



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		June 28, 2016		
Department:		Animal Services		
Department Head		Jamey Cantrell		
Agenda Coordinator (include phone #): Jamey Cantrell (972) 769-4226				
CAPTION				
An Ordinance of the City of Plano, Texas, repealing a certain section entitled "Animal Services Fees" in Ordinance No. 2014-1-20; and providing a repealer clause, a severability clause, a savings clause, and an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	404,329	0
BALANCE		0	404,329	0
FUND(S): GENERAL FUND				
<p>COMMENTS: The purpose of this Ordinance is to repeal the Animal Services Fees set in the "Health Categories and Fees" Ordinance so that they can be set by Resolution and separated from Environmental Health Department fees. The total amount of 2015-16 budgeted revenues for Animal Services is \$404,329.</p> <p>STRATEGIC PLAN GOAL: An Ordinance to repeal Animal Services Fees and separate them from the Environmental Health Department Fees Ordinance relates to the City's goal of a Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
Currently, Animal Services fees are set by Ordinance 2014-1-20 entitled "Health Categories and Fees." The adoption of a new Chapter 4, Animal Regulations, requires that Animal Services fees be set by Council Resolution. This item repeals all Animal Services fees set in Ordinance 2014-1-20 so that they can be set by Resolution.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Ordinance and Animal Services Memo			N/A	

Date: June 16, 2016

To: Bruce Glasscock, City Manager

From: Jamey Cantrell, Animal Services Director

Subject: Ordinance Clean Up and Fee Resolution

Animal Services has recently completed proposed changes to Chapter 4 of the City's Code of Ordinances. The last update to this Chapter was passed in 2009 and many changes in state law as well as Animal Services now being a stand-alone department necessitate revisions to the City's Code of Ordinances. Additionally, the city's Prosecutor's Office assisted in editing the ordinances to clarify language and eliminate loopholes that sometimes made enforcement difficult. These revisions have been presented and supported by the Animal Shelter Advisory Committee and there were four opportunities for public comments: during the April and October meetings in 2015 and the January and April meetings in 2016. No comments were received. Staff from Animal Services and the Legal Department have spent numerous hours writing and re-writing these proposed changes to ensure that they reflect the City's attitude of being a progressive, humane community while still ensuring that all individual rights are protected.

Although this is a "major" revision with regards to wording, there is actually little change in ordinance requirements. In fact, the average pet owner will face no more or less regulation than they do with the current ordinance. Most of the additions affect animal-related business by giving the Animal Services Department greater authority to address ordinance violations through temporary closures and enforcement actions. The principal changes are highlighted below but if a complete "strike-through" version is requested to illustrate every difference, one can be provided:

- Section 4-27 - Requires those who use traps to capture animals to check the trap at least once daily, not set the trap if the overnight low temperature is expected to be below forty degrees Fahrenheit, and ensure that all traps are set in conditions that do not otherwise endanger a captured animal due to exposure to the elements. It also bars trapped animals from being killed and prohibits the use of all lethal traps except for commercially available traps set specifically for rats, mice, or insects.
- Section 4-61 - Appoints the animal shelter as the designated caretaker of all impounded animals and then fully transfers ownership of all animals to the city after the expiration of any required holding period.
- Section 4-124 - Creates a permit for zoological educational outreach displays for groups that are accredited by either the American Zoological Association or Zoological Association of America so that they can display animals that are not allowed in petting zoos or other animal-related businesses.
- Section 4-128 - Requires permit holders to temporarily cease operations and report to Animal Services if there is any imminent health hazard that might affect the permit holder's staff, customers, or animals. If the permit holder does not do so voluntarily, the Animal Services Director may order a temporary closure and impound any animals until the hazard is abated and operations can resume.
- Section 4-129 - Allows permits to be suspended if permittees refuse to allow required inspections, fail to meet ordinance requirements, or otherwise violates city ordinances.
- Section 4-130 - Consolidates all permit revocation, denial, and appeal processes.
- Section 4-157 - Brings the Dangerous Animal statutes into alignment with state law with regards to the appeal process and the timeframe that appeals must be filed in.

An Ordinance to repeal all Animal Services fees set by the Health Department Fees Ordinance and a Resolution to set all Animal Services fees is also included in this clean up. These are needed to separate Animal Services fees from the Health Department fees. All current fees set by the previous Ordinance will remain the same with the Resolution only setting a new fee for the proposed permit for zoological educational outreach displays.

An Ordinance of the City of Plano, Texas, repealing a certain section entitled “Animal Services Fees” in Ordinance No. 2014-1-20; and providing a repealer clause, a severability clause, a savings clause, and an effective date.

WHEREAS, on January 27, 2014, the City Council duly passed Ordinance No. 2014-1-20 to amend Animal Services and Environmental Health fees; and

WHEREAS, a new fee schedule for Animal Services fees is being submitted by a separate resolution to reflect current practices and administer new programs and services; and

WHEREAS, the City Council, based upon staff recommendations and review and consideration of these matters, has determined that it is in the best interest of the City of Plano to repeal the section entitled “ANIMAL SERVICES FEES” in Ordinance No. 2014-1-20 as provided herein.

NOW THEREFORE, BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The section entitled “ANIMAL SERVICES FEES” in Ordinance No. 2014-1-20 is repealed in its entirety.

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 28th day of June, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY