

CITY OF SEGUIN

ORDINANCE NO.:

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 14, ANIMALS, ARTICLE 1, IN GENERAL, TO ADD A NEW SECTION 14-8, TRAPPING; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain types of animal traps are inhumane to animals and pose a danger to animal services employees who encounter trapped animals; and

WHEREAS, using poisons can be inhumane and can be a danger to passing animals, not to be trapped, or to children; and

WHEREAS, the proposed ordinance only bans snares and steel leg hold traps that are inherently inhumane; and

WHEREAS, the ordinance limits the time when traps may be used to times when city personnel are available within a 24 hour period; and

WHEREAS, the ordinance also limits trapping on public property to animal services personnel.

BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION ONE. The Seguin Code of Ordinances, Chapter 14, Animals, Article I, In General, is hereby amended by adding a new Section 14-8, to read as follows:

Sec. 14-8. Trapping

- a. It shall be unlawful for any person, firm, or corporation to set, utilize, or employ the use of steel leg hold traps or snares for any purpose whatsoever in the city limits.
- b. It shall be unlawful for any person to remove, alter, damage, or otherwise tamper with a trap or other equipment belonging to any individual or set by a City of Seguin Animal Services Officer.
- c. Any person, firm, or corporation utilizing animal traps within the corporate city limits shall adhere to the following provisions:
 - a. Traps will not be utilized on weekends or within twenty-four (24) hours before or on any official City of Seguin holiday.
 - b. Trapping of animals is not allowed during inclement weather conditions, such as low temperatures below 40 degrees Fahrenheit, above 90 degrees Fahrenheit, or when severe weather is anticipated.

- c. No animal shall remain confined in a trap for over twenty-four (24) hours. Persons trapping animals are encouraged to keep the animals in the trap for as little time as possible.
- d. Traps should be set during evening hours and Seguin Animal Services shall be contacted the following morning prior to 11:00 a.m. for removal and pickup of any trapped animal.
- e. Nuisance fur-bearing animals may be trapped and captured and relocated only if the person received specific, direct, authorization from the Texas Parks and Wildlife Department as well as from the owner of the property where the release will occur.
- f. This section shall not be interpreted to restrict the extermination of rats, mice, and insects, who are deemed a nuisance by state law, through the use of traps, or other commercially available means when used in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species comes into contact with the trap, and that such use does not violate any other section of this chapter.
- g. With the exception of traps used for extermination of rats, mice and insects, no person shall place any substance or article that has in any manner been treated with any poisonous substance in any place accessible to human being, birds, dogs, cats, or other animals with the intent to kill or harm animals. This shall include anti-freeze purposely left exposed to poison animals. This section, however, does not preclude the use of commercially sold poisons when applied in accordance with the manufacturer's directions for such use in that person's residence, accessory structure, or commercial establishment, provided that such use does not violate any other section of this chapter, or any other applicable federal or state law.
- h. No person shall place or permit to be placed any trap designed for trapping animals in any highway, street, alley or other public place within the corporate limits of the city unless specific permission by animal services has been granted. However, nothing in this chapter shall prohibit a city animal services personnel agent from placing such traps on public or private property as may be necessary to capture animals running at large.

SECTION TWO. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION THREE. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION FOUR. In accordance with Section 3.10 of the Seguin City Charter, this Ordinance shall be published in a newspaper of general circulation, and for enforcement by penalty shall become effective March 1, 2017.

SECTION FIVE. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

PASSED AND APPROVED on first reading this 6th day of December, 2016.

PASSED AND APPROVED on second reading this 20th day of December 2016.

DON KEIL, Mayor

ATTEST:

Naomi Manski, City Secretary