

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6, “ANIMALS,” ARTICLE I, “IN GENERAL,” SECTION 6-1 “DEFINITIONS” AND SECTION 6-12, “SALE OF ANIMALS” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO THE SALE OF ANIMALS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 6, “Animals,” Article 1, “In General,” Section 6-1 “Definitions” and Section 6-12, “Sale of Animals” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”** attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this _____ day of _____, 20__.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

That Chapter 6, “Animals,” Article 1, “In General,” Section 6-1 “Definitions” of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding and is to read as follows:

Sec. 6-1 - Definitions

Animal Rescue Organization means a non-profit organization incorporated under the laws of any state, exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purposes include preventing animal cruelty, rescuing sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and adopting animals to responsible persons. This term does not include any organization breeding animals, located on the site of an animal breeder, has employees working for an animal breeder, receives other forms of payment that are not monetary, or facilitates the sale of animals obtained from an animal breeder.

Pet Shop or Store means a brick-and-mortar retail store where animals are kept, sold, or offered for sale on premises. This term includes any owner, operator, agent, or employee. An animal rescue organization or animal shelter is not a pet shop or store.

That Chapter 6, “Animals,” Article 1, “In General,” Section 6-12, “Sale of Animals” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 6-12 – Sale of Animals

- a. Pet Shop or Store.** A pet shop or store shall not sell lease, offer for sale, trade, give away or otherwise transfer a dog or cat, unless the animal was obtained from a city or county animal shelter or an animal rescue organization.
 - 1.** The pet shop or store must post on the enclosure for each dog or cat offered for sale the name, address, and contact information of the animal shelter or animal rescue organization from which the animal was obtained.
 - 2.** The pet shop or store must retain for at least three (3) years after a sale of a dog or cat, documentation stating where the animal was obtained and amount paid for the animal.
- b. Outdoor Sales.** Except as may be allowed pursuant to other applicable law, the outdoor sale of animals is prohibited.