

ORDINANCE NO. 7036

AN ORDINANCE AMENDING CHAPTER 22, "HEALTH", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; REQUIRING STERILIZATION OF DOGS AND CATS; PROVIDING FOR A BREEDER PERMIT AND OTHER EXCEPTIONS TO THE STERILIZATION REQUIREMENT; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Chapter 22, "Health", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending subsection 22.13 to read as follows:

"Permits.

- (A) A person seeking a permit to operate a commercial business covered by this article shall fully and truthfully complete an application in a form provided by the Supervisor of Animal Services and shall pay the required application fee. The application fee for miniature livestock, domestic ferrets, and special reptiles shall be \$25.00 per year.
- (B) A person seeking a breeder permit shall fully and truthfully complete an application in a form provided by the Supervisor of Animal Services and shall pay the required annual application fee of \$100.00. A breeder permit may only be issued for a cat or dog:
 - (1) That is currently in compliance with the vaccination requirements of Section 22.04(A) of this article;
 - (2) That, not more than ninety (90) days before the date of the breeder permit application, has been approved to breed by a licensed veterinarian; and
 - (3) Whose owner:
 - (a) Is a member of a purebred dog or cat fanciers club, approved by the Supervisor of Animal Services, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life-threatening health problems common to the breed; or

- (b) Holds a license as required by Section 802.101 of the Texas Occupations Code for each facility owned or operated in the state.
- (C) A person holding a breeder permit commits an offense if the permit holder allows a female dog or cat to have more than one litter during the permit term, unless the permit holder has received written authorization from the Supervisor of Animal Services to allow two litters during the permit term because having two litters is required to protect the health of the female dog or cat or the first litter during the term was euthanized or did not survive for other reasons.
- (D) Permits are not transferable from one person to another or from one address to another address. A permit shall be valid for one year from the date of issuance unless sooner revoked or terminated under the provisions of this article.
- (E) The Supervisor of Animal Services may impose specific conditions on a permit in order to obtain compliance with all applicable provisions of this article.
- (F) For serious or repeated violations of any of the requirements of this article, or for interference with the local health authority or designee, in the performance of his or her duties, a permit issued under this article may be revoked. Prior to such action, the Supervisor of Animal Services shall notify the permit holder in writing, stating the reason(s) for which the permit is subject to revocation and advising the permit holder of the permit holder's right to a hearing before the Administrative Review Board. Requests for a hearing shall be made to the Supervisor of Animal Services within five (5) days following service of the notice of revocation. If the permit holder fails to request a hearing within five (5) days, the permit is revoked. If a hearing is timely requested prior to revocation, the permit remains valid while pending before the Administrative Review Board.
- (G) A person whose application for a permit under this article is denied by the Supervisor of Animal Services may appeal the denial to the Administrative Review Board. The permit denial remains effective while pending before the Administrative Review Board.

- (H) The hearings provided for in this section shall be held before, and decided by the Administrative Review Board at a time and place designated by the board. Based upon the evidence presented at the hearing, the Administrative Review Board shall make a finding and may sustain, modify, or rescind the decision forming the basis of the hearing."

Section 2

That Chapter 22, "Health", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending subsection 22.19 to read as follows:

"Prohibited Animals.

- (A) It shall be unlawful to keep, harbor, sell, transfer, convey or release any of the following:
- (1) An unsterilized cat or dog over the age of six months, except as provided in this section;
 - (2) A wild animal;
 - (3) An exotic animal, except as provided in this article; or
 - (4) A dangerous animal as provided in section 22.20.
- (B) It shall be an affirmative defense to prosecution under this section that the owner of an animal prohibited by (A)(1) of this section establishes one of the following:
- (1) *Retail or Adoption Animal*. The animal is being held for sale by a retail pet store or held for adoption by animal services or an animal welfare organization;
 - (2) *Shows and Competitions*. The cat or dog is a used to show, to compete, or breed, which is a breed recognized by and registered with the American Kennel Club, United Kennel Club, American Dog Breeders Association, Cat Fanciers' Association, or other bona fide registry and meets one of the following requirements:
 - (a) The cat or dog has competed in at least one show or sporting competition sanctioned by a bona fide national registry within the last 365 days;
 - (b) The dog earned conformation, obedience, agility, carting, herding, hunting,

protection, rally, sporting, working or other title from a purebred dog registry, referenced above, or other registry or dog sport association; or

- (c) The owner of the cat or dog is a member of, and the cat or dog is registered with a bona fide cat fanciers' association or purebred dog breed club, which maintains and enforces a code of ethics for cat or dog breeding that includes restrictions from breeding cats or dogs with genetic defects and life threatening health problems that commonly threaten the breed.
- (3) *Medical Fitness.* A veterinarian licensed in the State of Texas certifies in writing that a cat or dog is medically unfit to undergo the required spay or neuter procedure because of a medical condition. As soon as the medical condition ceased to exist, it shall be the duty of the owner to have it spayed or neutered within 30 days.
 - (4) *Law Enforcement.* The dog is currently used by a law enforcement agency for law enforcement purposes or is part of a law enforcement animal breeding program.
 - (5) *Service Animals.* A dog that is an "Assistance Animal" or "Service Animal" as defined in Section 121.002 of the Texas Human Resources Code.
 - (6) *Hunting and Herding Dogs.* The dog is currently used as, or trained to be, a hunting or herding dog and the dog is registered with a bona fide national, state, or local hunting or herding dog association.
 - (7) *Breeder Permit.* The owner holds a valid breeding permit issued under Section 22.13 of this chapter for the animal.
- (C) It shall be an affirmative defense to prosecution under this section if the owner of an animal prohibited by this section is a zoological park, educational institution, licensed veterinarian providing care to an injured or ill prohibited animal, or state or federally approved wildlife rehabilitation facility."

Section 3

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 4

That Chapter 22, "Health", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 6

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 5th day of February, 2019.

CITY OF GARLAND, TEXAS



Mayor

ATTEST:

City Secretary

PUBLISHED: