

ORDINANCE NO. O-2024-013

AMENDING ANIMAL CODE

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS, AMENDING THE HUTTO CODE OF ORDINANCES, ARTICLE 4.09 OF CHAPTER 4 REGARDING THE RESTRAINT AND CONFINEMENT OF CATS TO ESTABLISH A “TRAP-NEUTER-RETURN PROGRAM” IN ACCORDANCE WITH H.B. NO. 3660; ESTABLISHING AFFIRMATIVE DEFENSES TO PROSECUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hutto, Texas has authority pertaining to the disposition and regulation of animals under Title 10, Chapter 821 through 829, et. seq., of the Texas Health and Safety Code; and

WHEREAS, on June 10, 2023, the State Legislature passed H.B. No. 3660 amending the Penal Code and relating to prosecution for the offense of cruelty to non-livestock animals under certain circumstances, more specifically a nonlethal population control practice of cats through a Trap-Neuter-Release (“TNR”) system; and

WHEREAS, the City Council finds that it is in the best interest of the health, safety, and general welfare of the City of Hutto, Texas, to amend the animal code in accordance with State law; and

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Hutto held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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

SECTION 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. The rules, regulations, terms, conditions, provisions, and requirements of this Ordinance are hereby found to be reasonable and necessary to protect the public health, safety, and quality of life in the City of Hutto.

SECTION 3. The City of Hutto Code of Ordinances, Chapter 4 Animals, Article 4.09.002 Cats is hereby amended as follows:

**CITY OF HUTTO
CODE OF ORDINANCES**

CHAPTER 4 ANIMALS

ARTICLE 4.09 RESTRAINT AND CONFINEMENT

SECTION 4.09.002 CATS

Although cats shall be exempt from any leash requirements, it shall be unlawful for any owner of a cat to allow said cat to stray onto the property of anyone except the owner. Any cat found straying onto the property of anyone except the owner shall be deemed a public nuisance and shall be subject to impoundment. It shall be an affirmative defense to prosecution under this section that any such person may show that they released or returned a stray or feral cat pursuant to a Trap-Neuter-Return Program. It shall also be an affirmative defense to prosecution under this section that the actor released or returned a previously trapped wild living creature in accordance with Texas wildlife laws and regulations.

Under this section following a “Trap-Neuter-Return” means that the cat is:

- A. Trapped;
- B. Evaluated by a veterinarian;
- C. If unvaccinated, vaccinated by a veterinarian;
- D. If unsterilized, sterilized by a veterinarian;
- E. Marked by a veterinarian, whether by notching or tipping one ear or otherwise; and
- F. Returned to the trap location.

“Veterinarian” under this section shall have the same meaning as set forth in Section 801.002 of the Occupations Code.

SECTION 4. Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 5. Severability. Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 6. Codification. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

SECTION 7. Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Hutto and the laws of the State of Texas.

SECTION 8. Proper Notice & Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ and APPROVED on the first reading this the 15th day of **February, 2024.**


READ and APPROVED on second reading this the 7th day of **March, 2024.**

THE CITY OF HUTTO, TEXAS

By: _____

Mike Snyder, Mayor

ATTEST:

By: _____

Angela Lewis, City Secretary

