

ORDINANCE NO. 3645-2-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3, SECTION 3-1 BY DELETING THE DEFINITION OF “VICIOUS ANIMAL”, BY CHANGING THE DEFINITION OF “ASSISTANCE ANIMAL” TO “SERVICE ANIMAL”, AND BY AMENDING THE DEFINITION OF “RESCUE GROUP”; BY AMENDING SECTION 3-5(a) TO AMEND THE REGISTRATION PERIOD FOR CERTAIN ANIMALS; BY AMENDING SECTION 3-9 TO ADD SUBSECTION (c) REQUIRING DOGS, CATS AND FERRETS RELEASED FROM IMPOUNDMENT TO BE MICROCHIPPED; BY AMENDING SECTION 3-11 (d)(1) AND (4) REGARDING RESCUE OF ANIMALS BY RESCUE GROUP AND RELATED FEES; BY DELETING SECTION 3-12 (b)(3)(c); BY AMENDING SECTION 3-16 (c)(1)(c) REGARDING REGISTRATION PHOTOGRAPHS FOR DANGEROUS DOGS; BY AMENDING SECTION 3-16 (d)(3) AND 3-16 (e) BY CHANGING THE REFERENCES TO “DESTROYED” TO “HUMANELY EUTHANIZED”; BY AMENDING SECTION 3-20 SUBSECTION (c) REGARDING DOCKING A DOG’S TAIL AND SUBSECTION (d) REGARDING THE CONFINEMENT OF AN ANIMAL IN A PARKED OR STANDING VEHICLE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 3, “Animals and Fowl,” Article I, “In General”, Section 3-1, “Definitions”, by deleting the definition of “Vicious Animal” and by changing the definition of “Assistance Animal” to “Service Animal”, and by amending the definition of “Rescue Group”, to read as follows:

“Service animal: An animal that is specially trained to do work or perform tasks for the benefit of an individual with a disability or by the virtue of a natural aptitude or acquired ability is able to provide therapeutic treatment, mitigation, safety or rescue.”

“Rescue group: A nonprofit organization with a 501(c)3 means any organization approved by the animal control authority that shelters animals for the purpose of protection, rescue, and eventual placement in a home where proper care can be given to the animal.”

SECTION 2. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 3, “Animals and Fowl,” Article I, “In General”, Section 3-5, “Registration; license”, by amending subsection (a) to amend the registration period, to read as follows:

“Sec. 3-5. - Registration; license.

- (a) The owner of a dog, cat, or ferret four (4) months of age or older shall annually register the animal with the city provided however the owner of such animal shall have the option to

register the animal annually or for either a two-year or three-year period. The submission of a current rabies vaccination certificate and payment of the applicable license fee as established by resolution of the city council shall be made to the city. The rabies vaccination certificate shall include the name and address of the applicant, a description of the animal, and proof of a current rabies vaccination. Upon receipt of a rabies vaccination certificate that meets the criteria of this section and state law and payment of the applicable license fee, a city license tag shall be issued, which shall bear an identifying number for the animal and the year of issuance. The license tag shall be securely attached to the collar or harness of the animal and worn at all times.

...

SECTION 3. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 3, "Animals and Fowl," Article I, "In General", Section 3-9, "Redemption of Animal", by adding subsection (c) regarding microchipping, to read as follows:

"Sec. 3-9. - Redemption of animal.

...

- (c) Prior to release of an impounded dog, cat or ferret, a microchip implant in the animal is required if the animal is not already identifiable by microchip. The owner shall pay a fee established by resolution of the city council to have a microchip implanted into the animal prior to release."

SECTION 4. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 3, "Animals and Fowl," Article I, "In General, Section 3-11 subsection (d)(1) and (4), "to read as follows:

"Sec. 3-11. - Adoption of dogs and cats and ferrets.

...

- (d) Animal rescue group.
 - (1) Only those animals deemed available for rescue by the animal control authority may be rescued from the city animal shelter. Groups desiring to rescue animals must comply with the following:
 - a. Provide a list updated annually with names and phone numbers of qualified people to pick up for the organization;
 - b. Provide a copy of organization's current bylaws and a valid Federal Tax Identification number and its current 501(c)3 supporting a non-profit status.
 - (4) Adoption or reclaim fees outlined in this chapter will not apply to the rescue of impounded animals."

SECTION 5. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 3, "Animals and Fowl," Article I, "In General, Section 3-12, "Animal quarantine", by deleting Section 3-12 (b) (3) (c) and re-designating the remaining subsections, to read as follows:

"Sec. 3-12. - Animal quarantine.

...

- (b) Quarantine shall be subject to the following conditions:

....

- (3) Home quarantine at the residence of the owner, if approved by the animal control authority, must satisfy the following conditions:
 - a. Secure facilities are available and approved by the animal control authority;
 - b. The animal is currently vaccinated against rabies;
 - c. The owner of the animal shall notify the animal control authority if the animal escapes, becomes or appears to become sick, or dies; and, in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the animal control authority for diagnostic purposes;
 - d. The animal was not running at large at the time of the incident; or
 - e. The animal is isolated from all other animals, and human beings other than the individual(s) who own the animal.”

SECTION 6. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 3, “Animals and Fowl,” Article I, “In General, Section 3-16 (c) (1) (c), regarding registration photographs of a dangerous dog to read as follows:

“Sec. 3-16. - Dangerous dogs.

...

(c) Registration.

- (1) The animal control authority shall annually register a dangerous dog if the owner:

....

- c. Provides two (2) color identification photographs of at least three (3) inches by three (3) inches of each dangerous dog with one (1) photograph showing the frontal view and the other photograph showing the side view of each dog. High resolution digital photographs are acceptable.

...”

SECTION 7. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 3, “Animals and Fowl,” Article I, “In General, Section 3-16 (d)(3) and 3-16 (e) by changing the references to “destroyed” to “humanely euthanized” and “destroyed” to “euthanized” respectively.

SECTION 8. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 3, “Animals and Fowl,” Article I, “In General, Section 3-20, “Animal Care”, by amending subsection (c) and (d) and re-designating the remaining subsections, to read as follows:

“Sec. 3-20. - Animal care.

....

- (c) No person other than a licensed veterinarian shall crop a dog's ears or dock a dog's tail.
- (d) It shall be unlawful for a person to confine an animal in a parked or standing vehicle in such a way as to endanger the animal's health, safety, or welfare.

- (e) It shall be unlawful for a person to confine an animal in a parked or standing vehicle for a period of five (5) or more minutes when the ambient outside air temperature measures above eighty-five (85) degrees Fahrenheit or below thirty-five (35) degrees Fahrenheit.
- (f) It shall be unlawful for any person to beat, starve or overwork, or to otherwise abuse any animal.”

SECTION 9. All ordinances of the City of Allen in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

SECTION 10. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 11. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 12. Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 13. This ordinance shall take effect immediately from and after its passage in accordance with its provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 26TH DAY OF FEBRUARY 2019.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(PGS:1-7-19:TM 104850)

Shelley B. George, CITY SECRETARY