



**CITY OF BRADY COUNCIL AGENDA
SPECIAL CITY COUNCIL
MARCH 1, 2016 AT 1:30 PM**

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 1:30pm on March 1, 2016, at the City of Brady City Hall, located at 201 E. Main Street, Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5. Chapter 551. of the Texas Government Code.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Tony Groves
Mayor

Latricia Doyal
Mayor Pro Tem, Place 5

Kathy Gloria
Council Member, Place 1

Shelly Perkins
Council Member, Place 2

Marilyn Gendusa
Council Member, Place 3

Jack Turk
Council Member, Place 4

Kim Lenoir
City Manager

Shannon Kackley
City Attorney

Tina Keys
City Secretary

Platinum
Level



Texas Comptroller
Leadership Circle

2. WORK SESSION DISCUSSION

- A. Discussion of Animal Control Services, Agriculture Zoning, and Possible Animal Control Ordinance Changes.

3. EXECUTIVE SESSION

The City Council of the City of Brady will adjourn into Executive Session for the following:

- A. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real property located in the southern section of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person.
- B. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from a prospective cement plant (US Cement), retail, and other development projects that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations.
- C. Pursuant to Section 551.074 (Personnel Matters) the City Council will deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Attorney - annual review and evaluate the handling of requests under the Texas Public Information Act.

4. Open Session Action on Any Executive Session Item listed above, if needed.

5. ADJOURNMENT

I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on _____ by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Tina Keys, City Secretary

In compliance with the American with Disabilities Act, the City of Brady will provide for reasonable accommodations for persons attending public meetings at City Facilities. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 325-597-2152 or citysec@bradytx.us.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), and 551.087 (Economic Development).

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

City Council Work Session

City of Brady, Texas

Agenda Form

AGENDA DATE:	3-1-2016	AGENDA ITEM	2.A.
AGENDA SUBJECT:		Discussion of Animal Control Services, Agriculture Zoning, and Possible Animal Control Ordinance Changes.	
PREPARED BY:	Kim Lenoir, Katherine Mitchell	Date Submitted:	2-24-16
EXHIBITS:	Degree of intensity for McCulloch County Current Zoning Ordinance – AG Zoning		
BUDGETARY IMPACT:	Required Expenditure:	\$0	
	Amount Budgeted:	\$0	
	Appropriation Required:	\$0	
CITY MANAGER APPROVAL:			

SUMMARY:

On January 25, you received from the ACO recommended animal control ordinance changes proposed by staff. Please review and provide any concerns about these changes at the meeting. Staff will soon be ready to send these changes to the City Council for the required two (2) readings of the ordinance.

In 2014, a new landowner had requested to keep 50 “show goats” on her property, which is now clearly in the city limits. The city is also looking to annex property that includes larger tracts of undeveloped land. Current city animal control regulations have been interpreted as a maximum of 4 animals on any single property. The ordinance does not specifically address goats, sheep, or acreage needs for the various type of animals.

To clarify city rules, it is recommended that the animal control and zoning ordinances may need to be reviewed and revised to be more specific. Attached are the agricultural exemption rules from the MCAD.

Questions to be discussed:

- 1) Does the city want to zone certain areas of the city as AG or just grandfather existing use?
- 2) Does the city want to add a larger lot zoning – 1-19 acres?
- 3) Does the city want to consider a minimum acreage for ag zoning (ie 20+ acres)?
- 4) If zoned AG or grandfather as AG use, does the city want to require these areas to qualify for current AG exemption as outlined by MCAD, which would require a new application with MCAD?
- 5) Does the city want to limit farm animals in accordance with MCAD degree of intensity rules (attached)?

RECOMMENDED ACTION:

Discussion only

DEGREE OF INTENSITY FOR McCULLOCH COUNTY

It has been determined that all operations pertaining to grazing of the land including horse breeding operations and wildlife management in McCulloch County will have a typical herd size of at least four animal units. This means that the land being utilized by the herd must be able to sustain at least four animal units year round without hay supplement.

LAND TYPE	STOCKING RATE
Cropland Grazing Sorghum Hay	1 Animal Unit to 8 Acres
Improved Grasses	1 Animal Unit to 10 Acres
Native Pasture (no brush)	1 Animal Unit to 16 Acres
Native Pasture (with Brush)	1 Animal Unit to 25 Acres

These stocking ratios may be adjusted if land type overlap or soil types dictate a modification. These ratios are based on a typical rainfall year for the area.

