

**ORDINANCE NO. 2276**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EULESS, TEXAS, CHAPTER 10, "ANIMALS," ARTICLE III, "CARE AND CONTROL"; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Euless ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council is empowered under the Texas Local Government Code to adopt ordinances and rules for the orderly and beneficial operation of City Government and the welfare of the citizens of Euless; and

**WHEREAS**, the City Council has adopted Chapter 10, "Animals" of the Euless Code of Ordinances, for the purpose of promoting the health, safety, morals, and general welfare of the city. This chapter contains standards regulating the use, type, location, maintenance, registration, confinement, destruction, and harboring of certain animals. The intent of these regulations, prohibitions, and provisions is to protect property values within the city, to enhance the quality of life of persons, pets and other animals, and to protect the general public from damage and injury which may be caused by unregulated animals; and

**WHEREAS**, the City Council desires to amend Chapter 10 to provide more specific regulations concerning the sale of animals to better address the general health, safety and welfare of the citizens of Euless.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS, THAT:**

**SECTION 1.**

Chapter 10, "Animals," Article III. "Care and Control," is hereby amended through the addition of the following:

**Sec.10-77 Commerce in Live Cats and Dogs**

- a) A person commits an offense if the person exchanges a cat or dog for consideration, regardless of the age of the cat or dog, at a location other than where the cat or dog was born.
- b) A person commits an offense if the person sells, trades, barter, leases, rents, gives away, or displays for a commercial purpose a cat or dog on a roadside, public

right-of-way, parkway, median, park, playground, swimming pool, other recreation area, commercial or retail parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.

c) This section does not apply to:

- 1) The city animal control center or a not-for-profit 501(c)(3) animal welfare, rescue or adoption organization;
- 2) A mobile pet adoption event at which consideration is paid if it is operated by an organization that is exempt pursuant to Subsection (c)(1) of this Section.

d) It is an affirmative defense to prosecution under subsections (a) and (b) above that the person is working on the behalf of a veterinary clinic; animal hospital; animal shelter; not-for-profit 501(c)(3) animal welfare, rescue or adoption organization; bona fide zoological park; circus; educational institution; museum; licensed laboratory; publicly owned nature center; bona fide educational or scientific association or society approved by the director of health; or organization holding permits from an agency of the state or the United States for the care and keeping of animals for rehabilitative purposes.

## **SECTION 2.**

**CUMULATIVE CLAUSE.** This Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

## **SECTION 3.**

**SEVERABILITY CLAUSE.** It is hereby declared to be the intention of the City Council of the City of Euless that the sections, paragraphs, sentences, clauses, and phrases 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, or 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.

## **SECTION 4.**

**SAVINGS CLAUSE.** That the Code of Ordinances, City of Euless, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance. All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation of commerce in live cats and dogs within the City which have accrued at the time of the effective date

of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.**

**PENALTY FOR VIOLATION.** Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-12, "General Penalty," Eules Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

**SECTION 6.**

**PUBLICATION CLAUSE.** The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Eules, in compliance with the provisions of Article II, Section 12, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

**SECTION 7.**

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication, as provided by the Eules City Charter and the laws of the State of Texas.

**PRESENTED AND PASSED ON FIRST AND FINAL READING** at a regular meeting of the Eules City Council on April 13, 2021, by a vote of \_\_\_\_ayes, \_\_\_\_nays, and \_\_\_\_abstentions.

**APPROVED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Linda Martin, Mayor

\_\_\_\_\_  
Wayne Olson, City Attorney

**ATTEST:**

\_\_\_\_\_  
Kim Sutter, TRMC, CMC, City Secretary