

STATE OF TEXAS

AN ORDINANCE OF THE CITY OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 14, ANIMALS, AMENDING SECTION 14-5, PROHIBITED ANIMALS, AND ADDING A NEW ARTICLE VI, PERFORMING ANIMAL EXHIBITIONS; AND APPENDIX C, CHAPTER 14, TO ADD A PERMIT FEE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, last year it was brought to staff's attention that the City Code regulating animals could be interpreted to forbid circuses and certain other animal exhibitions; and

WHEREAS, the animal advisory committee met and discussed the values of the city sponsoring certain animal exhibitions; and

WHEREAS, the animal advisory committee recommends that the City Council adopt an addition to the City Code of Ordinances that allows, but regulates, certain performing animal exhibitions.

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

SECTION ONE. The Seguin Code of Ordinances Chapter 14, Animals, Article I, In General, Section 14-5, Prohibited animals, is amended to read as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 14-5. - Prohibited animals.

(a)As used in this section, the term "prohibited animal" means any animal not normally born and raised in captivity, including but not limited to the following:

(1)Class Reptilia. Family helodermatidea (the venomous lizards) and all Varanidae (monitor); order ophidia, family boidoe (boas, pythons, anaconda); family Hydrophilidae (marine snakes); family Viperidae (rattlesnakes, pit vipers and true vipers); family elapidae (coral snakes, cobras, and mambas); family colubridae, Dispholidus typus (boomslang), cyclagras gigas (water cobra), biogas dendrophilia (mangrove snake) and kirtlandii (twig snake) only; order crocodilian (crocodiles, alligators, and gavials).

(2)Class Aves. Order falconiforms (such as hawks, eagles, and vultures) and subdivision rapitae (such as ostriches, rheas, cassowaries, and emus) and Roosters.

(3)Class Mammalia. Order Carnivora, (the family Felidae) except cats; the family Canidae (such as wolves, dingo's, coyotes and jackals), except dogs; the family Mustelidae (such as weasels, skunks, martins, mink, badgers); family Procyonidae (raccoon); family Ursidae (such as bears); and order marsupialia (such as kangaroos, opossums); order chiroptera (bats); order edentate (such as sloths, anteaters and armadillos); order Proboscidea (elephants); order primata (such as monkeys, chimpanzees and gorillas); order Rodentia (such as porcupines); and order ungulata (such as antelope, deer, bison and camels).

(4)Class Amphibia. Poisonous frogs.

The term "prohibited animal" does not include livestock, fowl, poultry, or normal household pets, such as a psittacine bird, canary finch, cockatiel, hamster, guinea pig, gerbil, rabbit, ferret, fish, or small, nonpoisonous reptiles.

(b) This section shall not apply to the city, veterinary clinics, licensed wildlife rehabilitators, approved zoological parks, performing animal exhibitions, circuses, rodeos, primary and secondary schools, colleges and universities, the county fair, nonprofit organizations, or zoological parks owned and operated by a governmental entity.

~~(b)~~ (c) It shall be unlawful to harbor or maintain within the city limits any animal defined as a prohibited animal.

~~(c)~~ (d) It shall be unlawful to possess, breed, display or sell, or advertise the exhibition or sale [of] any animal defined as a prohibited animal within the corporate limits of the City of Seguin.

SECTION TWO. The Seguin Code of Ordinances Chapter 14, Animals is amended by the addition of a new Article VI, to read as follows

ARTICLE VI. – PERFORMING ANIMAL EXIBITIONS

Sec. 14-260. Animal exhibition permit.

(a) The presenter or owner of an animal exhibition, or the property owner where the exhibit is to take place, must apply for an animal exhibition permit at least thirty (30) calendar days before the performance or display and provide exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display.

(b) Permits shall only be issued to animal exhibitions that are in possession of all state and federal permits required to present such exhibitions. All performing animal exhibitions that require federal or state license shall provide a copy of said license and USDA Class C exhibitor's permit number at the time the application for a city permit is submitted.

(c) A permit shall be issued and remain valid for an exhibition period of not more than seven (7) calendar days if the animal exhibition pays the required fee and complies with the following requirements that are applicable to the type of performance being permitted:

(1) All animals required by state law to have a rabies vaccination are currently vaccinated against rabies and the presenter/owner/permittee must have the appropriate documentation showing that this requirement is met.

(2) The presenter/owner/permittee has written procedures in place to notify Seguin Animal Services of any local rabies control incident as required by this chapter.

(3) All veterinarians' orders must be in writing and kept on record and available for inspection during the animal exhibition's regular business hours.

(4) No animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

(5) All equipment used on a performing animal shall fit properly and be in good working condition.

(6) Animals being used to give rides or doing other work are in good physical condition, including their hooves or feet, and given not less than a thirty-minute break for each three (3) hours worked.

(7) Each cage and enclosure are of sufficient strength to contain the animal being housed within it. Each cage and enclosure are locked or otherwise secured to prevent the escape

of any animal being kept. Each exhibition shall have a contingency plan in case an animal escapes from its cage or from the exhibition space.

(8) With the exception of the Youth Show and Rodeo, all animal exhibitions that permit contact between any animal and a person shall provide adequate means for hand sterilization following contact with an animal without a fee or charge.

(9) Animal areas must provide adequate ventilation for both animals and people at all times.

(10) If the animals are kept indoors, the ambient temperature in the animal housing areas is maintained between sixty (60) [to] seventy-nine (79) degrees Fahrenheit at all times. The temperature in individual cages is maintained at a level that is healthful for the species of animals being housed. If the animals are kept outdoors, the exhibition must immediately be halted if at any time the heat index exceeds ninety-five (95) degrees Fahrenheit.

(11) Visitors may not be allowed to access animal food or water sources.

(12) Fresh, potable water is available to all animals at all times. Containers for food and water are cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over.

(13) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. In general, all animals under six (6) months of age are to be fed at least two (2) times per twenty-four-hour period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per twenty-four-hour period, or as advised by a veterinarian. Food for each animal shall be served in a clean dish so constructed or mounted that the animal cannot readily tip it over and be of the type that is removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition.

(14) All animals are fed and watered, and all cages are cleaned and disinfected every day during the exhibition, including Sundays and holidays.

(15) All cages or other animal housing areas are kept clean and free of wastes; each cage and enclosure is thoroughly cleaned and disinfected each day; all cages and enclosures are constructed of a nonporous material for easy cleaning.

(16) There is sufficient clean, dry bedding to meet needs of each individual animal. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access.

(17) All areas used by the exhibitor are thoroughly cleaned and all wastes are properly disposed of at the conclusion of the exhibition.

(18) Each cage and enclosure are of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position.

(19) Each bird must have sufficient room to stand upright without touching the top of its housing area and to spread its wings fully without touching a side of its housing area. Each

bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. The housing area must be cleaned every day and disinfected when birds are sold or otherwise transferred. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds.

(20) No pregnant animal may be exhibited at any time.

(21) Toys, pacifiers, baby bottles, strollers, food, beverages, or tobacco products may not be present in the animal area at any time.

(d) With the exception of sanctioned auctions, sales of animals during permitted performances are prohibited.

Sec. 14-261. - Violations

(a) A person commits an offense if he owns, manages, operates, represents, or hires an animal exhibition without a valid permit. Each animal or condition found in violation of this Article during an animal exhibition that does not possess a valid permit shall constitute a separate offense.

(b) A person commits an offense if he owns, operates, manages, represents, or hires an animal exhibition under this article and fails to maintain any condition in this Article that is applicable to that particular exhibition. Each animal or condition in violation of this Article shall constitute a separate offense.

(c) A person commits an offense if he owns, manages, or represents an animal exhibition that requires a permit and denies or refuses to make available for inspection, upon request by animal services during business hours of the animal exhibition, the animals, that portion of the premises used to house or service the animals, the facilities for the animal exhibition, equipment for the animal exhibition, including any equipment used to transport the animals, or any necessary registrations, records, feeding logs, or permits, and to ensure the animals are being provided adequate food, water, shelter, humane care and treatment.

SECTION THREE. Appendix C – Fee Schedule, Chapter 14, Animals, of the Seguin Code of Ordinances is amended by the addition of a new Article VI, Performing Animals (all sections not appearing below remain unchanged) as follows (underlining indicates added text, ~~strike through~~ indicates deleted text):

<i>Article VI Performing Animals</i>			
(a)	Permit per performance for circuses and other commercial performances:		200.00
	(1)	Youth Show, Buck Fever, and County Fair	0

SECTION FOUR. In accordance with Section 3.10 of the Seguin City Charter, this Ordinance shall become effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

SECTION FIVE. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

PASSED AND APPROVED on first reading this 4th day of October 2021.

PASSED AND APPROVED on second reading this 19th day of October 2021.

DONNA DODGEN, Mayor

ATTEST:

Naomi Manski, City Secretary