services division no later than ten (10) days from the date of the incident. The report must include the name and address of any victim and of the owner of the animal, if known, and any other information relating to the incident or animal. The Animal Care Services manager shall inform the City Health Officer at once, in person or by phone, and follow up with a written report.

(e) *Veterinarians' reports.* Every veterinarian or other person who is called to examine or professionally attend any dog or other animal within the city having ~~glanders or farcy,~~ rabies, tuberculosis, or any other communicable disease shall, within twenty-four (24) hours thereafter, report in writing to the City Health Officer and the Animal Care Services manager the following:

(1) The location of the animal.

(2) The name and address of the owner of the animal.

(3) The type and character of the disease.

(f) *Veterinarians' records.* Every veterinarian practicing within the city shall keep detailed records of animal rabies vaccinations and, upon request of the Animal Care Services Manager, must acknowledge to the Animal Care Services Manager whether an animal of a particular location, or owned by a named person, has been vaccinated within the last twelve (12) months current unexpired vaccination.

(g) *Investigation of cases.* The ~~City Health Officer~~ Animal Care Services Manager or designee shall investigate and record all cases of rabies and suspected rabies.

(h) *Disposition of bodies of quarantined animals.* The body of any animal that has died of rabies or that dies or is destroyed while in quarantine may not be disposed of except as directed by the ~~City Health Officer~~ Animal Care Services Manager.

(i) *Payment of costs.*

(1) The owner of an animal quarantined under this section shall pay to the Animal Care Services division the reasonable costs of the quarantine and

disposition of the animal, including charges for preparation, processing, and shipment of the animal's head or brain, if required, to the nearest Texas Department of State Health Services laboratory for testing. The fee for preparation, processing, and shipment, by the Animal Care Services division, of the animal's head or brain is established in the fee schedule pursuant to section 6-15 of this chapter ~~seventy-five dollars (\$75.00).~~

(2)The owner of a non-quarantined animal or a veterinarian, if required by law or upon the owner's or a veterinarian's request, may seek the services of the Animal Care Services division to prepare, process, and ship the head or brain of an animal to the nearest Texas Department of State Health Services laboratory for testing.

(a)If the head or brain is prepared by a veterinarian for processing and shipment by the Animal Care Services division, the person requesting the service shall pay a fee to the Animal Care Services division as established in the fee schedule pursuant to section 6-15 of this chapter ~~of fifty dollars (\$50.00).~~

(b)If the head or brain is prepared by the Animal Care Services division for processing and shipment, the person requesting the service shall pay a fee to the Animal Care Services division as established in the fee schedule pursuant to section 6-15 of this chapter ~~of seventy-five dollars (\$75.00).~~

SECTION 24. Chapter 6, Section 128 *Spay/neuter clinic fees*, is amended as follows:

The ~~director of public health~~ Animal Care Services Manager shall prepare the initial schedule of fees to be charged to the public for the provision of services at the city's low-cost spay/neuter clinic. This initial schedule must be reviewed by the city manager and is effective upon the city manager's approval. Each successive schedule is subject to the same review and approval requirement on an annual basis. Such fees may not increase annually by more than twenty-five (25) per cent nor may new fees be created without city council's approval by motion or resolution. Each approved schedule must be filed with the city secretary and copies provided to the city council.

SECTION 25. Chapter 6, Section 153 *Keeping of certain animals prohibited*, is amended as follows:

No person may keep, own, maintain, use, or have in the person's possession or on premises under the person's control, within the city, any of the following:

(a)

Any dangerous animal, except in accordance with this chapter and the regulations promulgated by the ~~City Health Officer~~ Animal Care Services Manager.

* * * * *

SECTION 26. Chapter 6, Section 157 *Exceptions to distance and number requirement regulations* is amended as follows:

- (a) *Laboratories, veterinarians, and others listed.* Where livestock or fowl are kept in medical laboratories or educational institutions for medical research, in veterinary hospitals for treatment, or on the premises of any recognized humane society for humane care, the livestock or fowl must be kept under conditions prescribed by the ~~City Health Officer~~ Animal Care Services Manager for the limited purposes stated in this subsection without the necessity of compliance with the distance and number requirements prescribed in this chapter.
- (b) *Pet shops.* Pet shops keeping all animals in completely enclosed and solidly walled facilities need not comply with the distance and number requirements prescribed in this chapter.
- (c) *Exempted premises in newly annexed area.* Where any animal is being kept at a location outside the city limits and, by annexation, the area becomes a part of and within the boundaries of the incorporated area of the city, the distance and number requirements do not apply for a period of five (5) years from and after the date of annexation. Extensions of this exemption may be obtained for successive five-year periods by applying for and obtaining a certificate from the ~~City Health Officer~~ Animal Care Services Manager certifying to the existence of sanitary conditions of the premises and neighboring premises.
- (d) *Homing pigeons.* Homing pigeons may be kept in a number not exceeding sixty (60) so long as there is no opposition from contiguous neighbors, they are kept in accordance with the rules and regulations promulgated by the ~~City Health Officer~~ Animal Care Services Manager and they are kept in accordance with subsection 6-153(e) and all other provisions of this chapter.

* * * * *

SECTION 27. Chapter 6, Section 236. *Inspection*, is amended as follows:

- (a) ~~The director of public health~~ Animal Care Services Manager or designee shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Presence of an apiary constitutes consent to the director or his/her designee to enter the premises. Where practicable, prior notice shall be given to the beekeeper if he resides at the apiary or if his name is marked on the hives.

* * * * *

SECTION 28. Chapter 6, Section 237 *Compliance*, is amended as follows:

a) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the ~~director of public health~~ Animal Care Services Manager shall cause an investigation to be conducted. If he/she finds that grounds exist to believe that one (1) or more violations have occurred he/she shall cause a written notice of hearing to be issued to the beekeeper.

(b) The notice of hearing shall set forth:

(1) The date, time and place at which the hearing will be conducted;

(2) The violation(s) alleged;

(3) That the beekeeper may appear in person or through counsel, and present evidence; and

(4) That the bees may be ordered destroyed or removed from the city if after the hearing the ~~director of public health~~ Animal Care Services Manager finds that they have been kept in violation of this article.

Notices shall be given by certified U.S. mail or personal delivery. However, if the ~~director of public health~~ Animal Care Services Manager is unable to locate the beekeeper, then the notice may be given by publication one (1) time in a newspaper of general circulation at least five (5) days prior to the date of the hearing.

(c) The hearing shall be conducted by the ~~director of public health~~ Animal Care Services Manager or a hearing officer that he/she may designate. The burden shall be on the city to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this article. If the hearing officer finds that the colony or colonies have been kept in violation of this article then he/she may order that the bees be destroyed or removed from the city, within a period not to exceed twenty (20) days, and that bees shall not thereafter be kept upon the tract for a period of two (2) years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he/she may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order the ~~director of public health~~ Animal Care Services Manager may cause the bees to be destroyed and the hive structures to be removed. In each instance in which a bee colony is destroyed all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

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SECTION 29. Chapter 2, Section 51 *Administrative functions*, is revised as follows:

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(10) Gas. An administrative department responsible for the development, maintenance, and operation of a gas utility system.

(11) Health. An administrative department responsible for the promotion of public health; air pollution control; ~~animal and vector control~~; industrial health; vital statistics; and support services for the citizens advisory health board, ~~animal control advisory board~~, and food service advisory council. The director of this department shall be appointed, and is removable, by the joint action of the city council acting through the city manager and the commissioners' court of Nueces County. The director shall also serve as the health officer of the city.

(12) Housing and community development. An administrative department responsible for improving the living environment of residential neighborhoods; rehabilitation of dilapidated buildings; the elimination of blighted areas in the city; and support services for the building standards board.

* * * * *

(23) Planning. An administrative department responsible for development of master plans and other planning, zoning, and subdivision activities; development of capital improvement programs; and support services to the planning commission, municipal arts commission, landmark commission, and joint airport zoning board.

(24) Police. An administrative department responsible for animal and vector control, support services for the animal control advisory committee, the prevention and investigation of crime, the apprehension of suspected criminals and the enforcement of traffic laws.

(25) Public utilities. An administrative department responsible for the management of utilities-related functions in the city as provided by the organizational chart, and the operation of a commercial office to service such utilities.

* * * * *

SECTION 30. Chapter 2, Section 115 *Created; composition; appointment, terms of members; organization*, of the Corpus Christi Code of Ordinances is hereby amended as follows:

An Animal ~~Control~~ Care Advisory Committee is hereby created consisting of seven (7) members. Initially, two (2) members shall be appointed for one-year terms, two (2) for two (2) years and three (3) for three (3) years; thereafter, such terms will be three (3) years. At least one (1) member shall be a veterinarian. Two (2) members shall be members of local animal welfare organizations (at least one (1) of the organizations must operate an animal shelter). The remaining four (4) members shall represent the community at large. All members shall serve until their successors are appointed and qualified. Each member shall be a resident of the city.

- (1) Ex officio members. The city manager, or representative; ~~the Director of the City-County Health Department or representative,~~ and the Animal Control Supervisor Care Services Manager shall serve as an ex officio member of the committee without vote.
- (2) Officers. Following the annual appointment of new members, the committee shall meet at its earliest convenience and shall, by majority vote, elect a chair who shall preside at all meetings of the committee and a vice-chair who shall preside in the absence of the Chair. The ~~Director of the City-County Health Department~~ Animal Care Services Manager or designated representative shall serve as the secretary of the committee and shall send all notices for meetings, keep and preserve the minutes, have custody of all documents filed with the committee, advise and consult with city officials as to the committee's work and recommendations, assist the committee and its subcommittees in planning and coordinating its programs, and perform such other duties as may be of assistance to the committee. A copy of the minutes shall be sent to all members.
- (3) Subcommittees. The chair of the committee, with the approval of the committee, may establish such subcommittees as may be necessary or appropriate to assist the committee in its studies and in the performance of its duties. Members of such subcommittees shall be appointed only from among members of the committee.
- (4) Meetings. The committee shall meet at least once each month and shall meet on the call of the chairperson of a majority of its members. The committee shall adopt its own rules of procedure of notice of meetings and the conduct thereof.
- (5) Quorum. Four (4) members shall constitute a quorum.

SECTION 31. Chapter 2, Section 117 of the Corpus Christi Code of Ordinances is hereby created to read as follows:

Sec. 2-117. Animal Shelter Committee

- (a) The Animal Care Advisory Committee is designated as the Animal Shelter Committee required by the Health and Safety Code.
- (b) The duties of the Animal Shelter Committee shall include, but are not limited to, assisting Animal Care Services in complying with:
 - (1) The standards of housing and sanitation as established by the Health and Safety Code and the rules of the state board of health; and
 - (2) standards of animal control officer training as established by the Health and Safety Code.

- (c) The Animal Shelter Committee advisory committee shall meet as required per state law.

SECTION 32. If for any reason any section paragraph subdivision clause phrase word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction it shall not affect any other section paragraph subdivision clause phrase word or provision of this ordinance for it is the definite intent of this City Council that every section paragraph subdivision clause phrase word or provision hereof be given full force and effect for its purpose.

SECTION 33. Publication shall be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 34. Penalties are as provided in Section 1-6 of the Code of Ordinances.

SECTION 35. This ordinance takes effect after official publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, _____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED, this the _____th day of _____, _____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor