

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2019-135

**AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS
PROMOTING A TRAP/NEUTER/RETURN PROGRAM;
PROVIDING FOR REGISTRATION; PROVIDING FOR
APPLICABILITY OF THE ANIMAL CONTROL
ORDINANCE; PROVIDING A SEVERABILITY CLAUSE;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Sandy Oaks ("City") is authorized by Local Government Code section 51.001 to adopt an ordinance that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City or to an office or department of the City; and

WHEREAS, the City Council has determined it should adopt this Ordinance to promote the public health, safety and welfare of the community; and

WHEREAS, the City Council desires to promote trap/neuter/return programs;

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

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are found to be true and correct and incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. DEFINITIONS. The words "animal," "Animal Control Officer," "cat," "owner," and "veterinarian" shall have the same meaning as provided by the City's ordinance regarding animal control, Ordinance No. 2019-134, as amended.

- A. "Community Cat" means a cat that is abandoned, stray, lost, free roaming or feral but excludes (a) indoor cats surrendered by the owner, (b) indoor or outdoor cats which are not healthy enough to undergo spay/neuter surgery, and (c) kittens less than eight (8) weeks of age.
- B. "Community Cat Caregiver" means an approved person or organization registered with the City of Sandy Oaks and which person or organization provides care (including, food, shelter or medical care) to a Community Cat under the Community Cat Program. A Community Cat Caregiver is not an Owner for the purposes of this Ordinance.
- C. "Eartip" or "Eartipping" means the removal of the ¼ inch tip of a Community Cat's ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to identify the Community Cat as being sterilized and lawfully vaccinated for rabies.

- D. "Feral Cat" means a descendant of a domesticated cat that has returned to the wild. It is distinguished from a stray cat, which is a pet cat that has been lost or abandoned, while feral cats are born in the wild. The offspring of a stray cat can be considered feral if born in the wild.
- E. "Registered" means registered with the City of Sandy Oaks as provided by Section 4 herein.
- F. "Trap-Neuter-Return (TNR)" means the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning Community Cats to their original location.

SECTION 3. TRAP, NEUTER AND RETURN PROGRAM

- A. Trap-Neuter-Return ("TNR") for Community Cats is the preferred method for controlling the Community Cat population and hereby promotes a TNR Program. The City's animal control and any contracted shelter organizations shall prioritize Trap-Neuter-Return as the preferred outcome for Community Cats. Specifically:
 - 1. Trapping of Community Cats is permitted only for the purpose of Trap-Neuter-Return unless a Community Cat is injured, and veterinary care is required;
 - 2. An eartipped cat received by local shelters shall be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat shall be released on site unless veterinary care is required;
 - 3. Community Cat Caregivers may reclaim impounded Community Cats without proof of ownership solely for the purpose of the implementation of Trap-Neuter-Return.
- B. The Owner of any abandoned, stray, lost, free, roaming or feral cat which is trapped, seized or otherwise delivered to the City or a contracted shelter organization and which would otherwise qualify as a Community Cat ("Qualifying Cat") is deemed to hereby consent to the spay or neuter and eartipping of such Qualifying Cat and also consents to the participation of the Qualifying Cat in the TNR Program. In the alternative, the Owner of any Qualifying Cat appoints the Animal Control Officer, or his/her designee, as agent to consent to the spay or neuter and eartipping of such Qualifying Cat

SECTION 4. REGISTRATION. A Community Cat Caregiver must register as a Community Cat Caregiver with the City under the TNR Program.

SECTION 5. APPLICABILITY OF ANIMAL CONTROL ORDINANCE. A Community Cat Caregiver's registration and participation in the TNR Program serves as a defense to a violation of the City's ordinance on animal control, Ordinance No. 2019-134, as amended, sections 4(3) and 6(A)(1)-(3), 6(A)(5), 6(B) and 6(C), as such sections are hereby declared to be inapplicable and unenforceable against a Community Cat Caregiver's care to a feral cat or Community Cat.

SECTION 6. SEVERABILITY. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable

and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED THIS 27th day of June 2019.

CITY OF SANDY OAKS, TEXAS


Micki L. Ball, Mayor

ATTEST:


Katherine Yelton, City Clerk