

**AN ORDINANCE AMENDING TITLE 7 (ANIMALS)
OF THE EL PASO CITY CODE**

WHEREAS, on or about 13 December 2005, the El Paso City Council enacted by Ordinance 16229 sweeping changes to Title 7 of the El Paso City Code; and

WHEREAS, the intent and purpose of Title 7 of the El Paso City Code sets forth the standards for regulation, maintenance and treatment of animals in the City of El Paso; and

WHEREAS, the changes made part of Title 7 by the El Paso City Council have far reaching effects and overreaching punitive powers on the citizens of the City of El Paso; and

WHEREAS, the changes as made will have an undue burden on the rights of economically disadvantaged citizens of El Paso and those living on fixed incomes; and

WHEREAS, the changes as made could be enforced in a disparate manner to the detriment of the economically disadvantaged citizens of El Paso and those living on fixed incomes; and

WHEREAS, the intent of the 13 December 2005 changes was meant to “. . . bring Title 7 into greater harmony with Title 10 of the Texas Health and Safety Code . . .”; and

WHEREAS, the adoption on 13 December 2005 of Ordinance 16229, served to impose greater penalties and regulation on the citizens of El Paso than is reasonable, considering the rights of the economically disadvantaged citizens of El Paso and those living on fixed incomes; and

WHEREAS, the right to own and care for a pet is a “Quality of Life” issue, and should not be the subject of unreasonable and onerous regulation and taxation more restrictive than as establish by State Code by a municipal entity,

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

1. That Title 7 (Animals) of the El Paso City code shall be amended in its entirety to remove/delete the following portions and codified for consistency:

7.04.10 Definitions

Delete “H”, READING “Canvassing” means periodic verification of compliance with this Title by the El Paso City-County Health and Environmental District utilizing personnel trained to go door-to-door within the incorporated city limits.

7.04.030 Enforcement-Right of entry-Interference with officer

Delete in its entirety, and replace with the following:

7.04.030 Enforcement--Right of entry--Interference with officer.

- A. The health officer and his designated veterinarian representative shall be responsible for enforcement of this title and are authorized to utilize the resources of the division in its enforcement, and the enforcement of the lawful rules and regulations adopted by the El Paso City-County Board of Health that are relevant to the subject matter of this title, and in any public health emergency.
- B. For the purpose of discharging the duties imposed by this title and to enforce its provisions, any officer is empowered at all reasonable times and upon presentation of appropriate credentials, to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of a dog or cat of the certificate of vaccination registration for such dog or cat. It is further provided that any officer may enter, at all reasonable times and upon the presentation of appropriate credentials, the premises where an animal is kept in an allegedly cruel or inhumane manner and demand to examine and impound such animal, when in his opinion it requires humane treatment. No officer shall, however, enter a private residence for purposes of making an inspection under this chapter without first receiving permission from a lawful adult occupant of such residence or being authorized to inspect such residence by a magistrate or by order of a court of competent jurisdiction upon showing a probable violation of this title.
- C. No person shall interfere with, hinder or molest any officer in the performance of his duty.

7.04.040 Recordkeeping--Annual audits required.

Delete in "A", line 2 the single word "microchips".

7.04.080 Violation--Penalty

Delete in its entirety, and replace with the following:

7.04.080 Violation--Penalty

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter and any violations are punishable as provided in Sections 1.08.010 through 1.08.030.

7.12.020 Registration and Microchips Required – Application – Procedure – Fees – City sponsored rabies vaccination and registration clinics.

Delete in its entirety, and replace with the following:

7.12.020 Registration – Required – Application – Procedure – Fees – City sponsored rabies vaccination and registration clinics.

- A. No owner shall have within the city any dog or cat four months of age or older unless such dog or cat is currently registered with the division. No dog or cat shall be registered unless it has a current vaccination or an exemption under Section 7.12.040(B). A registration shall be considered as being current for the period of the current vaccination for which it was issued. A vaccination-registration certificate and tag may be obtained at the time of vaccination from veterinarians who have obtained authority from the division to issue them, or from an employee at the center upon presentation of a certificate of current vaccination.
- B. Upon application by a veterinarian, the division shall furnish the veterinarian with a supply of pre-numbered vaccination-registration certificates and corresponding tags. The veterinarian shall be authorized to receive application and issue certificates and tags for animals at the time of vaccination. Copies of all certificates issued shall be distributed and transmitted to various city agencies in accordance with arrangement made by the division with the veterinarians. When applying for additional certificates and tags the veterinarian shall account to the division for all those previously supplied to him. At that time the veterinarian shall remit to the division all fees collected. He shall be held financially responsible for any other certificates and tags no longer in his possession that have not been issued or voided and returned to the division. The division is authorized not to supply additional certificates and tags to any veterinarian who fails to account for all those previously furnished him by the division. All fees collected by any veterinarian are payable to the city upon demand.
- C. Application for initial issuance or renewal of each registration must be made by the owner in writing or in person, and be accompanied by a fee of six dollars. If an original current registration certificate is lost or destroyed, the owner may obtain a duplicate by paying a fee of six dollars.
- D. A registration shall be renewed no later than the date of expiration of the current vaccination period for which it was issued, as defined in Section 7.12.040(A).
- E. No person shall use a certificate or tag for any animal other than the one for which it was issued.
- F. If there is a change in ownership of a registered dog or cat, the new owner shall have the registration transferred to his name. Application for such transfer shall be made to the division in writing or in person, and be accompanied by a fee of four dollars.
- G. Fee-exempt registrations may be issued for the following:
1. Police or sheriff's department's dogs;
 2. Dogs trained to lead the blind;
 3. Dogs or cats, vaccinated in city-sponsored clinics;
 4. Animals other than dogs or cats that are vaccinated against rabies.
- Eligibility for fee exempt registration does not relieve the owner of his responsibility under other provisions of this title.
- H. If deemed necessary, the health authority is authorized to arrange for city sponsored rabies vaccination-registration clinics.

7.12.030 Collar and tag required

Delete “E” in its entirety, and replace with the following:

- E. If such tag is lost or destroyed, the owner shall apply at the center in writing or in person for a new tag by presentation of the applicable vaccination-registration certificate accompanied by a fee of four dollars.

7.12.040 Vaccination and microchip required.

Delete in its entirety, and replace with the following:

7.12.040 Vaccination required--Exception

- A. No person shall own, keep or harbor within the city any dog or cat four months of age or older unless such dog or cat has a current vaccination. A dog or cat will have a current vaccination for the remainder of the month during which it was vaccinated and for the following twelve calendar months. The dog or cat must be revaccinated before the expiration of the first and each subsequent current vaccination period.
- B. Vaccination will not be required of any dog or cat when both of the following documents to be filed with the division are approved by the veterinary officer:
 - 1. A certificate from a veterinarian that such dog or cat should not be inoculated with rabies vaccine and the valid medical reasons therefore; and
 - 2. An affidavit from the owner that such dog or cat is kept so that it cannot come in contact with other animals or constitute a threat to public health and the method of such keeping.

7.12.050 Animals in public places

Delete in its entirety, and replace with the following:

7.12.50 Animals in public places.

- A. Nothing in this section shall apply to dogs in the company of law enforcement personnel while executing official duties.
- B. It is lawful for any dog trained to guide any blind person to be admitted when actually accompanying such blind person to any public place or vehicle, which the blind person may have the lawful right to enter, if the dog is currently vaccinated and registered.
- C. Except as provided in subsection A of this section, it is unlawful for any person having charge, care, custody or control of any animal to allow such animal in any public vehicle or in any public building not used primarily for animals or their care, unless permission in writing has been issued by the Program.

- D. All persons having ownership, care, custody or control of any animal shall be prohibited from taking the animal upon or into any public playground, school ground, or athletic facility within the city whether leashed or not unless permission in writing has been issued by the Program.

7.16.010 Notification

Delete in “A”, the language in line one, “or microchipped”.

Delete in “D”, the language in line three, “or microchip record”

7.16.020 Redemption – Disposition – Diseased Animals Other Than Rabies Cases.

Delete in “A”, the language in line three, “microchipping”.