

AGENDA – WORKSHOP OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, MARCH 5, 2012, AT 6:45 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP:

1. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE PROPOSED REVISIONS TO THE ANIMAL CONTROL CODE OF ORDINANCES. *Mr. Jon R. Branson, Assistant City Manager.*
2. **COUNCIL INPUT AND DISCUSSION:** REGARDING COUNCIL GOAL – XI, A, OTHER TOPICS FOR RESEARCH “DEVELOP COMPREHENSIVE COMMUNICATIONS STRATEGY TO TELL PEARLAND’S STORY.” *Ms. Sparkle Anderson, Public Affairs Director.*
3. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE DISCUSSION OF AN ETHICS ORDINANCE. *City Council.*

III. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.

Workshop Item No. 1

1. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE PROPOSED REVISIONS TO THE ANIMAL CONTROL CODE OF ORDINANCES.
Mr. Jon R. Branson, Assistant City Manager.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF:	March 5, 2012	ITEM NO.:	Workshop Item No. 1
DATE SUBMITTED:	February 27, 2012	DEPT. OF ORIGIN:	Administration
PREPARED BY:	Jon R. Branson	PRESENTOR:	Jon R. Branson
REVIEWED BY:	Bill Eisen	REVIEW	February 27, 2012
SUBJECT: Proposed Revisions to the Animal Control Code of Ordinances			
EXHIBITS: Animal Control Code of Ordinances Recommended; Animal Control Code of Ordinances Redlined; By-Laws Recommended; Description of Recommended Changes			
FUNDING:			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
EXPENDITURE REQUIRED: \$		AMOUNT BUDGETED: \$	
AMOUNT AVAILABLE: \$		PROJECT NO.: NA	
ACCOUNT NO.: 010			
ADDITIONAL APPROPRIATION REQUIRED: NA			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
Finance	Legal	Ordinance	Resolution

EXECUTIVE SUMMARY

In accordance with Council Goal X, A, "Comprehensive review of Ordinances", the Animal Control Advisory Committee began their review of the Animal Control Code of Ordinances on June 16, 2011 and subsequently met on September 28, 2011 and again on January 11, 2012 to review and consider amendments to the Ordinance. At their January 11, 2012 meeting, the Animal Control Advisory Committee unanimously voted to approve a motion recommending the proposed changes to the Ordinance.

The Animal Control Advisory Committee is also recommending a set of By-Laws for the Committee to operate under. The Advisory Committee unanimously voted to approve a motion recommending the proposed By-Laws.

BACKGROUND

As directed by City Council, the Animal Control Advisory Committee conducted a comprehensive review of the Animal Control Code of Ordinances and is ready to discuss those proposed changes with City Council in a workshop format.

SCOPE OF CONTRACT

NA

BID AND AWARD

NA

SCHEDULE

NA

POLICY/GOAL CONSIDERATION

NA

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

NA

O&M IMPACT INFORMATION

NA

RECOMMENDED ACTION

Conduct an interactive workshop between the Animal Control Advisory Committee and City Council to discuss the proposed changes to the Animal Control Code of Ordinances.

ARTICLE I. - IN GENERAL

ARTICLE II. - RABIES AND DISEASE CONTROL

ARTICLE III. - VICIOUS ANIMALS

ARTICLE IV. - DOGS AND CATS

ARTICLE V. - KENNELS

ARTICLE VI. - IMPOUNDMENT

ARTICLE VII. - ANIMAL SHELTER ADVISORY COMMITTEE

ARTICLE I. - IN GENERAL

Sec. 6-1. - Animal control officer.

For the purposes of the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code ch. 826), the animal control officer of the city is hereby designated as the local health authority, and such officer, together with such assistants as may be appointed by said officer, shall have the duties and powers set forth in said act.

Sec. 6-2. - Definitions.

When used in this chapter, the following words and/or phrases shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

Animal control officer: The person appointed to serve in the capacity of animal control officer of the city or any deputy or assistant of the animal control officer of the city.

At large: The going upon public or private property by an animal without the owner or person in charge thereof having direct physical control over such animal. In addition, any animal which is staked or tied down shall be considered to be at large, unless such animal is confined in a fenced yard or other fenced enclosure. Further, any animal left unattended in any vehicle in such manner that such animal is capable of extending his head beyond the physical bounds of such vehicle or outside such vehicle shall be considered to be at large.

Cat: All domestic species or varieties of the genus felis catus, male or female, four (4) months of age or older.

Department: The animal control department of the City of Pearland.

Dog: All domestic species or varieties of the genus canis familiaris, male or female, four (4) months of age or older.

Humane organization: A nonprofit organization or corporation which maintains a permanent shelter facility within the city for the care and custody of sick, injured, lost, abandoned or strayed animals and which provides veterinary services for the care of the animals kept there, which services are provided by a licensed veterinarian.

Kennel: Any lot, premise, building, structure or enclosure whereon or wherein six (6) or more dogs, cats or any combination thereof, over the age of six (6) months, are kept or maintained. This definition shall include shelter facilities operated by humane organizations, but shall exclude veterinary hospitals.

Owner: Any person or persons owning, possessing, harboring, keeping or sheltering any animal.

Unprovoked attack: *Unprovoked* with respect to an attack by an animal shall mean that the animal or their owner was not hit, kicked or struck by a person with an object or part of a person's body, nor was any part of the animal's body pulled, punched or squeezed by a person.

Veterinarian: Any person duly licensed to practice as a doctor of veterinary medicine by the licensing authority of the State of Texas or other jurisdiction whose licensing is reciprocal with the State of Texas.

Wild animal: Any mammal, amphibian, reptile or fowl which is of a species that is wild by nature and of a species which, due to size, vicious nature or other characteristics is dangerous to human beings (Does not include Raptors and Falcons that are licensed or hold valid permit issued by the State of Texas). Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, bears, wolves, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys, foxes, elephants, rhinoceroses, crocodiles, alligators and all forms of venomous reptiles, but such term shall not include animals expressly allowed in this chapter.

[Sec. 6-3.](#) - Animal at large—Prohibited.

It shall be unlawful for any person to allow or permit any animal or fowl to be at large within the territorial limits of the city.

- (a) Defecation by Dogs or Cats – It is the responsibility of each person in control of a dog or a cat to promptly remove and dispose of, in a sanitary manner, feces left by such dog or cat.
- (b) It shall be the duty of each person in control of a dog or cat to be in possession of materials to remove feces left by such dog or cat.

Cross reference—Vicious animals at large, § 6-47.

[Sec. 6-4.](#) - Same—Responsibility.

The owner or any other person having the right of possession of an animal shall ensure that such animal shall not be at large in violation of this chapter and shall be subject to punishment under the provisions of same without regard to whether he was acting with a culpable mental state.

[Sec. 6-5.](#) - Nuisance abatement.

(a) *At large.* Any animal or fowl at large within the territorial limits of the city is hereby declared to be a nuisance, and the animal control officer of the city is hereby empowered to use all reasonable means necessary to abate such nuisance when the same exists within the city.

(b) *Noise.* Any animal or fowl, which by the loud and habitual making of noise shall cause serious annoyance within the neighborhood where such animal or fowl is kept, is hereby declared to be a nuisance, and the keeping harboring or possession of such animal or fowl is hereby declared to be unlawful, and any court having jurisdiction over either such animal or fowl or any person keeping, harboring or possessing the same shall have the authority to require the abatement of such nuisance.

[Sec. 6-6.](#) - Micro-Chip

Any animal that bites, scratches or otherwise attacks any person or other animal while off the premises of the owner shall have a Micro-Chip inserted under the skin of the animal containing an identification number corresponding to records maintained by the department of such animal. Such Micro-Chip shall be placed on such animal immediately after the impoundment expires and, even if impoundment is not required, immediately after the expiration of the ten-day observation period provided in section 6-33 hereof. The Micro-Chip will be affixed to the animal at the owner's expense.

Cross reference—Impoundment, § 6-82 et seq.

[Sec. 6-7.](#) - Care and feeding of animals.

All animals shall be fed with a quantity of good, wholesome food sufficient to keep them in a good, well-nourished condition, and such food shall be served to such animals in a clean, sanitary manner. All animals shall be provided with pure, clean water in sufficient quantities at all times and adequate shelter to protect them from the elements.

[Sec. 6-8.](#) - Destruction of wounded animals.

When from any cause it may happen that any animal within the city shall be so wounded, maimed or injured as to render its recovery hopeless in the opinion of the animal control officer, such officer may cause such animal to be destroyed. Such destruction shall be in a manner as determined by the animal control officer to be the most effective and least painful, considering attendant circumstances. Upon destruction, such officer shall cause the carcass of such destroyed animal to be lawfully removed and disposed of. Such officer shall thereafter document and file a written report stating:

- (1) A description of the animal destroyed, and the name of its owner, if known;
- (2) The injury making the destruction necessary; and,

- (3) The names of any witnesses to such injury and/or destruction.
- (4) The destruction method.
- (5) The method in which the animal was disposed.

Sec. 6-9. – Swine - Goats.

(a) *Swine, prohibited; exception.* It shall be unlawful for any person to keep or maintain within the territorial limits of the city one or more hogs, swine or pigs. This subsection shall not apply to hogs, pigs, or swine kept and maintained on property owned by a public school district and utilized for educational purposes.

(b) *Goats.* Any person, firm or corporation desiring to keep one or more goats must first make application to the animal control officer for a goat permit. The animal control officer shall issue such permit only if the place where same are to be kept is at least one fourth ($\frac{1}{4}$) acre in size and such place is at least one hundred fifty (150) feet from the nearest private residence not that of the owner or keeper of such animal(s). Further, no more than one additional such animal may be kept per each additional one-fourth ($\frac{1}{4}$) acre of land. The fee for such permit shall be as may be from time to time established by city council and kept on file in the office of the city secretary.

Sec. 6-10. - Restrictions on keeping animals within the city limits—Horses.

It shall be unlawful for any person to keep, possess or maintain any horse, mule, donkey or other animal of the equine family on any parcel of land less than one-half ($\frac{1}{2}$) acre in size. Further, no more than one additional such animal may be kept per each additional one-half ($\frac{1}{2}$) acre of land, unless otherwise approved in a specific use permit as provided for in the Land Use and Urban Development Ordinance, Section 23. It shall further be unlawful for any person to keep, possess or maintain any horse, mule, donkey or other animal of the equine family within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.

Sec. 6-11. - Same—Cattle and other Ruminants

It shall be unlawful for any person to keep, possess or maintain any cow, calf, steer or bull and/or other Rudiments on any parcel of land less than one (1) acre in size. Further, no more than one additional such animal may be kept per each additional acre of land. It shall further be unlawful for any person to keep, possess or maintain any cow, calf, steer or bull within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.

Sec. 6-12. - Same—Chickens, geese, ducks. (This section is still under review and will be considered at the next regular Advisory Committee meeting)

It shall be unlawful for any person to keep, possess or maintain any chicken, goose or duck, or any combination thereof regardless of gender, on any parcel of land less than one (1) acre in size. Further, no more than one hundred (100) of such fowl may be kept per acre of land. It shall further be unlawful for any person to keep, possess or maintain any chicken, goose or duck, or any combination thereof regardless of gender, within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.

Sec. 6-12.5. - Restrictions on keeping ratites within the city limits.

It shall be unlawful for any person to keep, possess or maintain an adult pair of any species or subspecies of ratites, with the exception of ostrich which will not be allowed, on any parcel of land less than one-quarter ($\frac{1}{4}$) acre in size. No more than one (1) additional pair of such animal may be kept per each additional one-quarter ($\frac{1}{4}$) acre of land. It shall further be unlawful for any person to keep, possess or maintain any species or subspecies of ratites without complying with the following:

- (a) Registration through the City of Pearland Animal Control Department will require information and documentation relating to the owner; name, address, location and number of animals and, phone number including emergency phone numbers for his/her veterinarian in case of emergencies.
- (b) Upon registration the requesting party will receive a copy of the requirements covering ratites, which will include the following criteria:
 - (1) Double six-foot fencing around any area enclosing animals.
 - (2) Animals shall not be kept, possessed or maintained within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.
 - (3) Each enclosure (pen) must be kept locked and designed so that no one can enter or place appendages in the enclosure with the exception of feeding the animal.
 - (4) Each enclosure must be constructed so as to knowingly prevent the animal from escaping.
 - (5) Each enclosure must be kept in good repair to prevent both escape and injury to the animal.
 - (6) Cleanliness of the enclosure and the size of the enclosure, in ratio to the number of birds, shall be maintained to promote the health of the bird(s).
- (c) In no way shall this section be construed to allow a use that is not allowed by the City of Pearland Land Use and Urban Development Ordinance.

[Sec. 6-13.](#) – Same - Rabbits

It shall be unlawful for any person to keep, possess or maintain any rabbits or any pens, enclosures, hutches, cages or other structures wherein any such animals are kept, possessed or maintained, within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animals.

[Sec. 6-14.](#) - Method of measuring distances.

For the purpose of determining compliance with the provisions of this chapter, distances shall be measured in a straight line from the nearest point of the shed, stable, barn, pen or enclosure or area in which the animal is contained to the nearest point of such actual residence or building used for human habitation.

Cross reference—Minimum distance required from a kennel to a place of human habitation, § 6-76.

[Sec. 6-15.](#) - Storage, disposal of manure.

(a) Every person owning or leasing any premises where animals are kept shall maintain a substantial and sufficient receptacle for manure, which shall be so constructed and kept so as to protect the contents from rain and so screened as to prevent access to flies, and all manure from any and all such animals shall be placed in such receptacle.

(b) Every person owning or leasing such premises where animals are kept shall have all manure from such animals removed from the premises not less than twice each week, and at no time shall the manure be allowed to accumulate in such manner as to become or otherwise constitute a nuisance or health hazard.

(c) In no event shall any manure be thrown or deposited in or upon any street or public place, or allowed to remain in such places. Further, no person hauling or transporting manure shall transport or haul the same in a manner so as to allow the same to litter the public streets or other public property.

[Sec. 6-16.](#) - Bird sanctuary; shooting, catching birds prohibited.

(a) The city is hereby declared to be a bird sanctuary, and the director of transportation is hereby authorized to erect appropriate signs and other markers, at highway entrances to the city and at other places, to evidence the same.

(b) It shall be unlawful for any person to shoot or attempt to shoot or kill with any firearm, air rifle, bow and arrow, slingshot or other apparatus, or to trap, ensnare or otherwise catch any wild bird, regardless of age, within the city.

[Sec. 6-17.](#) - Guineas, peafowl, prohibited.

It shall be unlawful to keep or maintain any guinea hen, guinea fowl or peafowl, regardless of gender, within the city.

[Sec. 6-18.](#) - Location restrictions on fowl.

It shall be unlawful for any person to keep, possess or maintain any variety or species of fowl not expressly mentioned herein, with the exception of parakeets, canaries or similar domesticated birds, unless the same are kept according to and in full compliance with the lot size and distance provisions of section 6-12 hereof relating to other domestic fowl.

[Sec. 6-19.](#) - Sale of animals prohibited.

(a) It shall be unlawful to sell, offer for sale, barter, and lease or give away a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, flea market or similar event within the City Limits or the City's Extraterritorial Jurisdiction.

(b) This section does not apply to an agent of a business that has a certificate of occupancy from the City authorizing the occupancy of the premises for the purposes of operating a business of selling pets.

[Sec. 6-20.](#) - Coloring of animals prohibited.

It shall be unlawful to dye, stain or otherwise alter the natural color of any fowl or live stock within the city.

[Sec. 6-21.](#) - Restrictions on keeping wild animals.

(a) It shall be unlawful to keep, possess or maintain, or to cause to be kept, possessed or maintained, any wild animal within the city, unless such wild animal is:

- (1) Contained within a licensed and permitted zoo
- (2) Is licensed by the State of Texas as a licensed Raptor or Falcon
- (3) Contained by a licensed and permitted Wildlife Rehabilitator

(b) Any person, firm or corporation which violates any of the provisions of this section shall be subject to a minimum fine of two hundred dollars (\$200.00), and each day such violation is allowed to continue shall constitute a separate violation.

(c) If any person, firm or corporation is found guilty of the offense of animal-at-large (under section 6-3 hereof), and that animal is a wild animal, such person, firm or corporation shall be subject to a minimum fine of two hundred dollars (\$200.00).

[Sec. 6-22.](#) - Attractive environment for unconfined animals.

It shall be unlawful for any person knowingly to cause or permit the maintenance of an attractive environment for any dog, cat or other animal, by the placement of food or other means, which is not confined in a fenced or otherwise restrictive area, and which is not registered as provided herein. It is a defense to prosecution under this section that the person placed the food or other attractive environment solely for the purpose of apprehending an animal for surrender to a humane organization or to the animal control officer.

[Sec. 6-23.](#) - Penalty for violation.

Any person, firm or corporation who violates or fails to comply with the requirements and/or provisions of this chapter shall be deemed guilty of a misdemeanor, and shall, upon conviction by a court of competent jurisdiction, be punished by a fine of not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day such violation or failure to be in compliance shall exist shall be deemed to constitute a separate offense. Provided, however, that where a specific penalty is provided within any of the sections hereof, such specific penalty will control over the general penalty.

[Secs. 6-24—6-32.](#) - Reserved.

[ARTICLE II. - RABIES AND DISEASE CONTROL](#)

[Sec. 6-33.](#) - Rabies control.

(a) General provisions:

(1) *Impoundment—By the animal control officer.* Except as provided in subsection (a) (2) below, every animal that has rabies or exhibits symptoms thereof, and every animal that bites, scratches or otherwise attacks any person or another animal within the city shall be impounded summarily and held under observation by the animal control officer for ten (10) days. If the owner desires, such animal may be confined for observation in a veterinary clinic approved by the animal control officer, at the owner's sole expense, for the required ten-day period. The veterinarian in charge of such clinic shall, prior to such approval, certify to the animal control officer that he is willing and able to care for and confine the animal as required herein.

(2) *Same—At home.* Any animal with a current rabies vaccination, as evidenced by a veterinarian's certification, that bites, scratches or otherwise attacks any person or another animal within the city limits may, upon approval by the animal control officer, be confined and quarantined on the owner's premises for the requisite ten-day period for rabies observation, provided that the animal is examined by a veterinarian at the beginning of the quarantine period and again ten (10) days later, and provided further that his written findings are submitted to the animal control officer within three (3) days after such examinations.

(3) *Penalty.* Any owner or keeper of any animal subject to impoundment under this section, who fails to keep the animal confined, fails to have the animal examined by a veterinarian or

refuses to surrender the animal for required confinement shall, upon conviction by a court of competent jurisdiction, be subject to a minimum fine of two hundred dollars (\$200.00).

(b) No animal which has rabies shall be allowed at any time on the public streets or ways of the city. No animal suspected of having rabies shall be allowed at any time on the public streets or ways of the city unless such animal has been released from observation by the animal control officer.

(c) The owner, keeper or person in charge of any animal that has rabies or has exhibited symptoms thereof, or that has been exposed to rabies, or that has bitten, scratched or otherwise attacked any person or another animal within the city shall, on demand, surrender such animal to the animal control officer or his designee.

(d) The body of any animal that has died of rabies shall not be disposed of except as directed by the animal control officer.

(e) The animal control officer shall check and record all cases of rabies and suspected rabies. Such records shall not be destroyed for five (5) years without permission of the city manager.

(f) In accordance with State Law, Health and Safety Code, Title 10, Rabies, Sec. 826.041., Any person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the local rabies control authority of the county or municipality in which the person lives, in which the animal is located, or in which the exposure occurs.

Sec. 6-34. - Veterinarians to report diseases.

Any veterinarian or other person who is called to examine or professionally attend to any animal within the city having glanders, farcy, rabies, leptospirosis, tuberculosis or other communicable diseases shall, within forty-eight (48) hours thereafter, report in writing to the department the following facts:

- (1) The location and identity of such animal;
- (2) The owner's name and address; and,
- (3) The type and character of the disease.

Secs. 6-35—6-42. - Reserved.

ARTICLE III. - VICIOUS ANIMALS

Sec. 6-43. – Animal Control Board—Created; constitution.

(a) There is hereby created an Animal Control Board of the city for the purpose of determining which animals, by virtue of their dangerous or vicious propensities, constitute such a danger to the health, safety and welfare of the citizens of the city that their destruction is required in the public interest. Such board shall be constituted by the following five (5) persons who shall be appointed by the city council for three-year terms:

- (1) A licensed veterinarian of the State of Texas; and,
- (2) Any four (4) residents of the city.

(b) The board may enact its own bylaws, subject to city council approval, relating to selection of the board chairman and other officers, attendance at meetings and similar matters, so long as such bylaws are not in conflict with state law, the city Charter or city ordinances.

[Sec. 6-44.](#) - Same—Duties, powers.

(a) It shall be the duty of such board to investigate all animal bites of a life-threatening or disfiguring nature and all bites upon humans or other animals which cause bodily injury.

The board will convene at the request of the animal control officer or a duly filed complaint by any citizen of the city concerning an animal which is believed to be a vicious or dangerous animal. A sworn, written complaint must be filed with the animal control officer of the city as follows:

- (1) Name, address and telephone number of the complainant and the same for any witnesses;
- (2) Date, time and location of any incident involving the animal;
- (3) Description of the animal;
- (4) Name, address and telephone number of the animal's owner if known;
- (5) A statement regarding the animal which is believed to be a vicious and dangerous animal, stating the facts upon which such complaint is based;
- (6) A statement that the animal has exhibited vicious propensities in past conduct if known; and
- (7) Other facts or circumstances of the incident.

(b) The board shall determine which such animals shall be considered vicious animals, and such finding may be justified when:

- (1) The biting animal has been previously Micro-Chipped as described in Section 6-23 hereof;

- (2) The animal bite was unprovoked or;
- (3) The biting animal has been trained to fight or actually used for fighting or;
- (4) The animal has caused a bite of a life-threatening or physically disfiguring nature while off the premises of the owner of such animal.

Sec. 6-45. - Same—Hearings, procedures.

(a) Such board investigations shall be conducted in hearings open to the public and notice thereof shall be posted as required by law. The owner of such animal shall be notified of such hearing by the animal control officer prior to the date of hearing, and shall have the right to appear at such hearing, in person or through counsel, and present evidence as may be germane to such investigation.

(b) A majority of the duly appointed members of the board shall constitute a quorum for the conduct of business. A majority of those members voting at any such hearing or investigation shall be sufficient for final action to be taken on any pending matter.

Sec. 6-46. - Decision to destroy.

Any vicious animal which, in the determination of the board as described by State Law, constitutes a clear and present danger to the public safety such that the continued presence of the animal in the city places one or more members of the public in danger of serious bodily injury shall be ordered destroyed or removed from the city; and the owner shall give the animal control officer the name and address of where the animal was relocated. The animal control officer shall notify the proper authorities at the final destination.

Sec. 6-47. - Vicious animal at large; penalty.

If any person, firm or corporation is found guilty of the offense of animal-at-large (under section 6-3 hereof), and that animal has been declared a vicious animal by the board, such person, firm or corporation shall be subject to a minimum fine of one thousand dollars (\$1,000.00).

Cross reference—Animals and fowl running at large within the city, § 6-3.

Secs. 6-48—6-53. - Reserved.

ARTICLE IV. - DOGS AND CATS

Sec. 6-54. - License—Required; exceptions.

(a) No person shall own, keep, possess or have control over any dog or cat within the city unless such person has a current city license for such dog or cat, provided that a city license shall not be required for:

- (1) Dogs and cats under the age of four (4) months which are confined in a place owned or under the possession of the person having ownership, possession or control of the dog or cat within an enclosure which is sufficient to prevent escape therefrom;
- (2) Dogs or cats owned by, or in the possession or control of persons who are nonresidents of the city, traveling through the city, or temporarily sojourning therein for a period not exceeding sixty (60) days;
- (3) Dogs or cats brought into the city exclusively for the purpose of entry in any bona fide show or exhibition, and which are actually entered in and kept at such show or exhibition;
- (4) Dogs or cats kept for teaching or research purposes by a medical school, veterinary school, licensed hospital or nonprofit university or college providing a degree program;
- (5) Dogs or cats kept for the purposes of medical observation or treatment in veterinary hospitals;
- (6) Dogs or cats kept in the shelter facilities of a humane organization;
- (7) Dogs or cats originally acquired by the person owning, keeping or having possession thereof within the preceding sixty (60) days; or
- (8) Dogs or cats owned by or in custody or under control of persons who have been residents of the city for sixty (60) days or less.

The exceptions provided in the subparagraphs (a)(2) through (a)(8) above, shall not be applicable to any dog or cat which is being kept in any boarding kennel, boarding cattery or other facility which temporarily keeps dogs or cats in consideration of any fee or other compensation. Only exception number (a) (1) above, and exception number (a) (9), below, shall apply to an animal which is being kept in such a facility.

- (9) The dog or cat which is owned by a person who does not reside within the city and:
 - a. The animal has been vaccinated for rabies by a veterinarian within the preceding period of three (3) years; and
 - b. The animal has a current license as issued by the city, county or other applicable licensing authority governing the licensing of animals in the place where the animal is normally kept by its owner.

In any prosecution under this section, the burden shall be upon the defendant to establish as an affirmative defense that one of the exceptions set out in subparagraphs (a)(1) through (a)(9), above, is applicable.

(b) No person shall permit any dog or cat on any premises under his ownership, possession or control unless there is a current license issued for such dog or cat; provided, however, it shall be an affirmative defense that the animal is not required to have a license pursuant to any applicable exception listed in subsection (a) above.

[Sec. 6-55.](#) - When vaccination required; evidence.

(a) No person shall own, possess or have control over any dog or cat within the city, which dog or cat is four (4) months of age or older unless such dog or cat has been inoculated by a veterinarian for rabies, with a vaccine approved by the U.S. Department of Agriculture's Veterinary Biologics Division within the immediately preceding period of three (3) years.

(b) In any prosecution under this section, the burden shall be upon the defendant to prove that the animal is not required to be vaccinated because it is less than four (4) months of age or that the animal was in fact vaccinated within the immediate preceding period of three (3) years. A certificate duly signed by a veterinarian attesting that he administered the vaccination required by this section, bearing the date and type of vaccine and the identification of the dog or cat by breed, color and sex and the vaccination tag number and the name and address of the owner shall be accepted as evidence of such vaccination.

[Sec. 6-56.](#) - Proof of vaccination required.

No animal license shall be issued unless there is exhibited to the licensing authority a certificate by a veterinarian showing that the animal to be licensed has been inoculated with a rabies vaccine approved by the U.S. Department of Agriculture's Veterinary Biologics Division in accordance with the recommendations of the manufacturer, and that such vaccination will not expire prior to the issuance of the license.

(Ord. No. 528, § 1(36), 9-22-86)

[Sec. 6-57.](#) - Licensing authority.

Licenses required herein shall be issued by the department or its designees.

[Sec. 6-58.](#) - Duration; transfer of license.

(a) A continuous term license shall expire upon the first occurrence of any of the following events:

(1) Any lapse of the rabies vaccination for the animal;

(2) The death of the animal;

(3) Upon the thirtieth day next following any change of ownership of the animal, unless the license has been amended by such date; or

(4) Upon the thirtieth day next following any change of the address of the animal's owner unless the license has been amended by such date.

(b) An annual term license shall expire upon the first occurrence of any of the following events:

(1) The expiration of three (3) years from the date of the rabies vaccination which was evidenced by the rabies vaccination certificate furnished to obtain the license;

(2) The death of the animal;

(3) Upon the thirtieth day next following any change of ownership of the animal, unless the license has been amended by such date; or

(4) Upon the thirtieth day next following any change of the address of the animal's owner unless the license has been amended by such date.

(c) In the event of a change of ownership of the licensed animal or in the event of a change of address of the licensed animal's owner, then the department may cause the license to be amended to reflect such change of owner or address, provided that an application for amendment is received by the department within the thirty-day period next following the date of the change. The department may promulgate forms and administrative rules as required for the orderly administration of license amendments and applications therefore. A copy of the administrative rules shall be maintained for public inspection in the offices of the department and the city secretary. No fee shall be imposed for an amendment.

(d) An expired license is of no force and effect. A new license must be obtained on or before expiration if the animal remains subject to licensing by the city hereunder.

[Sec. 6-59.](#) - Records of licensure.

At the time of issuance of each dog or cat license hereunder, the department or its designee shall furnish a numbered license tag which shall be worn by the animal to evidence the issuance of the city license hereunder. The license tag so issued shall be valid for so long as the animal's license remains valid. The department shall maintain a record of all licenses issued under this article, which shall show the name and address of each person issued a license, the number of the license tag furnished, a description of the animal for which the license is issued, the date of issuance, fees paid, the place of issuance and type of rabies vaccination administered with date of inoculation, and other appropriate information.

[Sec. 6-60.](#) - License tag—To be worn.

(a) It shall be the duty of each person having ownership of a dog or cat for which a license is required to be issued under this article to ensure that the license tag furnished by the licensing authority in conjunction with the issuance of the animal's license is worn by the animal at all times. It is a defense to prosecution hereunder that the dog or cat was confined within a building or other totally enclosed structure under the ownership, possession or control of the person having possession of the animal at the time that the animal was not wearing a license tag.

(b) In any prosecution under this article it shall be presumed that no valid license has been issued for an animal hereunder unless the animal was wearing a valid license tag furnished pursuant to section 6-59 hereof at the time of the alleged offense.

[Sec. 6-61.](#) - Same—Replacement tags.

In the event of loss or destruction of a license tag, replacement tags shall be available from the department for the payment of a fee, from time to time established by the city council and reflected on the fee schedule maintained in the office of the city secretary, upon satisfactory proof that the dog or cat in question was properly licensed.

[Sec. 6-62.](#) - Same—Counterfeiting; destruction of tags.

The following acts are declared to be unlawful:

- (1) The counterfeiting of dog or cat licenses or tags.
- (2) The willful and malicious destruction of dog or cat license tags.

[Sec. 6-63.](#) - License fees.

The fees for the licensing of animals as required herein shall be as from time to time established by city council, as reflected on the fee schedule maintained in the office of the city secretary.

[Sec. 6-64.](#) - Veterinarian as designee.

The department may designate, when practicable, licensed veterinarians to collect the annual licensing registration fee. A licensed veterinarian who has been so designated shall, when practicable, register dogs and cats and collect the annual licensing registration fee under the following terms and conditions:

- (1) A licensed veterinarian who vaccinates a dog or cat for rabies, registers the animal and collects the annual licensing registration fee shall issue a rabies vaccination tag and a license as appropriate, and send to the department all information regarding said license as required in accordance with this chapter.

(2) A licensed veterinarian who has been designated to collect the annual licensing registration fee shall have all necessary forms and tags for registration provided to him by the department. The department shall determine the criteria and procedures that must be followed by veterinarians designated to collect said licensing registration fees, establish a collection procedure for the fees, and a format for the tags.

[Secs. 6-65—6-70.](#) - Reserved.

[ARTICLE V. - KENNELS](#)

[Sec. 6-71.](#) - Kennel license required.

Any person, firm or corporation in the city conducting, managing or maintaining a kennel shall obtain a license to do so from the department and pay a yearly licensing fee to cover the costs of inspection of same by the department which fee shall be set by city council, as reflected by the fee schedule maintained in the office of the City Secretary. However, no such kennel license shall be issued where the person, firm or corporation applying therefore is in violation of any law of the State of Texas or ordinance adopted by the City of Pearland.

[Sec. 6-72.](#) - Inspection required.

It shall be required that a sanitary inspection of the premises be made by the department or by a veterinarian selected by the department prior to the issuance of a kennel license as required hereinabove.

[Sec. 6-73.](#) - License to be displayed.

The kennel license issued under this article shall be displayed in a manner visible to the public at the premises.

[Sec. 6-74.](#) - Records of licenses.

The department shall keep a permanent record of all kennel licenses issued pursuant to this article, and such record shall show the name of the person, firm or corporation to which such license is issued, the name and address of the kennel, the date issued and fees paid therefor.

[Sec. 6-75.](#) - Suspension of license; hearing.

(a) *Grounds for suspension.* The department may suspend any kennel license if any of the following conditions exist at the kennel:

- (1) Animals at the kennel are being deprived of necessary food, care or shelter;
- (2) Animals at the kennel are being cruelly confined or are otherwise being cruelly treated; or

(3) Unsanitary conditions exist at the kennel to such an extent that those conditions create a possible medium for the transmission of disease to the animals kept there or to human beings.

Such a suspension is effective upon service of notice as set out below. Whenever a kennel license is suspended no animal shall be accepted or placed in the kennel and all animals at the kennel on the date the license is suspended shall be removed therefrom as soon as possible, but in no event shall any animal remain in the kennel more than ten (10) days after the date the license was suspended unless it has been reinstated prior to that time.

(b) *Written notice of suspension; hearing.* Whenever a license is suspended, written notice shall be given to the licensee, the person in charge of the kennel or any employee or agent of the licensee.

(1) Contents of notice. Such notice shall set forth:

- a. The specific conditions existing at the kennel which are grounds for suspension of the license pursuant to subsection (a) above;
- b. That a hearing will be held before the city manager or his designate;
- c. The date, time and place of such hearing; and
- d. That the licensee may appear in person and/or be represented by counsel and may present testimony and cross-examine all witnesses.

(2) Conduct of hearing:

- a. Such hearing shall be held not later than seven (7) days after the date the license is suspended.
- b. The following rules shall apply to such hearing:
 1. All parties shall have the right to representation by a licensed attorney though an attorney is not required;
 2. Each party may present witnesses in his own behalf;
 3. Each party has the right to cross-examine all witnesses; and
 4. Only evidence presented before the hearing officer at such hearing may be considered in rendering the order.

(3) Failure to appear. If the licensee fails to appear at the hearing at the time, place and date specified, the city shall present sufficient evidence to establish a prima facie case showing that conditions exist at the kennel which are grounds for suspension of the license pursuant to subsection (a) above.

(c) *Findings of hearing officer.* If the hearing officer finds conditions which were stated in the notice for grounds for suspension of the license pursuant to subsection (b) above in fact do exist at the kennel, the hearing officer shall order the license suspended. Provided, however, if the hearing officer finds that the needs of the animals and of public interest will be adequately protected by a warning, he may reinstate the license.

If the hearing officer finds that on the date of the hearing no conditions exist at the kennel which were set out in the notice as grounds for suspension of the license, he shall order such license reinstated. However, reinstatement of such license shall not preclude the city from seeking revocation of the license as set out below.

A copy of the findings and order of the hearing officer shall be served on the licensee, or if the address of the licensee is unknown or the notice has been sent certified mail, return receipt requested, and has been returned undelivered, such notice shall be served on the person in charge of the kennel or on any employee or agent of the licensee.

(d) *Correction of conditions; inspection; reinstatement of license.* Whenever the reason for a suspension no longer exists, the licensee or person in charge of the kennel shall notify the department that the conditions under which the license was suspended have been corrected and that an inspection is requested. Such inspection shall be conducted as soon as possible after receiving the request and in no event shall be later than three (3) regular working days after the receipt of the request for an inspection. If such inspection shows that the conditions were in fact corrected, the license shall be reinstated unless the city has given notice that it is seeking revocation of the license.

(e) *Conditions for revocation.* A license to operate a kennel may be revoked if:

- (1) Animals at the kennel are being deprived of necessary food, care or shelter; or
- (2) Animals at the kennel are being cruelly treated; or
- (3) Unsanitary conditions exist at the kennel to such an extent that those conditions create a possible medium for the transmission of the disease to the animals kept at the kennel or to human beings; and,
- (4) Conditions stated in subsection (e)(2) and/or (e)(3) above have existed on two (2) or more occasions at the kennel after the kennel has been warned of such conditions by officials of the health department; or
- (5) There have been two (2) or more suspensions of the kennel license and conditions which were grounds for such suspensions did in fact exist at the time of the suspension; or
- (6) The licensee is shown to have previously committed any offense involving cruelty to animals; or

(7) The licensee has knowingly employed any person at the kennel or allowed any person to work at the kennel who has been previously convicted of any offense involving cruelty to animals.

(f) *Written notice of grounds for revocation.* Prior to revocation, written notice shall be given to the licensee or person in charge. Such notice shall set forth:

- (1) The grounds upon which the city will seek revocation of the license,
- (2) The specific conditions upon which the city will rely in seeking revocation of the license,
- (3) That a hearing will be held before the city manager or his designate,
- (4) The date, time and place of such hearing,
- (5) That the licensee may appear in person and/or be represented by counsel, may present testimony and may cross-examine all witnesses.

Such hearings shall be held in accordance with subsection (b) above. If the licensee fails to appear at the hearing at the time, place and date specified, the city shall present sufficient evidence to establish a prima facie case showing that grounds in fact do exist for the revocation of the license.

(g) *Findings of hearing officer.* After completion of the hearing, the hearing officer shall make findings as to whether or not grounds exist for revocation of the license. If the hearing officer finds that grounds do exist for revocation of the license, he shall revoke such; provided, however, if the city sought revocation for reasons under subsection (e)(1), (2) and/or (3) above and no grounds exist for revocation under (e)(4), (5), (6) or (7) above, the hearing officer may deny the request for revocation if he finds that the needs of the animals and the public interest will be adequately protected by a warning.

A copy of the written findings shall be served on the licensee. If the address of the licensee is unknown or if such findings have been sent certified mail, return receipt requested, and returned undelivered, such findings shall be served on the person in charge of the kennel or on an agent or employee of the licensee.

(h) *Removal of animals upon revocation of license.* If the license is revoked, no animal shall be accepted or placed in the kennel and all animals at the kennel on the date the license is revoked shall be removed therefrom as soon as possible, but in no case no later than ten (10) days after notice that the license has been revoked was served on the licensee, his agent or his employee.

(i) *Service of notices.* Any notice provided for in this section may be served by personal delivery or by certified mail, return receipt requested.

(j) *Nonrefundability of license fee; reinstatement of license.* In the event a license is revoked, the city shall not be liable to the licensee for any refund of any part of the license fee. Reinstatement of a license that has been revoked shall require application and payment of a permit fee as if it were an initial application; provided, however, no license shall be issued to the same licensee if the licensee has been convicted of any offense involving cruelty to animals; no license shall be issued to the same licensee within one (1) year of the date a license has been revoked; and no license shall be issued for the same location unless it is shown that adequate precautions have been taken so that the conditions under which the license was revoked shall not recur. If there is a dispute between the animal control officer and a person applying for a license for a place for which a license was revoked as to whether adequate precautions have been taken so that the conditions under which the license was revoked will not recur, the applicant may request a hearing before the city manager or his designate. Such hearing shall be conducted under the same procedures as a hearing for a revocation of a license, however the burden shall be on the applicant to show that adequate precautions have been taken so that the conditions under which the license was revoked will not reoccur.

[Sec. 6-76.](#) - Minimum distance requirements from buildings meant for human occupancy.

It shall be unlawful for any person, firm or corporation to keep, possess or maintain in the city a kennel within one hundred fifty (150) feet of any building meant for human occupation other than the residence of the keeper, possessor or owner of such kennel. Such distance of one hundred fifty (150) feet shall be measured in a straight line from the nearest point of any kennel, pen, enclosure or other structure in which the animals are kept to the nearest point of such actual residence or such actual building. This section shall not apply to any licensed kennel in existence prior to the effective date of this section.

Cross reference—Distance measured from animal enclosure to point of human habitation, § 6-14.

[Sec. 6-77.](#) - Fencing.

Any kennel which is not completely enclosed within a building and is accessible to the public shall be fenced with a solid fence or a double fence separated by a minimum distance of two (2) feet. This section does not apply to any duly licensed kennel in existence prior to the effective date of this section.

[Secs. 6-78—6-81.](#) - Reserved.

[ARTICLE VI. - IMPOUNDMENT](#)

[Sec. 6-82.](#) - Redemption of impounded animals.

(a) The person entitled to the possession of any animal delivered to the animal control center shall be entitled to have the animal delivered to him at the animal control center upon presentation of satisfactory evidence of ownership and payment of the following charges and fees as applicable, provided such animal is not infected or reasonably believed to be infected with rabies or any other infectious or contagious disease:

(1) Except as otherwise provided in this chapter, a fee shall be charged for the impoundment of any animal as may from time to time be established by city council, as reflected in the fee schedule maintained in the office of the city secretary.

However, no impoundment fee shall be charged for dogs, cats or other small animals delivered to the animal control center by the owner, or for dogs, cats or other small animals placed in custody of the animal control center for the first seventy two (72) hours because the owner of the animal has been arrested or is in the custody of the state.

(2) Purchase of a license as provided hereinabove if a dog or cat has no valid license.

(3) Reasonable expenses for the treatment of the animal for injury or illness. Any veterinarian whose services are enlisted by the animal control center is hereby specifically authorized to treat an animal for injury or illness when such treatment is found to be reasonably necessary in his judgment.

(b) The animal control officer is hereby empowered to offer for sale any and all healthy animals impounded under the terms of this article and not redeemed within three (3) days, and to sell the same for the amount of the accrued fees against such animal. The person entitled to the possession of any animal shall be entitled to redeem the same upon paying the purchaser double the amount paid by him for such animal and his reasonable expenses for keeping the same. Any animal not so redeemed within fifteen 15 days from the date of the sale shall become the absolute property of the purchaser.

(c) No animals which have been taken to the animal control center shall be redeemed or sold unless they are vaccinated for rabies, except in such instances where the appropriate official has been furnished with satisfactory proof and evidence that such animal has been inoculated with a rabies vaccine approved by the U.S. Department of Agriculture's Veterinary Biologics Division, and that such immunization will not expire within the licensing year in which such animal is to be released.

(d) The owners of all animals impounded in the animal control center shall be required to redeem the same as provided for in subsection (a) hereof and shall not be permitted to purchase such animal in lieu of paying the redemption fee.

(e) It is hereby declared unlawful to remove animals from the animal control center except in accordance with the procedures established herein and the regulations established by the department.

(f) Any dog or cat impounded in the animal control center that is claimed by the owner that has not been inoculated for rabies in accordance with such section due to illness, will be delivered to any veterinary hospital within the city, upon request of the owner thereof, for further treatment, provided, the veterinarian operating such veterinary hospital agrees to vaccinate such animal for rabies prior to releasing the animal from the veterinary hospital, and provided further, that such veterinarian also agrees to furnish a certificate evidencing the vaccination to the animal control center within ten (10) days of the release of the animal.

[Sec. 6-83.](#) – Disposal of animals not redeemed.

Animals taken up and impounded under the terms of this article which are not redeemed or purchased as provided in this article shall be disposed of by the city as follows:

(1) Any animal that is vaccinated and sterilized and is otherwise deemed suitable for adoption, may be offered for adoption through a city facility. The director shall impose an adoption fee per animal as deemed appropriate by the Animal Control Supervisor to cover the costs of taking care of the animal prior to adoption.

(2) Any animal that is suitable for adoption as a pet and is not placed for adoption through city facilities may be placed for adoption through a private nonprofit humane shelter and/or approved rescue group. . The Animal Control Supervisor shall establish uniform criteria for the placement of adoptable animals through humane shelters and shall make surplus adoptable animals available to those organizations that meet the criteria. The criteria shall include requirements that animals be vaccinated and sterilized in accordance with State Law and that the animals are licensed in the jurisdiction where they will be kept.

(3) All animals that are not placed for adoption shall be destroyed by use of humane euthanasia procedures as outlined by the State of Texas.

(4) Under no circumstances may an animal be sold or donated to a medical school, licensed hospital, or nonprofit university or college.

[Sec. 6-84.](#) - Destruction upon request.

The department may accept a dog or cat from the owner thereof for disposal upon payment by the owner of a fee as may be established by city council from time to time and reflected on the fee schedule maintained in the office of the city secretary. No fee shall be charged to a citizen of Pearland who brings an injured cat or dog to the animal control center for euthanasia. The disposal of such animals shall be accomplished in the same manner as though the animals had been impounded and not redeemed in accordance with State Law.

[Sec. 6-85.](#) - Wild animals—Initial impoundment.

(a) The animal control officer shall seize all animals found to be in violation of section 6-21 hereof and impound the same. Where city facilities are insufficient or otherwise inadequate to impound any such animal, the animal control officer shall take any reasonable and necessary steps to secure the impoundment of such animal within or outside the city, in whatever facilities may be available at the time.

(b) The owner of a seized wild animal may recover the same upon a showing of ownership to the animal control officer. Such will be evidenced by written documentation clearly denoting ownership of the animal in question. Prior to such recovery, the owner shall also provide to the animal control officer:

(1) A sworn affidavit setting forth the location at which the animal will be kept, and that he will not allow such animal to be within the city;

(2) An agreement that he will indemnify and hold harmless the City of Pearland from any and all liability resulting in any way from the keeping of such animal; and,

(3) A waiver form approved by the city attorney authorizing the disposal and/or destruction of the animal should any further impoundments occur or become necessary.

(c) If recovery under subsection (b) hereof has not been effected within ten (10) days after impoundment, the animal control officer shall be authorized to offer such animal to a zoo or wildlife refuge, or to destroy the animal if same remains unclaimed for an additional ten (10) days.

[Sec. 6-86.](#) - Same—Procedure on subsequent impoundment.

In the event that a wild animal is seized and recovered by the owner as set forth in section 6-85 hereof, and such animal is thereafter found at large or in violation of this article, such animal shall be seized by the animal control officer and the city attorney shall, as soon as practicable, seek an order from a court of competent jurisdiction, for the destruction of such animal.

[Secs. 6-87—6-89.](#) - Reserved.

[ARTICLE VII. - ANIMAL SHELTER ADVISORY COMMITTEE](#)

[Sec. 6-90.](#) - Creation of committee and purpose.

There is hereby created an animal shelter advisory committee to assist the City of Pearland Animal Control Center in complying with V.T.C.A., Health and Safety Code ch. 823 of the Health and Safety Code, as such may be amended hereafter.

[Sec. 6-91.](#) - Composition of committee.

The animal shelter advisory committee shall be composed of at least one (1) licensed veterinarian, one (1) municipal official, one (1) person whose duties include the daily operation of an animal shelter, one (1) resident of Pearland and one (1) representative from an animal welfare organization. Members of the committee shall be appointed by and serve at the pleasure of the city council.

[Sec. 6-92.](#) - Rules of procedure.

The animal shelter advisory committee shall adopt its own rules of procedure.

[Secs. 6-93—6-100.](#) - Reserved.

ARTICLE I. - IN GENERAL

ARTICLE II. - RABIES AND DISEASE CONTROL

ARTICLE III. - VICIOUS ANIMALS

ARTICLE IV. - DOGS AND CATS

ARTICLE V. - KENNELS

ARTICLE VI. - IMPOUNDMENT

ARTICLE VII. - ANIMAL SHELTER ADVISORY COMMITTEE

ARTICLE I. - IN GENERAL

Sec. 6-1. - Animal control officer.

For the purposes of the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code ch. 826), the animal control officer of the city is hereby designated as the local health authority, and such officer, together with such assistants as may be appointed by said officer, shall have the duties and powers set forth in said act.

Sec. 6-2. - Definitions.

When used in this chapter, the following words and/or phrases shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

Animal control officer: The person appointed to serve in the capacity of animal control officer of the city or any deputy or assistant of the animal control officer of the city.

At large: The going upon public or private property by an animal without the owner or person in charge thereof having direct physical control over such animal. In addition, any animal which is staked or tied down shall be considered to be at large, unless such animal is confined in a fenced yard or other fenced enclosure. Further, any animal left unattended in any vehicle in such manner that such animal is capable of extending his head beyond the physical bounds of such vehicle or outside such vehicle shall be considered to be at large.

Cat: All domestic species or varieties of the genus felis catus, male or female, four (4) months of age or older.

Department: The animal control department of the City of Pearland.

Dog: All domestic species or varieties of the genus canis familiaris, male or female, four (4) months of age or older.

Humane organization: A nonprofit organization or corporation which maintains a permanent shelter facility within the city for the care and custody of sick, injured, lost, abandoned or strayed animals and which provides veterinary services for the care of the animals kept there, which services are provided by a licensed veterinarian.

Kennel: Any lot, premise, building, structure or enclosure whereon or wherein ~~four (4)~~ six (6) or more dogs, cats or any combination thereof, over the age of six (6) months, are kept or maintained, ~~regardless of purpose with a maximum of three (3) allowed for personal ownership and two allowed for "Foster" purposes.~~ This definition shall include shelter facilities operated by humane organizations, but shall exclude veterinary hospitals.

Owner: Any person or persons owning, possessing, harboring, keeping or sheltering any animal.

Unprovoked attack: *Unprovoked* with respect to an attack by an animal shall mean that the animal ~~or their owner~~ was not hit, kicked or struck by a person with an object or part of a person's body, nor was any part of the animal's body pulled, punched or squeezed by a person.

Veterinarian: Any person duly licensed to practice as a doctor of veterinary medicine by the licensing authority of the State of Texas or other jurisdiction whose licensing is reciprocal with the State of Texas. *The Committee discussed the possibility of eliminating the "reciprocal licensing" provision however, decided to leave the provision in because this may be helpful in an emergency or disaster situation when out of State agencies or Veterinarian's may be called in to help out.*

Wild animal: Any mammal, amphibian, reptile or fowl which is of a species that is wild by nature and of a species which, due to size, vicious nature or other characteristics is dangerous to human beings ~~(Does not include Raptors and Falcons that are licensed or hold valid permit issued by the State of Texas).~~ Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, bears, wolves, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys, foxes, elephants, rhinoceroses, crocodiles, alligators and all forms of ~~poisonous venomous~~ reptiles, but such term shall not include animals expressly allowed in this chapter.

Sec. 6-3. - Animal at large—Prohibited.

It shall be unlawful for any person to allow or permit any animal or fowl to be at large within the territorial limits of the city. *The Committee discussed "Cat Colonies" and "Trap Neuter and Release" of licensed pets however, no formal recommendation was made. The Committee agreed that if Cat Colonies were permitted it would mean that cats would be allowed to "run at large" and that was considered by the Committee not to be acceptable.*

(a) Defecation by Dogs or Cats (*Pooper Scooper*) – It is the responsibility of each person in control of a dog or a cat to promptly remove and dispose of, in a sanitary manner, feces left by such dog or cat.

(b) It shall be the duty of each person in control of a dog or cat to be in possession of materials to remove feces left by such dog or cat.

Cross reference—Vicious animals at large, § 6-47.

Sec. 6-4. - Same—Responsibility.

The owner or any other person having the right of possession of an animal shall ensure that such animal shall not be at large in violation of this chapter and shall be subject to punishment under the provisions of same without regard to whether he was acting with a culpable mental state.

Sec. 6-5. - Nuisance abatement.

(a) *At large.* Any animal or fowl at large within the territorial limits of the city is hereby declared to be a nuisance, and the animal control officer of the city is hereby empowered to use all reasonable means necessary to abate such nuisance when the same exists within the city.

(b) *Noise.* Any animal or fowl, which by the loud and habitual making of noise shall cause serious annoyance within the neighborhood where such animal or fowl is kept, is hereby declared to be a nuisance, and the keeping harboring or possession of such animal or fowl is hereby declared to be unlawful, and any court having jurisdiction over either such animal or fowl or any person keeping, harboring or possessing the same shall have the authority to require the abatement of such nuisance.

Sec. 6-6. - ~~Tattoos.~~ Micro-Chip

Any animal that bites, scratches or otherwise attacks any person or other animal while off the premises of the owner shall ~~be marked with a tattoo~~ shall have a Micro-Chip inserted under the skin of the animal containing an identification number corresponding to records maintained by the department of such animal. Such ~~tattoo~~ Micro-Chip shall be placed on such animal immediately after the impoundment expires and, even if impoundment is not required, immediately after the expiration of the ten-day observation period provided in section 6-33 hereof. The ~~tattoo~~ Micro-Chip will be affixed to the animal ~~by a licensed veterinarian~~ at the owner's expense.

Cross reference—Impoundment, § 6-82 et seq.

Sec. 6-7. - Care and feeding of animals.

All animals shall be fed with a quantity of good, wholesome food sufficient to keep them in a good, well-nourished condition, and such food shall be served to such animals in a clean, sanitary manner. All animals shall be provided with pure, clean water in sufficient quantities at all times and adequate shelter to protect them from the elements.

Sec. 6-8. - Destruction of wounded animals.

When from any cause it may happen that any animal within the city shall be so wounded, maimed or injured as to render its recovery hopeless in the opinion of the animal control officer, such officer may cause such animal to be destroyed. Such destruction shall be in a manner as determined by the animal control officer to be the most effective and least painful, considering attendant circumstances. Upon destruction, such officer shall cause the carcass of such destroyed animal to be lawfully removed and disposed of. Such officer shall thereafter **document and** file a written report ~~to the city manager~~ stating:

- (1) A description of the animal destroyed, and the name of its owner, if known;
- (2) The injury making the destruction necessary; and,
- (3) The names of any witnesses to such injury and/or destruction.
- (4) The destruction method.
- (5) The method in which the animal was disposed.

Sec. 6-9. – Swine - Goats.

(a) *Swine, ~~goats~~ prohibited; exception.* It shall be unlawful for any person to keep or maintain within the territorial limits of the city one or more hogs, swine, or pigs. ~~or goats, other than milch goats, which shall be allowed so long as a permit for the keeping of such milch goats has been issued by the animal control officer.~~ This subsection shall not apply to hogs, pigs, or swine kept and maintained on property owned by a public school district and utilized for educational purposes.

(b) *Milch Goats.* Any person, firm or corporation desiring to keep one or more milch goats must first make application to the animal control officer for a milch goat permit. The animal control officer shall issue such permit only if the place where same are to be kept is at least one fourth ($\frac{1}{4}$) acre in size and such place is at least one hundred fifty (150) feet from the nearest private residence not that of the owner or keeper of such animal(s). Further, no more than one additional such animal may be kept per each additional one-fourth ($\frac{1}{4}$) acre of land. The fee for such permit shall be as may be from time to time established by city council and kept on file in the office of the city secretary.

Sec. 6-10. - Restrictions on keeping animals within the city limits—Horses.

It shall be unlawful for any person to keep, possess or maintain any horse, mule, donkey or other animal of the equine family on any parcel of land less than one-half ($\frac{1}{2}$) acre in size. Further, no more than one additional such animal may be kept per each additional one-half ($\frac{1}{2}$) acre of land, unless otherwise approved in a specific use permit as provided for in the Land Use and Urban Development Ordinance, Section 23. It shall further be unlawful for any person to keep, possess or maintain any horse, mule, donkey or other animal of the equine family within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.

Sec. 6-11. - Same—Cattle and other Ruminants

It shall be unlawful for any person to keep, possess or maintain any cow, calf, steer or bull and/or other Ruminants on any parcel of land less than one (1) acre in size. Further, no more than one additional such animal may be kept per each additional acre of land. It shall further be unlawful for any person to keep, possess or maintain any cow, calf, steer or bull within one hundred fifty

(150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.

Sec. 6-12. - Same—Chickens, geese, ducks. *(This section is under review and will be reconsidered by the Advisory Committee at their next regular meeting)*

It shall be unlawful for any person to keep, possess or maintain any chicken, goose or duck, or any combination thereof regardless of gender, on any parcel of land less than one (1) acre in size. Further, no more than one hundred (100) of such fowl may be kept per acre of land. It shall further be unlawful for any person to keep, possess or maintain any chicken, goose or duck, or any combination thereof regardless of gender, within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.

Sec. 6-12.5. - Restrictions on keeping ratites within the city limits.

It shall be unlawful for any person to keep, possess or maintain an adult pair of any species or subspecies of ratites, with the exception of ostrich which will not be allowed, on any parcel of land less than one-quarter ($\frac{1}{4}$) acre in size. No more than one (1) additional pair of such animal may be kept per each additional one-quarter ($\frac{1}{4}$) acre of land. It shall further be unlawful for any person to keep, possess or maintain any species or subspecies of ratites without complying with the following:

- (a) Registration through the City of Pearland Animal Control Department will require information and documentation relating to the owner; name, address, location and number of animals and, phone number including emergency phone numbers for his/her veterinarian in case of emergencies.
- (b) Upon registration the requesting party will receive a copy of the requirements covering ratites, which will include the following criteria:
 - (1) Double six-foot fencing around any area enclosing animals.
 - (2) Animals shall not be kept, possessed or maintained within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.
 - (3) Each enclosure (pen) must be kept locked and designed so that no one can enter or place appendages in the enclosure with the exception of feeding the animal.
 - (4) Each enclosure must be constructed so as to knowingly prevent the animal from escaping.
 - (5) Each enclosure must be kept in good repair to prevent both escape and injury to the animal.
 - (6) Cleanliness of the enclosure and the size of the enclosure, in ratio to the number of birds, shall be maintained to promote the health of the bird(s).

(c) In no way shall this section be construed to allow a use that is not allowed by the City of Pearland Land Use and Urban Development Ordinance.

Sec. 6-13. – Same - Rabbits, ~~guinea pigs.~~

It shall be unlawful for any person to keep, possess or maintain any rabbits ~~or guinea pigs,~~ or any pens, enclosures, hutches, cages or other structures wherein any such animals are kept, possessed or maintained, within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animals.

Sec. 6-14. - Method of measuring distances.

For the purpose of determining compliance with the provisions of this chapter, distances shall be measured in a straight line from the nearest point of the shed, stable, barn, pen or enclosure or area in which the animal is contained to the nearest point of such actual residence or building used for human habitation.

Cross reference—Minimum distance required from a kennel to a place of human habitation, § 6-76.

Sec. 6-15. - Storage, disposal of manure.

(a) Every person owning or leasing any premises where animals are kept shall maintain a substantial and sufficient receptacle for manure, which shall be so constructed and kept so as to protect the contents from rain and so screened as to prevent access to flies, and all manure from any and all such animals shall be placed in such receptacle.

(b) Every person owning or leasing such premises where animals are kept shall have all manure from such animals removed from the premises not less than twice each week, and at no time shall the manure be allowed to accumulate in such manner as to become or otherwise constitute a nuisance or health hazard.

(c) In no event shall any manure be thrown or deposited in or upon any street or public place, or allowed to remain in such places. Further, no person hauling or transporting manure shall transport or haul the same in a manner so as to allow the same to litter the public streets or other public property.

Sec. 6-16. - Bird sanctuary; shooting, catching birds prohibited.

(a) The city is hereby declared to be a bird sanctuary, and the director of transportation is hereby authorized to erect appropriate signs and other markers, at highway entrances to the city and at other places, to evidence the same.

(b) It shall be unlawful for any person to shoot or attempt to shoot or kill with any firearm, air rifle, bow and arrow, slingshot or other apparatus, or to trap, ensnare or otherwise catch any wild bird, regardless of age, within the city.

Sec. 6-17. - Guineas, peafowl, prohibited.

It shall be unlawful to keep or maintain any guinea hen, guinea fowl or peafowl, regardless of gender, within the city.

Sec. 6-18. - Location restrictions on fowl.

It shall be unlawful for any person to keep, possess or maintain any variety or species of fowl not expressly mentioned herein, with the exception of parakeets, canaries or similar domesticated birds, unless the same are kept according to and in full compliance with the lot size and distance provisions of section 6-12 hereof relating to other domestic fowl.

Sec. 6-19. - Sale of ~~any~~ baby animals prohibited.

(a) It shall be unlawful to sell, offer for sale, barter, and lease or give away, ~~any baby fowl, including chickens, turkeys, ducklings or goslings, under three (3) weeks of age. It shall further be unlawful to sell, offer for sale, barter, lease or give away any other baby animal under two (2) months of age unless the same has been fully weaned prior to the time of such sale, offering for sale, barter, lease or gift.~~ or display for a commercial purpose a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, flea market or similar event within the City Limits or the City's Extraterritorial Jurisdiction.

(b) This section does not apply to an agent of a business that has a certificate of occupancy from the City authorizing the occupancy of the premises for the purposes of operating a business of selling pets.

Sec. 6-20. - Coloring of animals prohibited.

It shall be unlawful to dye, stain or otherwise alter the natural color of any ~~animal~~ fowl or live stock within the city.

Sec. 6-21. - Restrictions on keeping wild animals.

(a) It shall be unlawful to keep, possess or maintain, or to cause to be kept, possessed or maintained, any wild animal within the city, unless such wild animal is ~~kept at all times within the confines of a properly licensed and permitted zoo, according to Texas Department of Parks and Wildlife regulations and applicable state statutes.~~

- (1) Contained within a licensed and permitted zoo
- (2) Is a licensed by the State of Texas as a licensed Raptor or Falcon
- (3) Contained by a licensed and permitted Wildlife Rehabilitator

(b) Any person, firm or corporation which violates any of the provisions of this section shall be subject to a minimum fine of two hundred dollars (\$200.00), and each day such violation is allowed to continue shall constitute a separate violation.

(c) If any person, firm or corporation is found guilty of the offense of animal-at-large (under section 6-3 hereof), and that animal is a wild animal, such person, firm or corporation shall be subject to a minimum fine of two hundred dollars (\$200.00).

Sec. 6-22. - Attractive environment for unconfined animals.

It shall be unlawful for any person knowingly to cause or permit the maintenance of an attractive environment for any dog, cat or other animal, by the placement of food or other means, which is not confined in a fenced or otherwise restrictive area, and which is not registered as provided herein. It is a defense to prosecution under this section that the person placed the food or other attractive environment solely for the purpose of apprehending an animal for surrender to a humane organization or to the animal control officer.

Sec. 6-23. - Penalty for violation.

Any person, firm or corporation who violates or fails to comply with the requirements and/or provisions of this chapter shall be deemed guilty of a misdemeanor, and shall, upon conviction by a court of competent jurisdiction, be punished by a fine of not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day such violation or failure to be in compliance shall exist shall be deemed to constitute a separate offense. Provided, however, that where a specific penalty is provided within any of the sections hereof, such specific penalty will control over the general penalty.

Secs. 6-24—6-32. - Reserved.

ARTICLE II. - RABIES AND DISEASE CONTROL

Sec. 6-33. - Rabies control.

(a) General provisions:

(1) *Impoundment—By the animal control officer.* Except as provided in subsection (a) (2) below, every animal that has rabies or exhibits symptoms thereof, and every animal that bites, scratches or otherwise attacks any person or another animal within the city shall be impounded summarily and held under observation by the animal control officer for ten (10) days. If the owner desires, such animal may be confined for observation in a veterinary clinic approved by the animal control officer, at the owner's sole expense, for the required ten-day period. The veterinarian in charge of such clinic shall, prior to such approval, certify to the animal control officer that he is willing and able to care for and confine the animal as required herein.

(2) *Same—At home.* Any animal with a current rabies vaccination, as evidenced by a veterinarian's certification, that bites, scratches or otherwise attacks any person or another animal

within the city limits may, upon approval by the animal control officer, be confined and quarantined on the owner's premises for the requisite ten-day period for rabies observation, provided that the animal is examined by a veterinarian at the beginning of the quarantine period and again ten (10) days later, and provided further that his written findings are submitted to the animal control officer within three (3) days after such examinations.

(3) *Penalty.* Any owner or keeper of any animal subject to impoundment under this section, who fails to keep the animal confined, fails to have the animal examined by a veterinarian or refuses to surrender the animal for required confinement shall, upon conviction by a court of competent jurisdiction, be subject to a minimum fine of two hundred dollars (\$200.00).

(b) No animal which has rabies shall be allowed at any time on the public streets or ways of the city. No animal suspected of having rabies shall be allowed at any time on the public streets or ways of the city unless such animal has been released from observation by the animal control officer.

(c) The owner, keeper or person in charge of any animal that has rabies or has exhibited symptoms thereof, or that has been exposed to rabies, or that has bitten, scratched or otherwise attacked any person or another animal within the city shall, on demand, surrender such animal to the animal control officer or his designee.

(d) The body of any animal that has died of rabies shall not be disposed of except as directed by the animal control officer.

(e) The animal control officer shall check and record all cases of rabies and suspected rabies. Such records shall not be destroyed for five (5) years without permission of the city manager.

(f) **In accordance with State Law, Health and Safety Code, Title 10, Rabies, Sec. 826.041., any person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the local rabies control authority of the county or municipality in which the person lives, in which the animal is located, or in which the exposure occurs. ~~having knowledge of an animal bite is hereby required to, and shall, report the same at once to the department.~~**

[Sec. 6-34.](#) - Veterinarians to report diseases.

Any veterinarian or other person who is called to examine or professionally attend to any animal within the city having glanders, farcy, rabies, leptospirosis, tuberculosis or other communicable diseases shall, within forty-eight (48) hours thereafter, report in writing to the department the following facts:

- (1) The location and identity of such animal;
- (2) The owner's name and address; and,

(3) The type and character of the disease.

Secs. 6-35—6-42. - Reserved.

ARTICLE III. - VICIOUS ANIMALS

Sec. 6-43. – Animal Control Board—Created; constitution.

(a) There is hereby created an Animal Control Board of the city for the purpose of determining which animals, by virtue of their dangerous or vicious propensities, constitute such a danger to the health, safety and welfare of the citizens of the city that their destruction is required in the public interest. Such board shall be constituted by the following ~~four (4)~~ **five (5)** persons who shall be appointed by the city council for three-year terms:

(1) A licensed veterinarian of the State of Texas; and,

(2) Any ~~three (3)~~ **four (4)** residents of the city.

(b) The board may enact its own bylaws, subject to city council approval, relating to selection of the board chairman and other officers, attendance at meetings and similar matters, so long as such bylaws are not in conflict with state law, the city Charter or city ordinances.

Sec. 6-44. - Same—Duties, powers.

(a) It shall be the duty of such board to investigate all animal bites of a life-threatening or disfiguring nature and all bites upon humans or other animals which cause bodily injury.

The board will convene at the request of the animal control officer or a duly filed complaint by any citizen of the city concerning an animal which is believed to be a vicious or dangerous animal. A sworn, written complaint must be filed with the animal control officer of the city as follows:

(1) Name, address and telephone number of the complainant and the same for any witnesses;

(2) Date, time and location of any incident involving the animal;

(3) Description of the animal;

(4) Name, address and telephone number of the animal's owner if known;

(5) A statement regarding the animal which is believed to be a vicious and dangerous animal, stating the facts upon which such complaint is based;

(6) A statement that the animal has exhibited vicious propensities in past conduct if known;
and

- (7) Other facts or circumstances of the incident.
- (b) The board shall determine which such animals shall be considered vicious animals, and such finding ~~shall~~ **may** be justified when:
- (1) The biting animal has been previously ~~tattooed pursuant~~ **Micro-Chipped as described in** ~~to~~ section 6-23 hereof;
- (2) The animal bite was unprovoked **or**;
- (3) The biting animal has been trained to fight or actually used for fighting **or**;
- (4) The animal has caused a bite of a life-threatening or physically disfiguring nature while off the premises of the owner of such animal.

[Sec. 6-45.](#) - Same—Hearings, procedures.

- (a) Such board investigations shall be conducted in hearings open to the public and notice thereof shall be posted as required by law. The owner of such animal shall be notified of such hearing by the animal control officer prior to the date of hearing, and shall have the right to appear at such hearing, in person or through counsel, and present evidence as may be germane to such investigation.
- (b) A majority of the duly appointed members of the board shall constitute a quorum for the conduct of business. A majority of those members voting at any such hearing or investigation shall be sufficient for final action to be taken on any pending matter.

[Sec. 6-46.](#) - Decision to destroy.

Any vicious animal which, in the determination of the board **as described by State Law**, constitutes a clear and present danger to the public safety such that the continued presence of the animal in the city places one or more members of the public in danger of serious bodily injury shall be ordered destroyed or removed from the city; and the owner shall give the animal control officer the name and address of where the animal was relocated. The animal control officer shall notify the proper authorities at the final destination.

[Sec. 6-47.](#) - Vicious animal at large; penalty.

If any person, firm or corporation is found guilty of the offense of animal-at-large (under section 6-3 hereof), and that animal has been declared a vicious animal by the board, such person, firm or corporation shall be subject to a minimum fine of one thousand dollars (\$1,000.00).

Cross reference—Animals and fowl running at large within the city, § 6-3.

[Secs. 6-48—6-53.](#) - Reserved.

ARTICLE IV. - DOGS AND CATS

Sec. 6-54. - License—Required; exceptions.

(a) No person shall own, keep, possess or have control over any dog or cat within the city unless such person has a current city license for such dog or cat, provided that a city license shall not be required for:

(1) Dogs and cats under the age of four (4) months which are confined in a place owned or under the possession of the person having ownership, possession or control of the dog or cat within an enclosure which is sufficient to prevent escape therefrom;

(2) Dogs or cats owned by, or in the possession or control of persons who are nonresidents of the city, traveling through the city, or temporarily sojourning therein for a period not exceeding sixty (60) days;

(3) Dogs or cats brought into the city exclusively for the purpose of entry in any bona fide show or exhibition, and which are actually entered in and kept at such show or exhibition;

(4) Dogs or cats kept for teaching or research purposes by a medical school, veterinary school, licensed hospital or nonprofit university or college providing a degree program;

(5) Dogs or cats kept for the purposes of medical observation or treatment in veterinary hospitals;

(6) Dogs or cats kept in the shelter facilities of a humane organization;

(7) Dogs or cats originally acquired by the person owning, keeping or having possession thereof within the preceding sixty (60) days; or

(8) Dogs or cats owned by or in custody or under control of persons who have been residents of the city for sixty (60) days or less.

The exceptions provided in the subparagraphs (a)(2) through (a)(8) above, shall not be applicable to any dog or cat which is being kept in any boarding kennel, boarding cattery or other facility which temporarily keeps dogs or cats in consideration of any fee or other compensation. Only exception number (a) (1) above, and exception number (a) (9), below, shall apply to an animal which is being kept in such a facility.

(9) The dog or cat which is owned by a person who does not reside within the city and:

a. The animal has been vaccinated for rabies by a veterinarian within the preceding period of three (3) years; and

b. The animal has a current license as issued by the city, county or other applicable licensing authority governing the licensing of animals in the place where the animal is normally kept by its owner.

In any prosecution under this section, the burden shall be upon the defendant to establish as an affirmative defense that one of the exceptions set out in subparagraphs (a)(1) through (a)(9), above, is applicable.

(b) No person shall permit any dog or cat on any premises under his ownership, possession or control unless there is a current license issued for such dog or cat; provided, however, it shall be an affirmative defense that the animal is not required to have a license pursuant to any applicable exception listed in subsection (a) above.

[Sec. 6-55.](#) - When vaccination required; evidence.

(a) No person shall own, possess or have control over any dog or cat within the city, which dog or cat is four (4) months of age or older unless such dog or cat has been inoculated by a veterinarian for rabies, with a vaccine approved by the U.S. Department of Agriculture's Veterinary Biologics Division within the immediately preceding period of three (3) years.

(b) In any prosecution under this section, the burden shall be upon the defendant to prove that the animal is not required to be vaccinated because it is less than four (4) months of age or that the animal was in fact vaccinated within the immediate preceding period of three (3) years. A certificate duly signed by a veterinarian attesting that he administered the vaccination required by this section, bearing the date and type of vaccine and the identification of the dog or cat by breed, color and sex and the vaccination tag number and the name and address of the owner shall be accepted as evidence of such vaccination.

[Sec. 6-56.](#) - Proof of vaccination required.

No animal license shall be issued unless there is exhibited to the licensing authority a certificate by a veterinarian showing that the animal to be licensed has been inoculated with a rabies vaccine approved by the U.S. Department of Agriculture's Veterinary Biologics Division in accordance with the recommendations of the manufacturer, and that such vaccination will not expire prior to the issuance of the license.

(Ord. No. 528, § 1(36), 9-22-86)

[Sec. 6-57.](#) - Licensing authority.

Licenses required herein shall be issued by the department or its designees.

[Sec. 6-58.](#) - Duration; transfer of license.

(a) A continuous term license shall expire upon the first occurrence of any of the following events:

- (1) Any lapse of the rabies vaccination for the animal;
 - (2) The death of the animal;
 - (3) Upon the thirtieth day next following any change of ownership of the animal, unless the license has been amended by such date; or
 - (4) Upon the thirtieth day next following any change of the address of the animal's owner unless the license has been amended by such date.
- (b) An annual term license shall expire upon the first occurrence of any of the following events:
- (1) The expiration of three (3) years from the date of the rabies vaccination which was evidenced by the rabies vaccination certificate furnished to obtain the license;
 - (2) The death of the animal;
 - (3) Upon the thirtieth day next following any change of ownership of the animal, unless the license has been amended by such date; or
 - (4) Upon the thirtieth day next following any change of the address of the animal's owner unless the license has been amended by such date.
- (c) In the event of a change of ownership of the licensed animal or in the event of a change of address of the licensed animal's owner, then the department may cause the license to be amended to reflect such change of owner or address, provided that an application for amendment is received by the department within the thirty-day period next following the date of the change. The department may promulgate forms and administrative rules as required for the orderly administration of license amendments and applications therefore. A copy of the administrative rules shall be maintained for public inspection in the offices of the department and the city secretary. No fee shall be imposed for an amendment.
- (d) An expired license is of no force and effect. A new license must be obtained on or before expiration if the animal remains subject to licensing by the city hereunder.

[Sec. 6-59.](#) - Records of licensure.

At the time of issuance of each dog or cat license hereunder, the department or its designee shall furnish a numbered license tag which shall be worn by the animal to evidence the issuance of the city license hereunder. The license tag so issued shall be valid for so long as the animal's license remains valid. The department shall maintain a record of all licenses issued under this article, which shall show the name and address of each person issued a license, the number of the license tag furnished, a description of the animal for which the license is issued, the date of issuance, fees paid, the place of issuance and type of rabies vaccination administered with date of inoculation, and other appropriate information.

[Sec. 6-60.](#) - License tag—To be worn.

(a) It shall be the duty of each person having ownership of a dog or cat for which a license is required to be issued under this article to ensure that the license tag furnished by the licensing authority in conjunction with the issuance of the animal's license is worn by the animal at all times. It is a defense to prosecution hereunder that the dog or cat was confined within a building or other totally enclosed structure under the ownership, possession or control of the person having possession of the animal at the time that the animal was not wearing a license tag.

(b) In any prosecution under this article it shall be presumed that no valid license has been issued for an animal hereunder unless the animal was wearing a valid license tag furnished pursuant to section 6-59 hereof at the time of the alleged offense.

[Sec. 6-61.](#) - Same—Replacement tags.

In the event of loss or destruction of a license tag, replacement tags shall be available from the department for the payment of a fee, from time to time established by the city council and reflected on the fee schedule maintained in the office of the city secretary, upon satisfactory proof that the dog or cat in question was properly licensed.

[Sec. 6-62.](#) - Same—Counterfeiting; destruction of tags.

The following acts are declared to be unlawful:

- (1) The counterfeiting of dog or cat licenses or tags.
- (2) The willful and malicious destruction of dog or cat license tags.

[Sec. 6-63.](#) - License fees.

The fees for the licensing of animals as required herein shall be as from time to time established by city council, as reflected on the fee schedule maintained in the office of the city secretary.

[Sec. 6-64.](#) - Veterinarian as designee.

The department may designate, when practicable, licensed veterinarians to collect the annual licensing registration fee. A licensed veterinarian who has been so designated shall, when practicable, register dogs and cats and collect the annual licensing registration fee under the following terms and conditions:

- (1) A licensed veterinarian who vaccinates a dog or cat for rabies, registers the animal and collects the annual licensing registration fee shall issue a rabies vaccination tag and a license as appropriate, and send to the department all information regarding said license as required in accordance with this chapter.

(2) A licensed veterinarian who has been designated to collect the annual licensing registration fee shall have all necessary forms and tags for registration provided to him by the department. The department shall determine the criteria and procedures that must be followed by veterinarians designated to collect said licensing registration fees, establish a collection procedure for the fees, and a format for the tags.

[Secs. 6-65—6-70.](#) - Reserved.

[ARTICLE V. - KENNELS](#)

[Sec. 6-71.](#) - Kennel license required.

Any person, firm or corporation in the city conducting, managing or maintaining a kennel shall obtain a license to do so from the department and pay a yearly licensing fee to cover the costs of inspection of same by the department which fee shall be set by city council, as reflected by the fee schedule maintained in the office of the City Secretary. However, no such kennel license shall be issued where the person, firm or corporation applying therefore is in violation of any law of the State of Texas or ordinance adopted by the City of Pearland.

[Sec. 6-72.](#) - Inspection required.

It shall be required that a sanitary inspection of the premises be made by the department or by a veterinarian selected by the department prior to the issuance of a kennel license as required hereinabove.

[Sec. 6-73.](#) - License to be displayed.

The kennel license issued under this article shall be displayed in a manner visible to the public at the premises.

[Sec. 6-74.](#) - Records of licenses.

The department shall keep a permanent record of all kennel licenses issued pursuant to this article, and such record shall show the name of the person, firm or corporation to which such license is issued, the name and address of the kennel, the date issued and fees paid therefor.

[Sec. 6-75.](#) - Suspension of license; hearing.

(a) *Grounds for suspension.* The department may suspend any kennel license if any of the following conditions exist at the kennel:

- (1) Animals at the kennel are being deprived of necessary food, care or shelter;
- (2) Animals at the kennel are being cruelly confined or are otherwise being cruelly treated; or

(3) Unsanitary conditions exist at the kennel to such an extent that those conditions create a possible medium for the transmission of disease to the animals kept there or to human beings.

Such a suspension is effective upon service of notice as set out below. Whenever a kennel license is suspended no animal shall be accepted or placed in the kennel and all animals at the kennel on the date the license is suspended shall be removed therefrom as soon as possible, but in no event shall any animal remain in the kennel more than ten (10) days after the date the license was suspended unless it has been reinstated prior to that time.

(b) *Written notice of suspension; hearing.* Whenever a license is suspended, written notice shall be given to the licensee, the person in charge of the kennel or any employee or agent of the licensee.

(1) Contents of notice. Such notice shall set forth:

- a. The specific conditions existing at the kennel which are grounds for suspension of the license pursuant to subsection (a) above;
- b. That a hearing will be held before the city manager or his designate;
- c. The date, time and place of such hearing; and
- d. That the licensee may appear in person and/or be represented by counsel and may present testimony and cross-examine all witnesses.

(2) Conduct of hearing:

- a. Such hearing shall be held not later than seven (7) days after the date the license is suspended.
- b. The following rules shall apply to such hearing:
 1. All parties shall have the right to representation by a licensed attorney though an attorney is not required;
 2. Each party may present witnesses in his own behalf;
 3. Each party has the right to cross-examine all witnesses; and
 4. Only evidence presented before the hearing officer at such hearing may be considered in rendering the order.

(3) Failure to appear. If the licensee fails to appear at the hearing at the time, place and date specified, the city shall present sufficient evidence to establish a prima facie case showing that conditions exist at the kennel which are grounds for suspension of the license pursuant to subsection (a) above.

(c) *Findings of hearing officer.* If the hearing officer finds conditions which were stated in the notice for grounds for suspension of the license pursuant to subsection (b) above in fact do exist at the kennel, the hearing officer shall order the license suspended. Provided, however, if the hearing officer finds that the needs of the animals and of public interest will be adequately protected by a warning, he may reinstate the license.

If the hearing officer finds that on the date of the hearing no conditions exist at the kennel which were set out in the notice as grounds for suspension of the license, he shall order such license reinstated. However, reinstatement of such license shall not preclude the city from seeking revocation of the license as set out below.

A copy of the findings and order of the hearing officer shall be served on the licensee, or if the address of the licensee is unknown or the notice has been sent certified mail, return receipt requested, and has been returned undelivered, such notice shall be served on the person in charge of the kennel or on any employee or agent of the licensee.

(d) *Correction of conditions; inspection; reinstatement of license.* Whenever the reason for a suspension no longer exists, the licensee or person in charge of the kennel shall notify the department that the conditions under which the license was suspended have been corrected and that an inspection is requested. Such inspection shall be conducted as soon as possible after receiving the request and in no event shall be later than three (3) regular working days after the receipt of the request for an inspection. If such inspection shows that the conditions were in fact corrected, the license shall be reinstated unless the city has given notice that it is seeking revocation of the license.

(e) *Conditions for revocation.* A license to operate a kennel may be revoked if:

- (1) Animals at the kennel are being deprived of necessary food, care or shelter; or
- (2) Animals at the kennel are being cruelly treated; or
- (3) Unsanitary conditions exist at the kennel to such an extent that those conditions create a possible medium for the transmission of the disease to the animals kept at the kennel or to human beings; and,
- (4) Conditions stated in subsection (e)(2) and/or (e)(3) above have existed on two (2) or more occasions at the kennel after the kennel has been warned of such conditions by officials of the health department; or
- (5) There have been two (2) or more suspensions of the kennel license and conditions which were grounds for such suspensions did in fact exist at the time of the suspension; or
- (6) The licensee is shown to have previously committed any offense involving cruelty to animals; or

(7) The licensee has knowingly employed any person at the kennel or allowed any person to work at the kennel who has been previously convicted of any offense involving cruelty to animals.

(f) *Written notice of grounds for revocation.* Prior to revocation, written notice shall be given to the licensee or person in charge. Such notice shall set forth:

- (1) The grounds upon which the city will seek revocation of the license,
- (2) The specific conditions upon which the city will rely in seeking revocation of the license,
- (3) That a hearing will be held before the city manager or his designate,
- (4) The date, time and place of such hearing,
- (5) That the licensee may appear in person and/or be represented by counsel, may present testimony and may cross-examine all witnesses.

Such hearings shall be held in accordance with subsection (b) above. If the licensee fails to appear at the hearing at the time, place and date specified, the city shall present sufficient evidence to establish a prima facie case showing that grounds in fact do exist for the revocation of the license.

(g) *Findings of hearing officer.* After completion of the hearing, the hearing officer shall make findings as to whether or not grounds exist for revocation of the license. If the hearing officer finds that grounds do exist for revocation of the license, he shall revoke such; provided, however, if the city sought revocation for reasons under subsection (e)(1), (2) and/or (3) above and no grounds exist for revocation under (e)(4), (5), (6) or (7) above, the hearing officer may deny the request for revocation if he finds that the needs of the animals and the public interest will be adequately protected by a warning.

A copy of the written findings shall be served on the licensee. If the address of the licensee is unknown or if such findings have been sent certified mail, return receipt requested, and returned undelivered, such findings shall be served on the person in charge of the kennel or on an agent or employee of the licensee.

(h) *Removal of animals upon revocation of license.* If the license is revoked, no animal shall be accepted or placed in the kennel and all animals at the kennel on the date the license is revoked shall be removed therefrom as soon as possible, but in no case no later than ten (10) days after notice that the license has been revoked was served on the licensee, his agent or his employee.

(i) *Service of notices.* Any notice provided for in this section may be served by personal delivery or by certified mail, return receipt requested.

(j) *Nonrefundability of license fee; reinstatement of license.* In the event a license is revoked, the city shall not be liable to the licensee for any refund of any part of the license fee. Reinstatement of a license that has been revoked shall require application and payment of a permit fee as if it were an initial application; provided, however, no license shall be issued to the same licensee if the licensee has been convicted of any offense involving cruelty to animals; no license shall be issued to the same licensee within one (1) year of the date a license has been revoked; and no license shall be issued for the same location unless it is shown that adequate precautions have been taken so that the conditions under which the license was revoked shall not recur. If there is a dispute between the animal control officer and a person applying for a license for a place for which a license was revoked as to whether adequate precautions have been taken so that the conditions under which the license was revoked will not recur, the applicant may request a hearing before the city manager or his designate. Such hearing shall be conducted under the same procedures as a hearing for a revocation of a license, however the burden shall be on the applicant to show that adequate precautions have been taken so that the conditions under which the license was revoked will not reoccur.

[Sec. 6-76.](#) - Minimum distance requirements from buildings meant for human occupancy.

It shall be unlawful for any person, firm or corporation to keep, possess or maintain in the city a kennel within one hundred fifty (150) feet of any building meant for human occupation other than the resident of the keeper, possessor or owner of such kennel. Such distance of one hundred fifty (150) feet shall be measured in a straight line from the nearest point of any kennel, pen, enclosure or other structure in which the animals are kept to the nearest point of such actual residence or such actual building. This section shall not apply to any licensed kennel in existence prior to the effective date of this section.

Cross reference—Distance measured from animal enclosure to point of human habitation, § 6-14.

[Sec. 6-77.](#) - Fencing.

Any kennel which is not completely enclosed within a building and is accessible to the public shall be fenced with a solid fence or a double fence separated by a minimum distance of two (2) feet. This section does not apply to any duly licensed kennel in existence prior to the effective date of this section.

[Secs. 6-78—6-81.](#) - Reserved.

[ARTICLE VI. - IMPOUNDMENT](#)

[Sec. 6-82.](#) - Redemption of impounded animals.

(a) The person entitled to the possession of any animal delivered to the animal control center shall be entitled to have the animal delivered to him at the animal control center upon presentation of satisfactory evidence of ownership and payment of the following charges and

fees as applicable, provided such animal is not infected or reasonably believed to be infected with rabies or any other infectious or contagious disease:

(1) Except as otherwise provided in this chapter, a fee shall be charged for the impoundment of any animal as may from time to time be established by city council, as reflected in the fee schedule maintained in the office of the city secretary.

However, no impoundment fee shall be charged for dogs, cats or other small animals delivered to the animal control center by the owner, or for dogs, cats or other small animals placed in custody of the animal control center **for the first seventy two (72) hours** because the owner of the animal has been arrested ~~and~~ or is in the custody of the state.

(2) Purchase of a license as provided hereinabove if a dog or cat has no valid license.

(3) Reasonable expenses for the treatment of the animal for injury or illness. Any veterinarian whose services are enlisted by the animal control center is hereby specifically authorized to treat an animal for injury or illness when such treatment is found to be reasonably necessary in his judgment.

(b) The animal control officer is hereby empowered to offer for sale any and all healthy animals impounded under the terms of this article and not redeemed within three (3) days, and to sell the same ~~for cash~~ for the amount of the accrued fees against such animal. The person entitled to the possession of any animal shall be entitled to redeem the same upon paying the purchaser double the amount paid by him for such animal and his reasonable expenses for keeping the same. Any animal not so redeemed within ~~thirty (30)~~ **fifteen 15** days from the date of the sale shall become the absolute property of the purchaser.

(c) No animals which have been taken to the animal control center shall be redeemed or sold unless they are vaccinated for rabies, except in such instances where the appropriate official has been furnished with satisfactory proof and evidence that such animal has been inoculated with a rabies vaccine approved by the U.S. Department of Agriculture's Veterinary Biologics Division, and that such immunization will not expire within the licensing year in which such animal is to be released.

(d) The owners of all animals impounded in the animal control center shall be required to redeem the same as provided for in subsection (a) hereof and shall not be permitted to purchase such animal in lieu of paying the redemption fee.

(e) It is hereby declared unlawful to remove animals from the animal control center except in accordance with the procedures established herein and the regulations established by the department.

(f) Any dog or cat impounded in the animal control center that is claimed by the owner that has not been inoculated for rabies in accordance with such section due to illness, will be delivered to any veterinary hospital within the city, upon request of the owner thereof, for further treatment, provided, the veterinarian operating such veterinary hospital agrees to vaccinate such

animal for rabies prior to releasing the animal from the veterinary hospital, and provided further, that such veterinarian also agrees to furnish a certificate evidencing the vaccination to the animal control center ~~within ten (10) days of the release of the animal.~~

Sec. 6-83. – ~~Disposal of animals not redeemed.~~

Animals taken up and impounded under the terms of this article which are not redeemed or purchased as provided in this article shall be disposed of by the city as follows:

(1) ~~Any such animal requested for research or teaching purposes by a medical school licensed hospital, or nonprofit university or college providing a degree program, shall be sold to such institution upon payment of a fee of twenty five dollars (\$25.00). Any animal that is vaccinated and sterilized and is otherwise deemed suitable for adoption, may be offered for adoption through a city facility. The director shall impose an adoption fee per animal as deemed appropriate by the Animal Control Supervisor to cover the costs of taking care of the animal prior to adoption.~~

(2) ~~All such animals which are not requested by an institution listed in (1) above, shall be destroyed under the direction of the department, in the lethal chamber of the department or in such other appropriate manner as may be authorized by the city manager. Any animal that is suitable for adoption as a pet and is not placed for adoption through city facilities may be placed for adoption through a private nonprofit humane shelter and/or approved rescue group. . The Animal Control Supervisor shall establish uniform criteria for the placement of adoptable animals through humane shelters and shall make surplus adoptable animals available to those organizations that meet the criteria. The criteria shall include requirements that animals be vaccinated and sterilized in accordance with State Law and that the animals are licensed in the jurisdiction where they will be kept.~~

(3) ~~All animals that are not placed for adoption shall be destroyed by use of humane euthanasia procedures as outlined by the State of Texas.~~

(4) ~~Under no circumstances may an animal be sold or donated to a medical school, licensed hospital, or nonprofit university or college.~~

Sec. 6-84. - ~~Destruction upon request.~~

The department may accept a dog or cat from the owner thereof for disposal upon payment by the owner of a fee as may be established by city council from time to time and reflected on the fee schedule maintained in the office of the city secretary. No fee shall be charged to a citizen of ~~Pearland~~ who brings an injured ~~or ill~~ cat or dog to the animal control center for euthanasia. The disposal of such animals shall be accomplished in the same manner as though the animals had been impounded and not redeemed ~~in accordance with State Law.~~

Sec. 6-85. - Wild animals—Initial impoundment.

(a) The animal control officer shall seize all animals found to be in violation of section 6-21 hereof and impound the same. Where city facilities are insufficient or otherwise inadequate to impound any such animal, the animal control officer shall take any reasonable and necessary steps to secure the impoundment of such animal within or outside the city, in whatever facilities may be available at the time.

(b) The owner of a seized wild animal may recover the same upon a showing of ownership to the animal control officer. Such will be evidenced by written documentation clearly denoting ownership of the animal in question. Prior to such recovery, the owner shall also provide to the animal control officer:

(1) A sworn affidavit setting forth the location at which the animal will be kept, and that he will not allow such animal to be within the city;

(2) An agreement that he will indemnify and hold harmless the City of Pearland from any and all liability resulting in any way from the keeping of such animal; and,

(3) A waiver form approved by the city attorney authorizing the disposal and/or destruction of the animal should any further impoundments occur or become necessary.

(c) If recovery under subsection (b) hereof has not been effected within ten (10) days after impoundment, the animal control officer shall be authorized to offer such animal to a zoo or wildlife refuge, or to destroy the animal if same remains unclaimed for an additional ten (10) days.

[Sec. 6-86.](#) - Same—Procedure on subsequent impoundment.

In the event that a wild animal is seized and recovered by the owner as set forth in section 6-85 hereof, and such animal is thereafter found at large or in violation of this article, such animal shall be seized by the animal control officer and the city attorney shall, as soon as practicable, seek an order from a court of competent jurisdiction, for the destruction of such animal.

[Secs. 6-87—6-89.](#) - Reserved.

[ARTICLE VII. - ANIMAL SHELTER ADVISORY COMMITTEE](#)

[Sec. 6-90.](#) - Creation of committee and purpose.

There is hereby created an animal shelter advisory committee to assist the City of Pearland Animal Control Center in complying with V.T.C.A., Health and Safety Code ch. 823 of the Health and Safety Code, as such may be amended hereafter.

[Sec. 6-91.](#) - Composition of committee.

The animal shelter advisory committee shall be composed of at least one (1) licensed veterinarian, one (1) municipal official, one (1) person whose duties include the daily operation

of an animal shelter, **one (1) resident of Pearland** and one (1) representative from an animal welfare organization. Members of the committee shall be appointed by and serve at the pleasure of the city council.

[Sec. 6-92.](#) - Rules of procedure.

The animal shelter advisory committee shall adopt its own rules of procedure.

[Secs. 6-93—6-100.](#) - Reserved.

**City of Pearland Animal Shelter Advisory Committee
By-Laws**

Article I – Name

The name of this Committee shall be the City of Pearland Animal Shelter Advisory Committee, as created by the City Council of the City of Pearland.

Article II – Purpose

The purpose of this Advisory Committee is to assist the City of Pearland Animal control Shelter in complying with V.T.C.A., Health and Safety Code ch. 823 of the Health and Safety Code, as such (Ordinance No. 528-7 § 1, 9-10-07).

- A. Act in an advisory capacity to the City Council in the review and development of rules, regulation and Ordinances for the care and control of animals in the City.
- B. Study and make recommendation regarding the acquisition and provision of services and facilities for the care and control of animals by the City.
- C. Study and make recommendations regarding cooperation between the City, other government entities, veterinarians, professional animal handlers, rescue groups, animal owners, and other humane groups in the care and control of animals.
- D. Study and make recommendations regarding the City's animal population, prepare and maintain data and reports relative to animal care and control in the City.
- E. Perform such additional duties involving care and control of animals as may be delegated by the City Council and/or the City Manager.

Article III – Members

- A. The members of the committee shall be composed of a least one (1) licensed veterinarian, one (1) municipal official, one (1) person whose duties include the daily operation of the City of Pearland's Animal Control Shelter, one (1) representative from an animal welfare organization and one (1) resident of the City of Pearland. Members of the Committee shall be appointed by and serve at the pleasure of the City Council.
- B. Committee members shall serve three (3) year terms. At the conclusion of the first term, Committee members may be reappointed for a second term. At the conclusion of two (2) consecutive terms, members must sit out one full year before they can be considered for reappointment to the Committee.

- C. Absence from three consecutive regular meetings without formal consent from the Committee shall be grounds for removal from the Committee by an affirmative vote of the Committee.
- D. Any Committee may resign his/her appointment by submitting a letter of resignation to the City Secretary of the City of Pearland.

Article IV – Officers

- A. Officers of the Pearland Animal Shelter Advisory Committee shall consist of a Chairperson and a Vice Chairperson and shall be selected to serve a one year term. Annual elections for these two positions will be held at the first regular scheduled meeting in November. The Chairperson and Vice Chairperson may serve a maximum of three consecutive years in the same capacity as an Officer if they are elected by the majority of the Committee.
- B. Officers shall perform the duties prescribed by the By-Laws and as approved by the City Council.

Chairperson: Shall act as presiding officer at all regular and special meetings of the Advisory Committee and also perform the following other related duties:

- Assure proper order of the Animal Advisory Committee and the public in all proceedings
- Sign all documents of the Committee
- Coordinate the agenda with staff
- Represent the Committee before City Council
- Conduct all meetings in accordance of Roberts Rules of Order and in accordance with the Texas Open Meetings Act

Vice Chairperson: Shall fill the role of the Chairperson in his/her absence at Committee meetings and at City Council meetings. In the case where the current Chairperson becomes ineligible to serve or otherwise vacates the Office of Chairperson, the Vice Chairperson shall upon the date of ineligibility or vacation by the Chairperson, assume the position and responsibilities of the Chairperson for the remaining elected term and/or for that meeting.

Article V – Ethics

- A. **Preparedness:** Committee members shall inform themselves concerning the laws, policies and legal precedents relating to the City of Pearland Code of Ordinances and shall make a diligent effort to attend all meetings and participate in the discussion items placed on the agenda.

- B. Discretion:** Committee members shall be discreet in the discussion of pending matters outside of the meeting forum. No commitments or prejudicial comments shall be made prior to a public hearing or in advance of any official action.
- C. Representations to the Public:** At public and private functions at which a Committee member is present as an individual, that Committee member shall be careful to indicate when he or she is representing the Committee or acting as a private citizen.

Article VI – Meetings

- A.** In Accordance with Health and Safety Code ch. 823.005, The Advisory Committee will meet minimum of three (3) times per year. The Committee may hold other such meetings as circumstances may require for the performance of its function and proper discharge of its duties and responsibilities.
- B.** The Committee shall meet at a regularly appointed time; meetings shall be open to the public and shall keep a complete record of its transactions. A majority of the members must be present in order to hold an official meeting.
- C.** Minutes or audio recordings of public meetings are declared by the Texas Open Records Act/Texas Public Information Act requires that all records of the Committee must be available to the public upon request.
- D.** Committee meetings shall be held in the Pearland City Hall Council Chambers and/or at the Pearland Animal Shelter or another City facility determined by the Committee in advance prior to the next regularly scheduled meeting.
- E. Public Comments:** Each agenda shall have a section on the agenda titled “Public Comments”. During this agenda item those individuals wishing to address the Committee will fill out a “Public Comments Form” and will be allowed three (3) minutes to address the Committee. At the discretion of the Chairperson, the three (3) minute time limit may be expanded if deemed appropriate to clarify the subject matter. During this portion of the agenda, the Committee may not dialog with the Public however, if the item is related to a specific agenda item, the Chairperson and/or the Committee may engage in dialog with the citizen on that agenda item at their discretion.

Article VII – Agenda

- A.** The order of business on the agenda of the regular or special meetings of the Committee may be determined by the Chairperson, with the assistance of Committee members and City staff, and must comply with the Texas Open Meeting Act. The items on the agenda will be listed in the following order: 1. Call to order; 2. Roll Call; 3. Discussion and Possible Action Regarding the Previous meetings minutes; 4. Public Comments; and any other items necessary to perform the duty of the Committee. The last item on each agenda will be Adjournment.
- B.** All business for consideration must be included on the agenda. The Chairperson shall rule as “out of order” regarding consideration of any matter not on the agenda. If an issue is introduced at the meeting and action is required, it must be placed on the agenda of a subsequent meeting and legally posted before discussion and action can be taken on that item.
- C.** All agenda items to be considered by Committee members must be submitted to the Chairperson ten (10) working days prior to the meeting in order to be placed on the agenda. Two Committee members may jointly place an item on the agenda if it is presented to the Chairperson ten (10) working days prior to the regularly scheduled meeting date.
- D.** The agenda shall be prepared and posted by 5:00 p.m., at City Hall three (3) full working days and/or seventy (72) hours prior to the scheduled meeting by the City Secretary in compliance with the Texas Opens Meeting Act.

Parliamentary Procedure:

- A.** The Chairperson of the Committee shall have the same rights as any other Committee member to question, debate make a motion and vote on a motion.
- B.** A motion must have a “second” before the motion may be put to a vote. Once the motion is seconded, the motion will be open for discussion. After all discussion has occurred on the item, the Chairperson will call for a vote on the item.
- C.** All motions require a majority vote of the members present in order for passage of the motion.

**Animal Control Code of Ordinances
Summary of Recommended Changes
March 5, 2012**

[6-2](#)

Kennel – Made change in definition to go from four (4) to six (6) dogs or cats kept at the location.

Unprovoked Attack – Added “or their owner” to the definition.

Wild Animal – Inserted into the definition “Does not include Raptors and Falcons that are licensed or hold valid permit issued by the State of Texas”. Also changed poisonous to venomous in the definition.

[6-3](#)

Animals at Large - The Committee discussed this issue at two different meetings however, no formal motion was made by a Committee member to change the existing Ordinance. The Committee agreed that if Cat Colonies were permitted it would mean that cats would be allowed to “run at large” and that was considered by the Committee, not to be acceptable.

The following items were also added to this section:

(a) Defecation by Dogs or Cats (*Pooper Scooper Requirement*) – It is the responsibility of each person in control of a dog or a cat to promptly remove and dispose of, in a sanitary manner, feces left by such dog or cat.

(b) It shall be the duty of each person in control of a dog or cat to be in possession of materials to remove feces left by such dog or cat.

[6-6](#)

Micro-Chip – Change section titled from Tattoos to Micro-Chip. Require that any animal that bites, scratches or otherwise attacks any person or other animal while off the premises of the owner shall have a Micro-Chip inserted under the skin of the animal instead of a tattoo placed on the animal.

[6-8](#)

Destruction of Wounded Animals – Changes the process of documenting the destruction of animal at the shelter to include the method of destruction of the animal and the method of disposal of the animal. The file will be kept at the shelter instead of being forwarded to the City Manager (current practice).

6-9

Swine – Goats

- a. Remove reference to goats in this portion of the section.
- b. Remove all references to “Miltch Goats” to clarify the section.

6-11

Cattle and other Ruminants – Add the words “and other Ruminants” to the section to include other even-toed, hoofed mammal of the suborder Ruminantia, being comprised of cloven-hoofed, cud-chewing quadrupeds, and including, bison, buffalo, deer, antelopes, giraffes, camels, and chevrotains.

6-12

Chickens, Geese and ducks – At the most recent Animal Control Advisory Committee meeting the Committee was presented with the idea of changing this section of the Ordinance to allow chickens on residential properties that are smaller than the current required 1 acre lot size. The Committee did not take any formal action on this item. The Committee listened to individuals presenting the idea and ask them to develop a set of recommendations for the Committee to consider and provide the information to them prior to the Committee’s next regular meeting for their consideration.

6-13

Rabbits – Eliminate Guinea Pigs from this section making them legal to possess within the City Limits of Pearland.

6-19

Sale of animals prohibited – The purpose of the revision of this section is to prohibit the sale or display of any animal within the City Limits unless it is by an agent of a business that has a certificate of occupancy from the City authorizing the occupancy of the premises for the purposes of operating a business of selling pets.

6-20

Coloring of animals – Changed wording to any fowl or live stock. The revision would allow individuals to color their dogs and cats if so desired.

[6-21](#)

Restrictions on keeping wild animals – Amended this section of the Ordinance to better define where wild animals may be kept. Added Wildlife Rehabilitator and allows State licensed Raptors and/or Falcons.

[6-33](#)

Rabies Control – In accordance with item A, 1 of this section, every animal that has rabies or exhibits symptoms thereof, and every animal that bites, scratches or otherwise attacks any person or another animal within the city shall be impounded summarily and held under observation by the animal control officer for ten (10) days. Item A, 2 of this same section allows at the Animal Control Officer's discretion the owner of the pet to home quarantine the animal. The problem with this option is it does not provide specific parameters that would allow the owner to home quarantine or prevent the owner from a home quarantine. This issue was not discussed by the Committee however, has become an issue recently.

f. Better defines the requirements for notifying the local rabies authority regarding bite or scratch cases.

[6-43](#)

(Vicious Animals) Animal Control Board Created – Change the number of individuals serving on the Board from four (4) to five (5) and subsequently adds one (1) more resident of Pearland to the Board.

[6-44](#)

b. Changed shall in this section to may.

b. 1, Changed tattoo to Micro-Chip.

[6-46](#)

Decision to destroy – Added the words “as described by State Law” to clarify the section.

[6-82](#)

Redemption of impounded animals – a. 1, added the language “for the first seventy (72) hours” to the provision to specify the amount of time the animal will be impounded at the shelter and the owner will not be charged a fee based on that individual being arrested or incarcerated at the time the animal was impounded.

3, b. Removed the requirement to sell the animal for cash and changed the time period from thirty (30) days to fifteen (15) days the original owner can redeem their pet from someone that purchased the animal from the shelter.

3, f. Added the time period required (10 days) for the veterinarian to provide evidence of vaccination of the animal impounded

6-83

Disposal of animals not redeemed – Eliminated the possibility of animals being sold or donated to hospitals, colleges or universities for the purpose of teaching and/or research. Additions were also made to this section specifying the process of disposing of animals not redeemed at the Animal Control Shelter.

6-84

Destruction of an animal upon request – clarified the residency requirement and added the provision requiring the animal must be destroyed in accordance with State Law.

6-91

Composition of committee – Added one (1) additional resident of the community to the Advisory Committee. The revision would expand the Committee from four (4) to (5) members.

Other Issues – Three other issues were raised by residents of the Community however, no action was taken by the Committee regarding the requests.

1. To allow Pot Bellied Pigs at a residents home within the City Limits.
2. Prohibit animals (dogs and cats) from being outside between the hours of 11:00 PM to 9:00 AM.
3. Allow lost and found pet signs for a specific period of time within City right of ways.

Workshop Item No. 2

2. **COUNCIL INPUT AND DISCUSSION:** REGARDING COUNCIL GOAL – XI, A, OTHER TOPICS FOR RESEARCH “DEVELOP COMPREHENSIVE COMMUNICATIONS STRATEGY TO TELL PEARLAND’S STORY.”
Ms. Sparkle Anderson, Public Affairs Director.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: March 5, 2012	ITEM NO.: Workshop Item No. 2		
DATE SUBMITTED: February 27, 2012	DEPARTMENT OF ORIGIN: Public Affairs		
PREPARED BY: Sparkle Anderson	PRESENTOR: Sparkle Anderson		
REVIEWED BY: Jon R. Branson	REVIEW DATE: February 28, 2012		
SUBJECT: Council Goal – XI, A, Other Topics for Research “Develop Comprehensive Communications Strategy to tell Pearland’s Story”			
EXHIBITS: Attachment A, Exhibits “A” & “B”			
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:		
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:			
To be completed by Department:			
<input type="checkbox"/> Finance	<input type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution

EXECUTIVE SUMMARY

In accordance with City Council Goal XI, A, “Develop a Comprehensive Communications Strategy to tell Pearland’s Story,” current communications tools were evaluated and updated. Upon review of the existing communications tools, staff would like to discuss enhancements made, areas of improvement and upcoming planned changes.

RECOMMENDED ACTION

Conduct a Workshop on the City Council Goal XI, A, “Develop a Comprehensive Communications Strategy to tell Pearland’s Story.”



Council Goal XI.

Develop a Comprehensive Communications Strategy to tell "Pearland's Story"



E-marketing



- Purchased an e-marketing system to produce HTML-formatted emails
- The Parks and Recreation Department will be the first to utilize the new system for their monthly Rec Report publication
- The City of Pearland will soon have a monthly electronic publication



Web enhancements

City Documents

Online Forms

Pearland Maps

Events Calendar

February 2012

S	M	T	W	Th	F	S
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

< Jan Mar >

Read more

Contact Us

3519 Liberty Dr.
Pearland, Texas 77581
281.652.1600
(7:30 a.m. - 5:30 p.m.)
e-mail Web site comments

The accuracy of this data is limited to the validity and

Welcome to the City of Pearland Official Web site!

Pearland is one of the fastest growing cities in Texas, positioned on a growth curve that extends well into the 21st century, fueled by an enviable location. However,



Pearland's history goes far beyond the initial founding date. Native Indian inhabitants hosted their first European visitors in 1528. Such famous names as Cabeza de Vaca, La Salle, and Stephen F. Austin leap out from this tumultuous chapter in Texas' colorful history that traces the area's development to present-day Pearland. The tenacity of these early settlers formed the backbone of a thriving community that continues to

grow, increasing from approximately 19,000 to 96,000 residents in the last 2 decades. In the spirit of our earlier settlers, we invite you to come for a visit, and stay for a lifetime!

News Updates



CITY OF PEARLAND HOSTS PLANNING AND COMMUNITY DEVELOPMENT PRESENTATION

Residents are invited to attend the Planning and Community Development Presentation to learn about mobility in Pearland, population and demographics and more.

MAYOR TOM REID DELIVERS ANNUAL STATE OF THE CITY ADDRESS

Mayor Tom Reid gave his 2012 Annual State of the City Address, at the First United

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Subscribe to
Email Alerts

Public Information
Requests

- Added a community calendar to keep residents informed of programs, events and activities in the city
- Added an RSS feed to provide a new way for individuals to connect
- Added a "News Updates" section to promote the latest city news
- Integrated social media on the city's official Web site



Social Media

CITY OF PEARLAND CONNECTION ROADMAP

Visit our Web site:
cityofpearland.com

Watch us on YouTube:
YouTube.com/copearland

Like us on Facebook:
Facebook.com/cityofpearland

Sign up for city alerts:
cityofpearland.com/alerts

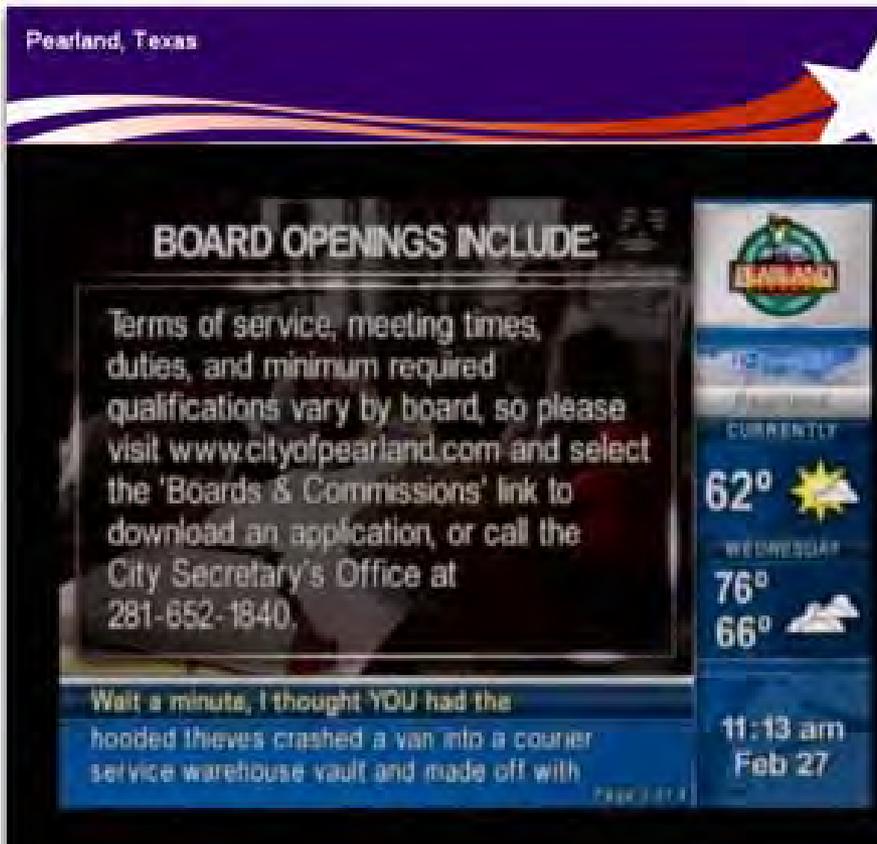
Follow us on Twitter:
Twitter.com/copearland

Tune in to our municipal channel:
Comcast channel 16

- Planned a social media campaign to raise awareness and generate excitement surrounding new communications channels
- Campaign targets residents, City of Pearland staff and friends of the City of Pearland
- Campaign includes distribution of cards, a small incentive for individuals to “get connected,” and cross promotion throughout various city departments



City View enhancements



- Added video to the municipal channel
- Currently assessing costs to add more video content (utilizing state franchise fee funds)
- Modifying the message bar to be consistent with brand guidelines



Traditional Means of Communications

City of Pearland
News Release
Public Affairs Office
www.cityofpearland.com



FOR IMMEDIATE RELEASE
Contact: **Sparkle Anderson**
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Cell: 713.775.4086
sanderson@ci.pearland.tx.us

MAYOR TOM REID DELIVE

PEARLAND, TEXAS – February
Annual State of the City Address a

With economic development on
emphasized the need to continue t

City of Pearland
News Release
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STREET LIGHT OUT?

Call the City of Pearland Public Works Department or report outages online

PEARLAND, TEXAS – February 16, 2012 – The City of Pearland would like to remind residents who wish to report a street light outage to call the City of Pearland Public Works Department or report the outage online.

- While we're embracing new channels of communication, we are continuing to utilize traditional communications channels such as press releases
- We also continue to pitch stories as needed to local media outlets



Policy Changes

	<p>CHAPTER 6</p>	<p>SECTION 6.17</p>	
		<p>CHAPTER 6 EMPLOYEE CONDUCT</p>	<p>SECTION 6.19 SOCIAL MEDIA</p>

Purpose

It is the intent of the City of Pearland to establish a policy regarding contact with the media reporters.

PURPOSE

It is the intent of the City of Pearland to establish a policy regarding the use of internet-based Social Media tools, defined as a set of

- Recommended changes to the current Social Media & Media Relations policies
- Currently with the Policy Review committee (Once approved, the policies will be brought to council for consideration)



Economic Development



Pearland Demographic Overview

- Produced (2) new brochures – Pearland Demographics and Community Summary
- Hired a new Marketing Director (Melissa Black)
- PEDC is featured in Winter 2012 Issue of the Greater Houston Partnership's Opportunity Houston and 2012 Economic Development Guide
- Recently, purchased ad space in the Texas Wide Open for Business' annual Economic Development Guide





Questions?



DRAFT: January 20, 2012

City of Pearland Social Media PR Communications Plan

SITUATION

The City of Pearland has established several new tools to use as a means to communicate with city residents, staff and friends of the city through its three social media channels – Facebook, Twitter, & YouTube. In an effort to increase exposure of City of Pearland offerings, the city will embark upon a campaign that focuses on raising awareness and generating excitement surrounding the new communications channels. This will ultimately result in greater participation and awareness of city services and offerings.

GOALS

- Increase the number of fans, followers and subscribers on each channel
- Increase unique user Web site hits during the months of March and April (compared to previous months)
- Raise brand awareness through the promotion of the campaign
- Identify ways in which to encourage staff in every department to become involved and serve as “brand ambassadors” promoting the new social media channels

TARGET AUDIENCES

- City of Pearland residents
- City of Pearland staff
- Friends of the City of Pearland

TALKING POINTS

- The City of Pearland has established several new tools to use as a means to communicate with city residents, staff and friends of the city through its three social media channels – Facebook, Twitter, & YouTube
- Sign up for Facebook, Twitter, & YouTube to receive updated information about the City of Pearland.
- Use of social media communication tools will allow the City of Pearland to provide information to residents more quickly
- Use of social media communication tools acknowledges current trends in communications

RESPONSIBILITIES (FOR OTHER DEPARTMENTS)

- **Utility billing**
 - Promotion of social media channels during customer interaction
- **Human Resources**
 - Include marketing collateral in new hire packets, mention during New Employee Orientation
- **Parks & Recreation**
 - Distribute marketing collateral at all local facilities that city residents visit



TACTICS

Campaign – Mar. 19 – Apr. 23

- Landing page inclusion at www.cityofpearland.com
- Marketing collateral
- HTML message promoting new social media channels
- City View slide

Newsletter

Pearland in Motion (in the next edition of the newsletter)

Promotion

During the promotion period - offer an incentive to individuals who join any of the social media communications channels (including Facebook, Twitter, & YouTube). Individuals who “connect” via social media would be entered into a drawing to win one of (3) \$20 gift cards for a local store...one for each communications channel. The total investment would be \$60 and the funds would come out of the 2011-2012 FY existing Public Affairs Departmental budget.

Workshop Item No. 3

3. **COUNCIL INPUT AND DISCUSSION:** REGARDING THE DISCUSSION OF AN ETHICS ORDINANCE. *City Council*

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: March 5, 2012	ITEM NO. Workshop Item No. 3
DATE SUBMITTED: February 24, 2012	DEPARTMENT OF ORIGIN : NA
PREPARED BY: Darrin Coker	PRESENTOR: Councilmembers
SUBJECT: Ethics Ordinance	
EXHIBITS: Sugarland Ethics Ordinance	
EXPENDITURE REQUIRED - <u>N/A</u>	
AMOUNT BUDGETED - <u>N/A</u>	
ACCOUNT NO.	
ADDITIONAL APPROPRIATION REQUIRED <u>N/A</u>	
ACCOUNT NO.	
FUNDS AVAILABLE <u>N/A</u> (Finance Department Approval)	

EXECUTIVE SUMMARY

Councilmembers Sherrouse and Hill recently requested a workshop to discuss a proposed ethics ordinance. They have provided a copy of the Sugarland ordinance as a framework for the workshop discussion. In addition, an email is included in your packets that outlines some revisions that the councilmembers would recommend in the event City Council proceeds with the adoption of an ordinance.

Sec. 2-71. - General statement.

It is the policy of the city council of the City of Sugar Land to hold its members and the city's other appointed officials to the highest standards of ethical conduct. The city council believes that it has a responsibility to make every reasonable effort to assure the citizens of Sugar Land that their elected and appointed officials will always place the public's interest above their own. To that end, the city council has concluded that current state laws regulating the conduct of local public officials should be supplemented by adopting additional regulations for the city's elected and appointed officials and that city staff should be directed to provide, at least once a calendar year, educational programs to the city's elected and appointed officials on their legal and ethical obligations under state and local law, including, particularly, their obligation to avoid conflicts of interest.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-72. - Ethical values.

It is the official policy of the city that:

- (1) City officials shall be independent, impartial, and responsible to the citizens of the city;
- (2) City officials shall not have a financial interest, and shall not engage in any business, transaction, or professional activity, or incur any obligation, that conflicts with the proper discharge of their duties for the city in the public interest.
- (3) The principles of personal conduct and ethical behavior that should guide the behavior of city officials include:
 - a. A commitment to the public welfare;
 - b. Respect for the value and dignity of all individuals;
 - c. Accountability to the citizens of the city;
 - d. Truthfulness; and
 - e. Fairness.
- (4) Under such principles of conduct and ethical behavior, city officials should:
 - a. Conduct themselves with integrity and in a manner that merits the trust and support of the public;
 - b. Be responsible stewards of the taxpayers' resources; and
 - c. Take no official actions that would result in personal benefit in conflict with the best interests of the city.
- (5) To implement the purpose and principles set out in this division 1, the city council has determined that it is advisable to enact rules of ethical conduct to govern city officials. It is the purpose and intent of city council to assure a fair opportunity for all of the city's citizens to participate in government, to adopt standards of disclosure and transparency in government, and to promote public trust in government.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-73. - Purpose and effect.

The statements of purpose and principles contained in this division 1 are for guidance only. They are not intended to create binding obligations, to serve as a basis for disciplinary action, or to create any private cause of action. The rules of ethical conduct contained in division 2 below, are intended not only to serve as a guide for official conduct, but also as a basis for discipline of city officials who do not abide by them.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-76. - Definitions.

In this article:

Administrative board means any board, commission, or other organized body:

- (1) That has, by law, final decision-making authority on matters within its jurisdiction and that is either: (a) established under the City Charter or by city ordinance, or (b) whose members are all council members or are appointed or confirmed by the city council; or,
- (2) Created as a non-profit economic development corporation by the city council under the authority of the Development Corporation Act of 1979, as amended.

Advisory board means a board, commission, or other organized body other than an administrative board, that was created by an act of the city council whose members are appointed or confirmed by the city council and are charged with making recommendations to the city council on matters within its jurisdiction.

City official means a member of the city council, an administrative board, or an advisory board.

Review panel means the body charged with reviewing and acting on complaints and requests for declaratory relief filed under this article.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-77. - Covered officials.

The rules of ethical conduct contained in this Division 2 apply generally to city officials and in certain defined circumstances to candidates for city council and former city officials.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-78. - Conflicts of interest, generally.

- (a) A city official shall abstain from participation in discussion of and any vote on a matter, and shall file an affidavit stating the nature and extent of his or her interest in a matter, if action on the matter by the body on which the city official serves will have a special economic effect that is distinguishable from its effect on the public on any of the following:
 - (1) The city official;
 - (2) The city official's outside employer or client;
 - (3) The city official's spouse, parent, or child; or
 - (4) A public or private business entity for which the city official, or his or her spouse, parent, or child serves as a director, general partner, or officer, or in any other policy making position.
- (b) A city official shall abstain from participation in, discussion of, and any vote on a matter involving a person if, within the 12 months preceding the date of the vote, the city official has filed a conflicts disclosure statement under Chapter 176 of the Local Government Code relating to that person.
- (c) A city official shall abstain from participation in, discussion of, and any vote on a matter involving a business entity if:
 - (1) The city official has a substantial interest in another business entity that has had one or more business transactions with the business entity involved in the matter to be voted on;
 - (2) The business transaction or transactions occurred within the 12 months immediately preceding the date of the matter to be voted on; and
 - (3) The business transaction or transactions resulted in a payment or payments totaling more than \$10,000.00.

A city official required to abstain from voting under the preceding paragraph (c) must file an affidavit stating the nature and extent of the interest in the business entity. For purposes of the preceding paragraph (c), a "business entity" and "substantial interest in business entity" have the meanings respectively provided for in V.T.C.A., Government Code, § 171.001(2) and § 171.002(a), as amended.

- (d) Affidavits of conflict of interest filed pursuant to the requirements of this section or state law shall be filed with the city secretary before any vote on the matter and as soon as possible after the city official becomes aware of the need to file the affidavit.
- (e) A city official who is required to abstain from participation in a matter under this section or under state law shall leave the room where the meeting is held during any discussion of, and vote on, the matter.
- (f) The abstention of a city official, pursuant to the requirements of this section or state law, shall be recorded in the minutes or audio recording of the meeting of the respective body on which he or she serves.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-79. - Council member prohibited from doing business with the city.

- (a) Except as provided below, no council member shall have a financial interest in any significant contract or transaction involving the sale or lease of goods, real estate, or services, or the lending of credit, to the city.
- (b) For the purposes of this section, the ownership by a council member or his or her spouse, parent or child of the stock or instruments of debt of a publicly traded company does not give the council member a financial interest in any contracts or transactions that company has with the city, provided that the value of the interest held is less than five percent of the value of the company.
- (c) For the purpose of this section, a contract or transaction is significant only if the total payments made by the city pursuant to the contract or transaction exceed \$1,000.00 in the aggregate.
- (d) This section does not apply to the city's acquisition by eminent domain proceedings of an interest in land owned by a council member.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-80. - Disclosure of certain gifts to city officials.

- (a) Except as provided below, a city official who receives as a guest, a gift of food, lodging, transportation, or entertainment that reasonably appears to exceed \$500.00 in value shall file with the city secretary within 30 calendar days after receiving the gift a written disclosure statement containing the following information:
 - (1) A description of the gift of food, lodging, transportation, or entertainment that was received;

- (2) The date or dates on which the gift was received;
 - (3) The name of the host who paid for, or provided, the gift; and
 - (4) A statement that the aggregate value of the gift is believed to exceed the sum of \$500.00.
- (b) The requirements of (a), above, do not apply to a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the status of the recipient as a city official.
- (c) This section does not apply to any gift that is required to be and is reported under any other state law, including a required election campaign filing.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-81. - Appearance on behalf of private interests of others.

- (a) A member of the city council shall not appear before the city council or any administrative board or advisory board for the purpose of representing the interests of another person or entity. However, a member of the city council may, to the extent otherwise permitted by law, appear before any such body to represent the member's own interests or the interests of the member's spouse or minor children.
- (b) A city official who is not a member of the city council shall not appear before the body on which he or she serves for the purpose of representing the interests of another person or entity, and shall not appear before any other body for the purpose of representing the interests of another person or entity in connection with an appeal from a decision of the body on which the city official serves. However, the city official may, to the extent otherwise permitted by law, appear before any such body to represent the city official's own interests or the interests of the city official's spouse or minor children.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-82. - Misuse and disclosure of confidential information.

- (a) It is a violation of this ethics code for a city official to violate V.T.C.A., Penal Code, § 39.06 (Misuse of Official Information), as amended.
- (b) A city official shall not disclose to the public any information that is deemed confidential under any federal, state, local law, or council rules.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-83. - Restrictions on political activity and political contributions.

- (a) No city official or candidate for city council shall meet with any employee or group of employees of the city for political campaign purposes while such employees are on duty unless part of an approved city council activity.
- (b) No city official shall, directly or indirectly, coerce or attempt to coerce any city employee to:
- (1) Participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate, or issue; or
 - (2) Refrain from engaging in any lawful political activity.
- (c) The following actions by city officials are not prohibited by this section:
- (1) The making of a general statement encouraging another person to vote in an election;
 - (2) A solicitation of contributions or other support that is directed to the general public or to an association or organization; and
 - (3) The acceptance of a campaign contribution from a city employee.
- (d) No city official shall use, request, or permit the use of city facilities, personnel, equipment, or supplies for the creation or distribution of materials to be used in a political campaign or for any other purpose in support of a political campaign. However, meeting rooms and other city facilities that are made available for use by the public may be used for political purposes by city officials under the same terms and conditions as they are made available for other public uses.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-84. - Regulations applicable to former city officials.

- (a) A former member of city council shall not use or disclose confidential government information acquired during the member's service on the city council. A former member of city council is not prohibited from disclosing information if:
- (1) The information is no longer confidential;
 - (2) The information involves reports of illegal or unethical conduct and is disclosed to a law enforcement agency; or
 - (3) The disclosure is necessary to further public safety and is not otherwise prohibited by law.
- (b) No former member of city council shall have a financial interest in a significant contract with the city, within the meaning of section 2-79 of this article within 13 months following the expiration of the former member's most recent term of office.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-85. - Officials required to comply with both state and local law.

Where a city official's conduct is regulated by a provision of this article and a similar provision of state law, and it is possible to comply with the requirements of both, a city official shall comply with both.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-86. - City attorney's opinions.

The city attorney is authorized and directed to issue to any city official, upon reasonable request, formal written opinions regarding the applicability of the provisions of this article or Texas law to an action the city official, a former city official, or a candidate for city council is considering taking in the future.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-87. - Education.

The city shall provide training and educational materials to city officials on their ethical obligations under state law and this article. Such training shall include at least one formal classroom session in each calendar year. All city officials shall attend the formal training session offered by the city or equivalent training sessions conducted by the Texas Municipal League or similar organizations. The city also shall prepare and distribute brochures and other written materials on the subject to each city official at the time of his or her election or appointment to office.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-93. - Detailed written complaints required.

A complaint alleging a violation of any of the rules of ethical conduct contained in this article must be made in writing, signed by the complainant, sworn to before a notary public, and filed with the city secretary, and must contain the following information:

- (1) The name, address, and telephone number of the person making the complaint;
- (2) The name of, and office held by, the person against whom the complaint is directed;
- (3) The specific provision of this article that is alleged to have been violated;
- (4) For each violation alleged, a detailed description of the facts that are alleged to constitute the violation, including the date or dates on which the violation is alleged to have occurred;
- (5) The names, addresses, and telephone numbers of any witnesses to the violations; and
- (6) Copies or descriptions of any documents that substantiate the allegations.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-94. - Time for filing complaints.

A complaint must be filed on or before the 365th day after the date the violation is alleged to have occurred or the 90th day after the violation was discovered, whichever date is earlier. A complaint may be filed against a city official who is no longer in office if the complaint relates to conduct of the former city official that violates this article and is otherwise timely filed.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-95. - Preliminary review of complaints.

- (a) The city secretary shall provide copies of each complaint to the person or persons accused, to the city attorney, and to the members of the review panel, as soon as practicable.
- (b) The city attorney shall, within five business days of receiving the complaint, provide a written report to the review panel. The report shall state whether, in the city attorney's opinion, the written complaint: (1) was filed timely; (2) alleges misconduct by a person whose conduct is regulated under this article; (3) alleges the occurrence of conduct that might reasonably constitute a violation of the rules of ethical conduct contained in this article; and (4) is signed and sworn to by the person filing the complaint. Additionally, the report shall recommend whether the review panel should dismiss the complaint or conduct further proceedings.
- (c) The city attorney shall also advise the review panel whether the city attorney has issued a written opinion or opinions to the accused official that relate to the conduct at issue and whether, in the city attorney's opinion, the conduct was undertaken in good faith reliance on a written opinion that concluded the conduct was not in violation of this article. Where the city attorney concludes that the conduct was undertaken in good faith reliance on a written opinion, the city attorney shall recommend that the review panel dismiss the complaint without a hearing.
- (d) The city attorney's recommendation that the review panel conduct further proceedings does not mean that any of the allegations of the complaint are true or false or that any current or former city official or candidate for city council has violated or has not violated this article. The review panel will make that determination.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-96. - Review panel.

- (a) The city council shall act as the review panel for any ethics complaints filed against city officials, including members of the city council, former city officials, and candidates for the city council.
- (b) A member of the city council shall be disqualified from serving on a review panel to consider a complaint if the complaint was filed:
 - (1) Against the member;
 - (2) By the member; or
 - (3) Against a candidate for election to the member's place on city council where the member has filed for or is eligible for reelection.
 For the purposes of this provision, a complaint filed against a member of the city council for alleged misconduct related to the member's service on any other city-created entity shall be treated the same as a complaint related to the member's service on the city council.
- (c) The remaining qualified members of the city council shall act as the review panel where one or more members are disqualified from serving. A quorum of the review panel is four members. The affirmative vote of at least four members of the review panel is necessary to take action.
- (d) The city secretary shall act as the secretary for the review panel. Meetings of the city council, when acting as a review panel, shall be held in accordance with the requirements of the Texas Open Meetings Act.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-97. - Review panel procedures.

- (a) Within ten business days after a review panel receives a report and recommendation from the city attorney, it shall render a decision as to whether the complaint should be dismissed as insufficient or because the subject conduct was undertaken in good faith reliance on a formal written opinion of the city attorney, or whether an investigation into the complaint should be made. The city secretary shall promptly notify the complainant and the accused of the review panel's decision.
- (b) Where a review panel determines that an investigation should be made, it shall proceed with such investigation using such procedures as are appropriate considering the nature and circumstances of the particular complaint.
- (c) A review panel may not sustain a complaint or impose sanctions on an accused city official, former city official, or candidate for city council without holding a hearing on the complaint. The city council or review panel will adopt written rules of procedure to govern the hearing as it deems appropriate that will provide a fair hearing on the complaint. The written rules must include the right of the accused to respond to the complaint, to attend any hearing on the complaint, and to present witnesses and other evidence on his or her own behalf.
- (d) A review panel may conduct hearings and other proceedings on a complaint in closed executive session if permitted by state law, but any decision must be rendered during an open public meeting.

Sec. 2-98. - Sanctions for violations of this article.

In the event a review panel determines that a city official, former city official, or candidate for the city council has committed a violation of the

rules of ethical conduct contained in this article, it shall impose sanctions against the accused as follows:

- (1) Where a review panel finds that the accused has committed a minor violation of the rules of ethical conduct contained in this article, the violation was unintentional, and the accused fully cooperated in the investigation, it shall issue a written notice of violation to the accused. The notice shall be titled "Notice of Minor Violation" and shall state the findings of the review panel.
- (2) Where a review panel finds that the accused has committed a minor violation of the rules of ethical conduct contained in this article, and either: 1) the violation was committed knowingly, or 2) the accused has failed to fully cooperate in the investigation, it shall issue a written notice of violation to the accused. The notice shall be entitled "Letter of Admonition" and shall state the findings of the review panel, including the finding that the accused acted intentionally and/or failed to fully cooperate in the investigation.
- (3) Where a review panel finds that the accused has committed a major violation of the Rules of Ethical Conduct contained in this article, it shall issue a written notice of violation to the accused. The notice shall be entitled "Notice of Public Censure," shall announce the review panel's findings, including the finding that the accused has committed a major violation and any finding that the accused acted intentionally and/or failed to cooperate in the investigation, and shall express the review panel's strong condemnation of the person's actions.
- (4) Where the accused person is a current or former member of an administrative board or advisory board, the review panel may, where appropriate, issue in addition to any written notice of violation, a decision suspending or removing such member from office.
- (5) In addition to any other sanction imposed, the review panel may issue a decision requiring the accused to cease the violation and to file any affidavits, reports, disclosures, or other documents required by law.
- (6) Any decision or decisions by a review panel on an ethics complaint filed under this article shall be issued in writing and filed as a public record in the office of the city secretary.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-99. - Name clearing proceedings.

Where informal allegations of a potential violation of the rules of ethical conduct contained in this article have been made against a current or former city official and the accused person desires an investigation of such allegations in order to clear his or her name, the accused person may file a written request for declaratory relief, which shall contain the information described in [section 2-93](#), and which shall state that the filer denies the allegations and is filing the request for declaratory relief solely for the purpose of clearing his or her name. A request for declaratory relief filed under authority of this section shall be handled in the same manner and in accordance with the same procedures as complaints received from third parties and must be filed no later than the 90th day after the public official first learned of the allegations.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Sec. 2-100. - Penalty for filing false complaint or giving false testimony.

It is unlawful for a person to intentionally file a complaint under this article that the person knows contains false information or by making reasonable inquiry should know that it contains false information. It is unlawful for a person to intentionally give false testimony under oath in any hearing before a review panel held under this article. Any person found guilty of violating this section will be fined not more than \$500.00 for each offense.

(Ord. No. 1538, § 1, 12-20-05; Ord. No. 1577, § 19, 8-1-2006)

Ethics Ordinance

Susan Sherrouse

to:

Darrin Coker

02/24/2012 01:45 PM

Cc:

"Greg Hill"

Hide Details

From: Susan Sherrouse/COP

To: Darrin Coker/COP@ci.pearland.tx.us

Cc: "Greg Hill" <ghill@greghill.biz>

History: This message has been replied to.

After discussion with Councilmember Hill, I request that you add the following to a future workshop for the City Council.

Ethics Ordinance

Example - City of Sugar Land – Municipal Code of Ethics

<http://library.municode.com/index.aspx?clientId=14380>

Changes

Change 1.

Section 2.78

Currently says:

A city official shall abstain from participation in, discussion of, and any vote on a matter involving a business entity if:

(1) The city official has a substantial interest in another business entity that has had one or more business transactions with the business entity involved in the matter to be voted on;

Changes in CAPS

A city official shall abstain from participation in, discussion of, and any vote on a matter involving a business entity if:

(1) The city official has a substantial interest IN THE BUSINESS ENTITY, OR in another business entity that has had one or more business transactions with the business entity involved in the matter to be voted on;

Change 2.

Section 2.78

e) A city official who is required to abstain from participation in a matter under this section or under state law shall leave the room where the meeting is held during any discussion of, and vote on, the matter.

Changes in CAPS

A city official who is required to abstain from participation in a matter under this section or under state law shall leave the room where the meeting is held during any discussion of, and vote on, the matter, UNLESS A QUORUM CANNOT BE MAINTAINED. IF PHYSICAL PRESENCE IS REQUIRED IN ORDER TO MAINTAIN QUORUM, CITY OFFICIAL IS NOT REQUIRED TO LEAVE THE ROOM, BUT STILL CANNOT DISCUSS OR VOTE ON THE MATTER.

Change 3.

2.84

b) No former member of city council shall have a financial interest in a significant contract with the city, within the meaning of section 2-79 of this article within 13 months following the expiration of the former member's most recent term of office.

Changes in CAPS

b) No former member of city council shall ACCEPT EMPLOYMENT, CONSULTANT WORK, or have a financial interest in a significant contract with the city, within the meaning of section 2-79 of this article within 13 months following the expiration of the former member's most recent term of office.

Regards,

Susan Sherrouse
Pearland City Councilmember, Position #3
Phone: 281-652-1662