Animal Unit

1 Animal Unit is equal to a Cow or Cow and Calf, 5 Ewes with or without Lambs, 4 Rams or Buck Sheep, 8 Lambs Weaned to 1 Year, 6 Nanny Goats or Does with Kids, 5 Billy or Buck Goats, 10 Kid Goats Weaned to 1 Year, 6 Mature Mutton Goats, 5 Axis, 5 Audad, 5 Fallow, 5 Mouflon, 9 Blackbuck Antelope, 7 Sika Deer, 2.5 Red Deer, 1 Eland, 3 Emus, 2 Ostriches, and 7 Whitetail Deer

Other Qualifying Animal Units

ANIMAL TYPE	ANIMAL UNIT (AU)
Cow or Cow & Calf	1.00 (AU)
Mature Bull	1.25 (AU)
Weaned Calf to one Year	0.60 (AU)
Steer one Year Old	0.70 (AU)
Steer two Years Old	0.90 (AU)
Horse	1.25 (AU)
Miniature Horse	0.50 (AU)
Donkey or Mule	1.25 (AU)
Burro	0.75 (AU)

20 acres - Wildlife - deer
bees - 5 acres - 6 hives

SECTION 14 A -- AGRICULTURE DISTRICT

14.1 GENERAL PURPOSE AND DESCRIPTION:

The A, Agriculture, district is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agriculture until it is assigned another more permanent zoning district. It is anticipated that Agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in accordance with the Comprehensive Master Plan in the future.

14.2 PERMITTED USES:

- A. 1. Those uses specified in Section 28 (Use Charts).
2. Single-family detached dwelling.
3. Farms, ranching operations, barns, nurseries, greenhouses or gardens on parcels one (1) acre or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation and except as may be allowed with a SUP. No concentrated animal feeding operations (feed lots) are permitted.
4. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the School District(s).
5. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined.
 - b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 35 for additional accessory use requirements.
 - c. A detached private garage used in conjunction with the main building.
 - d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 32.6.
 - e. Detached garages with living quarters (i.e., garage/accessory dwelling), detached servants (i.e., caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants

quarters without a garage may be allowed only by SUP, and are required to be on a lot one (1) acre or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within the A district, and they shall be clearly incidental to the primary use (i.e., single-family detached residential). These accessory living structures shall not, in any case, be leased or sold.

- f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
6. Swimming Pool (private).
7. Such uses as may be allowed by Specific Use Provisions, Section 27.

14.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Forty feet (40') for the main building/house.
2. Forty-five feet (45') for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than one hundred feet (100') from any residential structure on the premises, and they are set back at least one hundred feet (100') or three (3) times their height (whichever is greater) from any residential structure on adjacent property.
3. Twenty-five feet (25') for other accessory buildings, including detached garage/accessory dwelling units.
4. Other (see Section 32).

14.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - One (1) acre (i.e., 43,560 square feet)
2. **Minimum Lot Width** - One hundred fifty feet (150')
3. **Minimum Lot Depth** - Two hundred feet (200')

B. Size of Yards:

1. **Minimum Front Yard** - Thirty-five feet (35')
2. **Minimum Side Yard** - Ten percent (10%) of the lot width, but need not exceed thirty feet (30'); 50% of the front yard setback (i.e., 12.5') from a street right-of-way for a corner lot
3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building

C. **Minimum Floor Area per Dwelling Unit** – Eight hundred (800) square feet

14.5 **SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for permanent on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- D. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the A district.
- E. **Other Regulations** – As established in Sections 29 through 35.

**USE CHART
CITY OF BRADY, TEXAS
ZONING ORDINANCE**

SECTION 28.2

PRIMARY RESIDENTIAL USES

Legend for Interpreting Use Charts

P Designates use permitted in District indicated

Designates use prohibited in District indicated

S Indicates use may be approved as Specific Use Provision (SUP)

USE CHART CITY OF BRADY, TEXAS ZONING ORDINANCE

SECTION 28.3

ACCESSORY & INCIDENTAL USES

Legend for Interpreting Use Charts

P Designates use permitted in District indicated

Designates use prohibited in District indicated

S Indicates use may be approved as Specific Use Provision (SUP)

**USE CHART
CITY OF BRADY, TEXAS
ZONING ORDINANCE**

SECTION 28.4

**UTILITY, SERVICE AND OTHER
USES**

Legend for Interpreting Use Charts
 Designates use permitted in District indicated
 Designates use prohibited in District indicated
 S Indicates use may be approved as Specific Use Provision (SUP)

	AGRICULTURE	BRADY LAKE RECREATION	SINGLE-FAMILY RESIDENTIAL (10,000 SQ. FT. LOTS)	SINGLE-FAMILY RESIDENTIAL (5,000 S.F. LOTS)	TWO-FAMILY RESIDENTIAL (DUPLEX)	MULTI-FAMILY RESIDENTIAL	MANUFACTURED HOME	OFFICE	RETAIL	CENTRAL BUSINESS DISTRICT	COMMERCIAL	INDUSTRIAL
	A	BLR	SF-10	SF-5	2F	MF	MH	O	R	CBD	C	I
ANIMAL POUND (PUBLIC) *	P										P	P
ANTENNA (NON-COMMERCIAL) *	P	P	P	P	P	P	P	P	P	P	P	P
ANTENNA (COMMERCIAL) *												
ELECTRICAL ENERGY GENERATING PLANT *	S										S	S
ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER) *	S	S	S	S	S	S	S	S	S	S	S	S
ELECTRICAL TRANSMISSION LINE (HIGH VOLTAGE) *	S	S	S	S	S	S	S	S	S	S	S	S
FARM, RANCH, GARDEN, CROPS, OR ORCHARD *	P	P	P	P	P	P	P	P	P	P	P	P
FIRE, POLICE, OR MUNICIPAL BUILDINGS *	P		P	P	P	P	P	P	P	P	P	P
FRANCHISED PRIVATE UTILITY (NOT LISTED) *	S	S	S	S	S	S	S	S	S	S	S	S
GAS LINE AND REGULATING STATION *	S	S	S	S	S	S	S	S	S	S	S	S
LOCAL UTILITY LINE *	P	P	P	P	P	P	P	P	P	P	P	P
PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY *	S	P						P	P	P	P	P
STUDIO FOR RADIO OR TELEVISION *								S	P	P	P	P
SEWAGE PUMPING STATION (PUBLIC) *	P	P	P	P	P	P	P	P	P	P	P	P
TELEPHONE BUSINESS OFFICE *								P	P	P	P	P
TELEPHONE EXCHANGE, SWITCHING OR RELAY OR TRANSMITTING STATION *	P	P	P	P	P	P	P	P	P	P	P	P
UTILITY SHOPS OR STORAGE YARDS OR BUILDINGS *	S	P						S		P	P	
WATER RESERVOIR WELL OR PUMPING STATION *	P	P	P	P	P	P	P	P	P	P	P	P
WATER STAND PIPE OR ELEVATED WATER STORAGE *	P	P	P	P	P	P	P	P	P	P	P	P
WATER TREATMENT PLANT *	P	P	P	P	P	P	P	P	P	P	P	P
MUNICIPAL FACILITY OR USE *	P	P	P	P	P	P	P	P	P	P	P	P

**USE CHART
CITY OF BRADY, TEXAS
ZONING ORDINANCE**

SECTION 28.5

**RECREATIONAL AND
ENTERTAINMENT USES**

Legend for Interpreting Use Charts

P Designates use permitted in District indicated

□ Designates use prohibited in District indicated

S Indicates use may be approved as Specific Use Provision (SUP)

	AGRICULTURE	BRADY LAKE RECREATION	SINGLE-FAMILY RESIDENTIAL (10,000 SQ. FT. LOTS)	SINGLE-FAMILY RESIDENTIAL (5,000 S.F. LOTS)	TWO-FAMILY RESIDENTIAL (DUPLEX)	MULTI-FAMILY RESIDENTIAL	MANUFACTURED HOME	OFFICE	RETAIL	CENTRAL BUSINESS DISTRICT	COMMERCIAL	INDUSTRIAL	
	A	BLR	SF-10	SF-5	2F	MF	MH	O	R	CBD	C	I	
AMUSEMENT ARCADE *										S	S	P	P
AMUSEMENT, COMMERCIAL (INDOOR) *										P	S	P	P
AMUSEMENT, COMMERCIAL (OUTDOOR) *										S		P	S
BALLROOM DANCING *										P	P	P	P
CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY) *													
COUNTRY CLUB (PRIVATE) *	P		S	S	S	S	S	P	P		P	P	
DAY CAMP FOR CHILDREN *	P	P	S	S	S	S	S	P	P	P	P	P	
GOLF COURSE *	P	P	S	S	S	S	S	P	P		P	P	
PARK OR PLAYGROUND (PRIVATE, NON-COMMERCIAL) *	P		P	P	P	P	P	P	P	P	P	P	
PARK OR PLAYGROUND (PUBLIC) *	P	P	P	P	P	P	P	P	P	P	P	P	
PLAYFIELD OR STADIUM (PUBLIC) *	S	P	S	S	S	S	S	S	S		P	P	
PRIVATE CLUB *										S	S	S	
RODEO GROUNDS *	S										P	S	
ROLLER OR ICE RINK *									P		P	P	
RV PARK/TRAILER PARK *		P							S		P	S	
STABLE (COMMERCIAL) *	P										S	S	
SWIMMING POOL (COMMERCIAL) *									S	S		P	P
SWIM, TENNIS OR HANDBALL CLUB *									P	P	P	P	P
THEATER (OPEN DRIVE-IN) *									S		P	S	
THEATER OR PLAYHOUSE(INDOOR) *									P	P	P	P	
ZOO (PRIVATE) *											S		
ZOO(PUBLIC) *		P											
SEXUALLY ORIENTED BUSINESS												P	

**USE CHART
CITY OF BRADY, TEXAS
ZONING ORDINANCE**

SECTION 28.6

**EDUCATIONAL, INSTITUTIONAL
AND SPECIAL USES**

Legend for Interpreting Use Charts

P Designates use permitted in District indicated

□ Designates use prohibited in District indicated

S Indicates use may be approved as Specific Use Provision (SUP)

	AGRICULTURE	BRADY LAKE RECREATION	SINGLE-FAMILY RESIDENTIAL (10,000 SQ. FT. LOTS)	SINGLE-FAMILY RESIDENTIAL (5,000 S.F. LOTS)	TWO-FAMILY RESIDENTIAL (DUPLEX)	MULTI-FAMILY RESIDENTIAL	MANUFACTURED HOME	OFFICE	RETAIL	CENTRAL BUSINESS DISTRICT	COMMERCIAL	INDUSTRIAL
	A	BLR	SF-10	SF-5	2F	MF	MH	O	R	CBD	C	I
ART GALLERY OR MUSEUM *			P					P	P	P	P	P
ASSISTED LIVING FACILITY *						S		S	P	P	P	S
CEMETERY, ANIMAL *	S										S	
CEMETERY OR MAUSOLEUM *	S								S		S	S
CHILD CARE CENTER/DAY CARE CENTER *	S					S	S	P	P	P	P	P
CHURCH, RECTORY OR TEMPLE *	P		P	P	P	P	P	P	P	P	P	P
COLLEGE OR UNIVERSITY *	S					S	S	S	P	P	P	P
COMMUNITY CENTER *	S	P	S	S	S	S	S	S	S	S	S	S
CONTINUING CARE RETIREMENT COMMUNITY *						P	P	P	P	P	P	P
CONVENT OR MONASTERY *	S		S	S	S	S	S	P	P	P	P	P
FAIRGROUNDS OR EXHIBITION AREA *	S	P									P	S
FAMILY HOME (CHILD CARE) *	S		S	S	S	S	S					
FRATERNAL ORGANIZATION, LODGE, UNION HALL, OR CIVIC *	S							P	P	P	P	P
GROUP DAY CARE HOME *	S					S	S	P	P	P	P	P
HOSPITAL, ACUTE CARE *								P	P	P	P	P
HOSPITAL, CHRONIC CARE *								P	P	P	P	P
INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS *								P	P	P	P	P
INSTITUTION OF RELIGIOUS, CHARITABLE OR PHILANTHROPIC NATURE *	S		S	S	S	S	S	P	P	P	P	P
KINDERGARTEN OR NURSERY SCHOOL (PRIVATE) *	S		S	S	S	S	S	P	P	P	P	P
NON-PROFIT ACTIVITIES BY A CHURCH *	P		P	P	P	P	P	P	P	P	P	P
REHABILITATION CARE FACILITY (HALFWAY HOUSE) *								P	P	P	P	P
REHABILITATION CARE INSTITUTION *								P	P	P	P	P

**USE CHART
CITY OF BRADY, TEXAS
ZONING ORDINANCE**

SECTION 28.6 (CONT.)

**EDUCATIONAL, INSTITUTIONAL
AND SPECIAL USES**

	AGRICULTURE	BRADY LAKE RECREATION		SINGLE-FAMILY RESIDENTIAL (10,000 SQ. FT. LOTS)		SINGLE-FAMILY RESIDENTIAL (5,000 S.F. LOTS)		TWO-FAMILY RESIDENTIAL (DUPLEX)		MULTI-FAMILY RESIDENTIAL		MANUFACTURED HOME		OFFICE		RETAIL		CENTRAL BUSINESS DISTRICT		COMMERCIAL		INDUSTRIAL		
	A	BLR	SF-10	SF-5	2F	MF	MH	O	R	CBD	C	I												
RETIREMENT HOUSING FOR THE ELDERLY *						S	P	P	P	P	P	S												S
SCHOOL, BUSINESS *										P	P	P												P
SCHOOL, COMMERCIAL TRADE *										S	P	P												P
SCHOOL, DRIVING/DEFENSIVE DRIVING *										S	P	S												P
SCHOOL, PRIVATE (PRIMARY OR SECONDARY) *	S		S	S	S	S	S	S	P	P	P	P											P	
SCHOOL, PUBLIC OR PAROCHIAL *	P		P	P	P	P	P	P	P	P	P	P											P	
SEASONAL USES (TEMPORARY) *	P	S	S	S	S	S	S	S	S	S	S	S											S	
SKILLED NURSING FACILITY *										P	P	P	P	S	P	P							P	
				</td																				

Animal Service Ordinance Change Recommendations

Sec 2.103 Noise

Current Ordinance: It shall be unlawful for any person to own, keep or be in control of any animal that causes unreasonably loud or unnecessary noise that causes material distress or discomfort to a person or persons of ordinary sensibilities in the immediate vicinity.

Example Ordinance: Determination by court; If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the city corporate limits or delivered to the animal control officer, and failure or refusal to do so within twenty-four (24) hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefor, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice.

Sec 2.105 Treatment of Animals

Current Ordinance: No owner shall fail to provide his animals with sufficient and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment.

Example Ordinance: An animal's owner shall keep the animal in a clean, sanitary, and healthy condition. An animal's owner or handler shall provide for the animal:

1. regular and adequate amounts of nutritious food that is appropriate for the species and maintains the animal in good health.
2. a constant and adequate supply of clean, fresh water that keeps the animal hydrated for current environmental conditions
3. care and medical treatment for injuries, parasites and diseases that is sufficient to maintain the animal in good health and minimize suffering.

An animal's owner shall provide the animal with shelter that:

1. is large enough for the animal to enter, stand, turn around, and lie down in a natural manner
2. keeps the animal dry
3. provides the animal with shade from direct sunlight
4. protects the animal from excessive heat and cold and other adverse weather conditions

An animal's owner shall regularly maintain the animal and its shelter to prevent odor or a health or sanitation problem.

Sec 2.106 Abandoning

Current Ordinance: It shall be unlawful for any person to abandon or dump any animal in the city.

Example Ordinance: Abandoning an animal is a crime. After leaving notice, animal control officer has the authority to impound any animal that appears to be abandoned.

Sec 2.107 Report of Animals at Large

Current Ordinance: It shall be the duty of every person to report immediately to the department the location and description of any animal which is in violation of Section 2.110 or Section 1.208 [sic]. Any animal that is not on its owner's property or on a leash or under the owner's direct control as reasonably determined by the animal control officer is deemed an unlawful animal at large and the animal's owner may be cited as in violation of this chapter.

Example Ordinance: It shall be the duty of every person to report immediately to the department the location and description of any animal which is in violation of Section 2.110 or Section 1.208 [sic]. Any animal that is not on a leash or under the owner's direct control as reasonably determined by the animal control officer is deemed an unlawful animal at large and the animal's owner may be cited as in violation of this chapter.

Sec 2.110 Animals Registered to be Vaccinated

Current Ordinance: Animals not vaccinated or registered pursuant to the provisions of this chapter, and dogs in violation of this section shall be seized and impounded.

Example Ordinance: It shall be unlawful for the owner of animals over the age of six (6) months to possess, keep or maintain within the city any animals that is not currently registered or vaccinated for rabies. Failure to comply may result in a citation and court appearance. Vaccinations must be valid for the entire licensing period.

Sec 2.111 Notice of Impoundment

Current Ordinance: Reasonable efforts must be made by the department to promptly notify the owner of any impounded animal or the holder of the vaccination-registration certificate of any vaccinated or registered animal by telephone, personal service, or ordinary mail addressed to the owner of such animal at the place listed on the vaccination certificate or at the owner's last

known address. At the very least, the officer will call the telephone number of the last known address of the last known owner of the animal.

Example Ordinance: Reasonable efforts must be made by the department to promptly notify the owner of any impounded animal. No impounded animal shall be redeemed unless approved for redemption by the animal control officer. To obtain approval for redemption, the owner shall provide proof of vaccinations and registration and pay all applicable fees, cost and expenses incurred in the seizure, impoundment and redemption of the animal including an impoundment fee, daily boarding fees, and fees for alteration, vaccination and registration.

Sec 2.112 Right to Redeem Impounded Dog

Current Ordinance: The owner shall be entitled to resume possession of any impounded dog upon payment of the impoundment and daily boarding fees and compliance with vaccination requirements: provided, application for such possession with payment of all required fees, is made within 120 hours after impoundment if the dog is not wearing a tag as required by this chapter, or within such time after impoundment as may be agreed to by the warden and such owner, if such agreement is made within such 120 or 72 hour period as applicable, provided such addition time does not exceed ten days of total impoundment time.

Example Ordinance: The owner shall be entitled to resume possession of any impounded dog upon payments of (but not limited to) impoundment fee, daily boarding fees, and fees for alteration, vaccination and registration and payment of all required fees is made within 120 hours after impoundment if the dog is wearing a tag as required by this chapter and 72 hours after impoundment if the dog is not wearing a tag as required by this chapter, or within such time after impoundment as may be agreed to by the animal control officer and such owner, if such agreement is made within such 120 or 72 hour period as applicable, provided such addition time does not exceed ten days of total impoundment time. To obtain approval for redemption, the owner shall provide proof of vaccinations and registration and pay all applicable fees, costs and expenses incurred in the the seizure, impoundment and redemption of the dog. No impounded animal shall be redeemed unless approved for redemption by the animal control officer or designee.

Sec 2.115 Disposition of Unredeemed Dogs

Current Ordinance: Any dog impounded and reclaimed by the owner as set forth in Section 2.112 above may be humanely destroyed after being held for at least 120 hours if such dog is wearing a tag and 72 hours after impoundment if such dog is not wearing a tag. If the animal control officer determines that any unclaimed dog or cat is reasonably healthy, currently vaccinated against rabies, and should not constitute a threat to the public or the health of the animals in the community, he may, after the applicable 120 or 72 hour holding period, offer the

dog for adoption. If the dog is not adopted, it will be humanely destroyed. Prospective adopting persons must show proof of reasonable facilities for caring for an adopted animal before being permitted to adopt.

Example Ordinance: Any dog impounded and not reclaimed by the owner as set forth in Section 2.112 above may be humanely destroyed after being held for at least 120 hours if such dog is wearing a tag and 72 hours after impoundment if such dog is not wearing a tag. If the animal control officer determines that any unclaimed dog or cat is reasonably healthy, currently vaccinated against rabies, and should not constitute a threat to the public or the health of the animals in the community, he may, after the applicable 120 or 72 hour holding period, offer the dog for adoption. If the dog is not adopted, it will be humanely destroyed, or relinquished to approved 501(c)3 non-profit rescue. Prospective adopting persons must show proof of reasonable facilities for caring for an adopted animal before being permitted to adopt.

Sec 2.117 Destruction of Sick or Injured Impounded Animals

Current Ordinance: Any animal impounded and suffering from serious injuries, in great pain with probability of recovery remote, or having a communicable or infectious disease which would endanger the health of people or other animals, may be humanely destroyed after reasonable efforts to determine ownership have failed. However, no animal under quarantine or observation for a bite incident or under suspicion of having rabies shall be destroyed until it has been released from said quarantine or observation by a veterinarian.

Example Ordinance: Any animal impounded and suffering from serious injuries, in great pain with probability of recovery remote, or having a communicable or infectious disease which would endanger the health of people or other animals, may be humanely destroyed after reasonable efforts to determine ownership have failed. However, no animal under quarantine or observation for a bite incident or under suspicion of having rabies shall be destroyed until it has been released from said quarantine or destruction for rabies testing.

Sec 2.118 Destruction Impounded Animals Prior to 120 or 72 Hour Period

Current Ordinance: Animals may be disposed of prior to the applicable 120 hour or 72 hour period from the time of impoundment if upon notification of impoundment of said animal the owner states he does not wish to redeem the animal and subsequently in writing releases the animal to the sole jurisdiction of the department.

Example Ordinance: Notwithstanding the prescribed impoundment periods, the animal control officer shall have the discretion to dispose of an animal determined to be at risk due to a state of illness, injury or infancy in the most humane manner as possible to avoid prolonging its suffering

or transfer an animal determined to be at risk due to a state of illness, injury or infancy to an approved 501(c)3 non-profit animal rescue.

Sec 2.121 Vicious Animals to be Confined

Current Ordinance: The owner shall confine within a building or enclosure every fierce, dangerous or vicious animal. Confinement must be in such a manner that the animal cannot come in contact with any person or other animal except for supervised breeding.

Example Ordinance: The owner shall confine within a building or enclosure every fierce, dangerous or vicious animal. A dog is "confined" as the term is used in this section if such dog is securely confined indoors or confined in a secure enclosure which meets the following requirements:

- (1) The enclosure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;
- (2) The enclosure must have a bottom permanently attached to the sides or sides embedded into the ground not less than one (1) foot; and
- (3) The enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own. (No person who owns, possesses, keeps or exercises any control over a dangerous dog shall permit such dog to be on the premises of such person without being confined.

No person who owns, possesses, keeps or exercises any control over a dangerous dog shall permit such dog to go beyond the premises of such person unless the dangerous dog is securely leashed and muzzled.

Sec 1.124 Keeping Animals in Front Yard Prohibited

Current Ordinance: Dogs and cats may not be kept in the front yard of an owner's property unless they are fenced, leashed or kenneled, or the specific written permission of the animal control officer. Electronic fencing shall be considered fencing for the purposes of this section, but is not a secured enclosure for purposes of this chapter.

Example Ordinance: Dogs and cats may not be kept in the front yard of an owner's property unless they are fenced, leashed or kenneled, or the specific written permission of the animal

control officer. Electronic fencing shall be considered fencing for the purposes of this section, but is not a secured enclosure for purposes of this chapter. Any dog or cat not compliant with Sec 1.124 is subject for impoundment.

Sec 2.403 Restrictions on Keeping Horses

Current Ordinance: No person shall keep a horse on any premises, if the overall area within which the horse is kept is less than 6,500 square feet for each horse kept, nor keep more horses than can be cared for under sanitary conditions and not create a public nuisance and in no event exceed the permitted number of adults, and their foals up to six (6) months of age. The number of horses permitted shall not exceed one horse per each sixty-five hundred (6500) square feet of space in the enclosure where kept. The person in lawful possession of the premises, as owner or tenant, may keep thereon horses belonging to others, but limitation to number of horses on the premises and the area and distance requirements of this article shall still apply; and the keeping of horses for others shall not be done as a business in violation of the zoning ordinance. The permit may include reasonable conditions, including total number of horses authorized, determined by the animal control officer to prevent a nuisance, and all conditions of a permit are subject to review and revision. These requirements will not apply to the G. Rollie White Complex, or to any veterinary facilities.

Example Ordinance: Keep current ordinance but add details about maintenance and conditions of horses and premises being kept on.

Example: The manure and debris incident to the maintenance and care of horses shall be scraped from the floor and raked from pens or areas with such frequency as to prevent the same from serving as breeding places for insects and form emitting noxious odors. The manure and debris scraped or raked as provided above, shall immediately be collected and either placed and kept in a waterproof and insect proof container until removed from the premises. The inside walls, ceilings, roosts, and floors of the structure in which the horses are housed shall be treated and kept treated with effective material manufactured and sold for the control of flies, mites, and lice and applied according to the manufacturer's directions.

Sec 2.501 Requirements for Owners of Dangerous Dog

Add requirement of dog to wearing designated color collar.

Example: Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure and dangerous dog must be identified with designated dangerous dog collar.