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Mayor
Ben White
Mayor Pro Tem
Dave Ruesink
City Manager
Glenn Brown

Council members
John Crompton
James Massey
Dennis Maloney
Katy-Marie Lyles
Lawrence Stewart

Agenda
College Station City Council
Regular Meeting
Thursday, March 11, 2010 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

1. Pledge of Allegiance, Invocation, Consider absence request.

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 6:30 pm. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining to conclude your remarks. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager.

Consent Agenda

Individuals who wish to address the City Council on a consent or regular agenda item not posted as a public hearing shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

2. Presentation, possible action and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.

a. Presentation, possible action, and discussion of Minutes for City Council Workshop and Regular Meeting, February 25, 2010.

b. Presentation, possible action, and discussion of resolution appointing election officials to serve in the May 8, 2010 City of College Station general election and College Station ISD general elections.

c. Presentation, possible action, and discussion on a change order to the design contract (Contract No. 09-131) with Bleyl & Associates, Inc. in the amount of \$16,390.00 for the Victoria Avenue Project (Project No. ST-0903).

d. Presentation, possible action, and discussion regarding a resolution designating the Request for Competitive Sealed Proposals (CSP) as an alternative delivery method for the College Station Utilities (CSU) Dispatch Facility (WF1073340).

e. Presentation, possible action, and discussion regarding a professional services contract with Clark Condon Associates, Inc. for the design services for the Wolf Pen Creek Water Feature and Festival Area Project (Project No. WP-0901) in an amount not to exceed \$446,440.00.

f. Presentation, possible action, and discussion regarding approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt for the Rock Prairie Road West Row-of-Way (ROW) Acquisition project.

g. Presentation, possible action, and discussion regarding ratification of Change Order #2, in the amount of \$18,200 to contract 09-306 with HDR Engineering, Inc., to extend sanitary sewer flow monitoring program for one month.

h. Presentation, possible action, and discussion regarding a resolution awarding the bid and approval of a construction contract (Contract Number #10-113) with Prince Irrigation, Inc. in the amount of \$66,900 for installation/retrofit of current Irrigation Systems.

Regular Agenda

Individuals who wish to address the City Council **on a regular agenda item not posted as a public hearing** shall register with the City Secretary prior to the Mayor's reading of the agenda item. The Mayor will recognize you to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

Individuals who wish to address the City Council on an item **posted as a public hearing** shall register with the City Secretary prior to the Mayor's announcement to open the public hearing. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer alarm will sound at 2 1/2 minutes to signal thirty seconds remaining to conclude remarks. After a public hearing is closed, there shall be no additional public comments. If Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

If an individual does not wish to address the City Council, but still wishes to be recorded in the official minutes as being in support or opposition to an agenda item, the individual may complete the registration form provided in the lobby by providing the name, address, and comments about a city related subject. These comments will be referred to the City Council and City Manager.

1. Presentation, possible action, and discussion regarding two petitions for annexation of seven acres in the 3800 block of Rock Prairie Road West, generally located southwest of the intersection of Rock Prairie Road West and I&GN Road.
2. Public Hearing, presentation, possible action, and discussion regarding the re-write of the City of College Stations Ordinance as it relates to Animal Control.
3. Adjourn.

If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

APPROVED:

City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, March 11, 2010 at 7:00 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 8th day of March, 2010 at 2:00 p.m.



City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on March 8, 2010 at 2:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2010 By _____

Subscribed and sworn to before me on this the ____ day of _____, 2010.

Notary Public – Brazos County, Texas My commission expires: _____

The building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov. Council meetings are broadcast live on Cable Access Channel 19.

**Thursday, March 11, 2010
Consent Agenda Item No. 2b
Appoint Election Judges**

To: Glenn Brown, City Manager

From: Tanya McNutt, Deputy City Secretary

Agenda Caption: Presentation, possible action, and discussion of resolution appointing election officials to serve in the May 8, 2010 City of College Station general election and College Station ISD general elections.

Recommendation: Approve as presented.

Summary: The City Council is the appointing authority to designate election officers. The attached resolution contains the names of personnel who have committed to serve on Election Day, Saturday, May 8, 2010.

Budget Summary: Funds available in City Secretary budget.

Attachments:
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, BRAZOS COUNTY, STATE OF TEXAS, APPOINTING THE ELECTION OFFICIALS FOR THE MAY 8, 2010, GENERAL ELECTION AND COLLEGE STATION INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES GENERAL ELECTION, SETTING THE RATE OF PAY AND THE MAXIMUM NUMBER OF CLERKS FOR EACH POLLING PLACE.

WHEREAS, on February 25, 2010, the City Council of the City of College Station ordered a general election for the purpose of electing Mayor and City Council member to Place 2; and,

WHEREAS, on February 16, 2010, the College Station Independent School District Board of Trustees ordered a general election for the purpose of electing Trustees to the Board of Trustees; and,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS AND THE BOARD OF TRUSTEES OF THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT:

PART 1: That the following registered voters of College Station, Texas, shall be and are hereby appointed to serve in said elections:

CSISD School Precincts (outside city limits)	City of College Station and CSISD School Precincts	Polling Place Locations	Presiding and Alternate Judges
1, 2A, 82, 83, 84		Wellborn Community Center 4119 Greens Prairie Road	Presiding Judge: Al Postelwait Alternate Judge: Carole Postelwait
	9, 20, 21	College Station Conference Center 1300 George Bush Drive	Presiding Judge: Terry Stewart Alternate Judge: Harvey Stewart
	10A, 10B, 34	College Station City Hall 1101 Texas Avenue	Presiding Judge: Steve Milam Alternate Judge: Doris Milam
	2C, 8, 31, 32, 35A, 35B	College Station Independent School District Administration 1812 Welsh	Presiding Judge: Jean McDermott Alternate Judge: Janet Ray
29, 62	33, 64, 72, 74	Lincoln Center 1000 Eleanor	Presiding Judge: Andre Mae Steen Alternate Judge: Cheleita Johnson
28A, 28B, 42	41, 68	Pebble Creek Elementary	Presiding Judge: Dixie Tracy Alternate Judge: Joe Callaway
	40	Aldersgate Methodist Church 2201 Earl Rudder Freeway S.	Presiding Judge: Jean Hall Alternate Judge: Earl Apgar

2B, 39, 80

Cypress Grove Intermediate
School
900 Graham Road

Presiding Judge: Gene
Charleton
Alternate Judge: Maggie
Charleton

PART 2: That the Presiding Judge of the Early Voting Ballot Board shall be Kay Parker. She shall appoint two clerks or more to count the early ballots and perform other duties as assigned by the Election Code.

PART 3: That the City Council hereby authorizes the City Secretary to appoint substitute elections judges in the event individuals appointed herein are unable to fulfill their duties.

PART 4: That the Council Chambers in the College Station City Hall is hereby established as the Central Counting Station to receive ballots for said election. The ballots shall be tabulated and returned to the office of the City Secretary for the required retention period. The following persons are hereby authorized and appointed as persons employed and designated to handle the ballots, operate the tabulating equipment, count the ballots, and be present in the Central Counting Station.

- Central Counting Station Presiding Judge: Kay Parker
- Central Counting Station Manager: City Secretary Connie Hooks
- Tabulation Supervisor: Tracy Price
- Tabulation Assistant: Kerry Mullins
- Clerks: to be named by Presiding Judge
- Consultant for Texas Voting Systems, Inc., and Hart Intercivic
- Brazos County Clerk Karen McQueen or designee

PART 5: That, in accordance with Section 32.091 of the TEXAS ELECTION CODE, the judges and clerks shall be paid \$9.00 per hour and the presiding judge shall receive an additional \$25.00 for delivery of returns to Central Counting Station. There shall be a minimum of three and no more than four officials at each polling place.

PART 6: That this resolution shall take effect immediately from and after its passage.

PASSED AND ADOPTED this the 11th day of March, 2010.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

Henry Cayce

City Attorney

March 11, 2010
Consent Agenda Item No. 2c
Victoria Avenue Design Contract No. 09-131
Change Order No. 1

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion on a change order to the design contract (Contract No. 09-131) with Bleyl & Associates, Inc. in the amount of \$16,390.00 for the Victoria Avenue Project (Project No. ST-0903).

Recommendation(s): Staff recommends approval of change order no. 1 to the design contract with Bleyl & Associates, Inc.

Summary: This change order addresses two items. First, the proposed alignment for Victoria Avenue lessens the impact to wetland areas that were identified during the conceptual design phase. Additional surveying and geotechnical work is required for this alignment for the land acquisition and roadway design.

Secondly, the Texas Department of Transportation is requiring additional environmental work when the City of College Station connects to their system; in this case SH 40. This was not required at the time of scope development; and consequently, was not included in the original scope of work in the design contract.

Budget & Financial Summary: Funds in the amount of \$2,455,000 are budgeted in the Streets Capital Improvement Projects Fund for the Victoria Avenue Project. These funds are part of the 2008 General Obligation Bond funds. Funds in the amount of \$278,140.11 have been expended or committed to date, leaving a balance of \$2,176,859.89 for this change order and future expenses. In addition, funds in the amount of \$228,375 are budgeted in the Water Capital Improvement Projects Fund and funds in the amount of \$25,556 are budgeted in the Wastewater Capital Improvement Projects Fund for the water and wastewater components of this project.

Attachments:

1. Change Order No. 1
2. Project Location Map

CHANGE ORDER NO. 1 Contract No. 09-131 DATE: 02/10/2010
P.O.# 090906 PROJECT: Victoria Avenue Project, Project No. ST-0903

OWNER: City of College Station
P.O. Box 9960
College Station, Texas 77842

CONTRACTOR: Bleyl & Associates
1722 Broadmoor Suite 210
Bryan, Texas 77802

Ph: (979) 268 -1125
Fax: (979) 260 - 3849

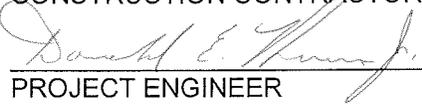
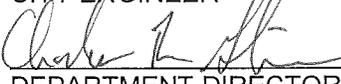
PURPOSE OF THIS CHANGE ORDER:
A. Additional survey, geotechnical, and environmental services for proposed alignment.
B. Additional environmental services required by TXDoT that was not included in the original scope of work.

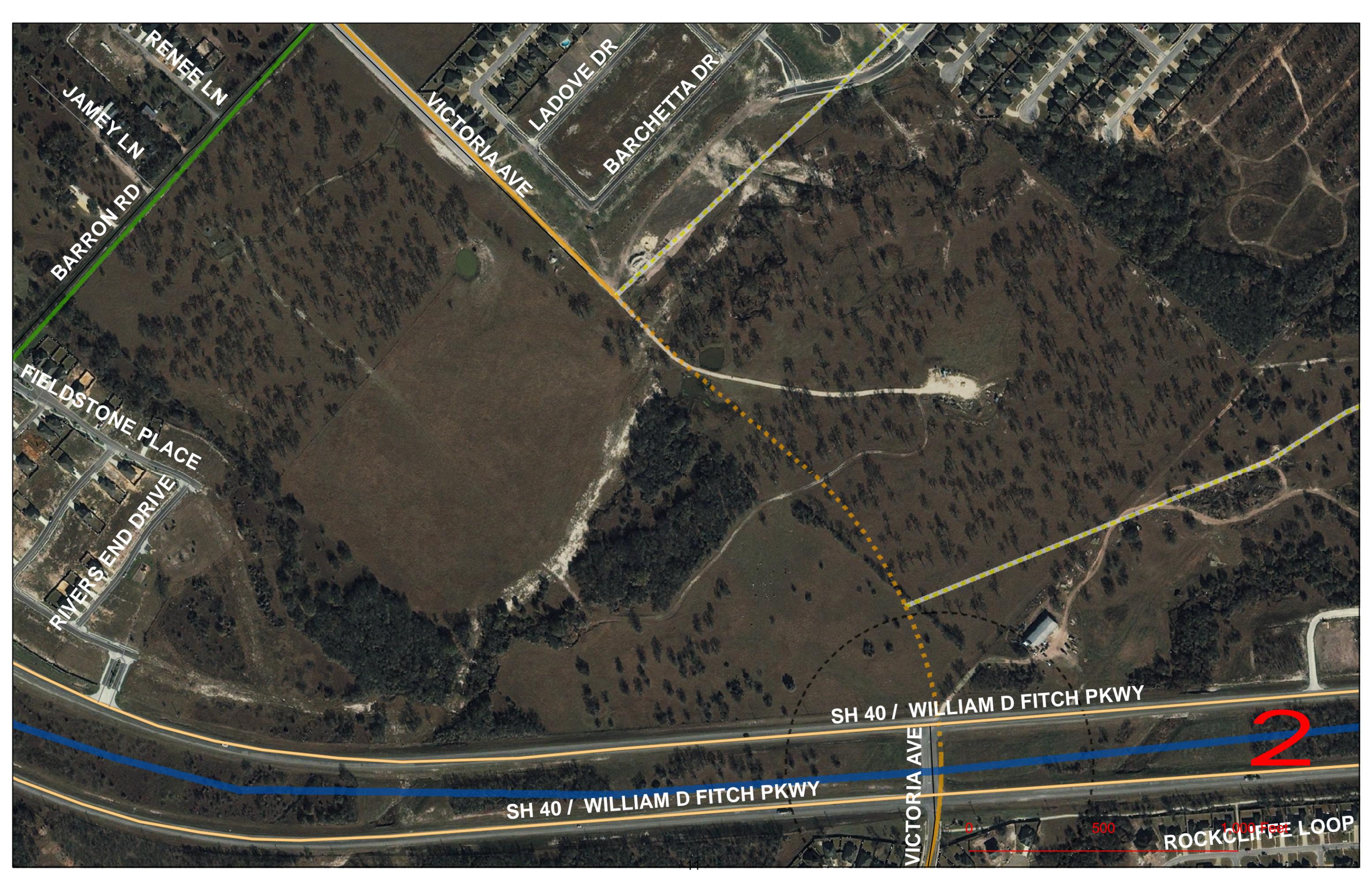
ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL COST	REVISED COST	ADDED COST
1	LS	Surveying services	\$1.00	\$26,620	\$29,040	\$2,420.00
2	LS	Environmental services	\$1.00	\$10,670	\$22,220	\$11,550.00
3	LS	Geotechnical services	\$1.00	\$3,564	\$5,984	\$2,420.00
					TOTAL	\$16,390.00

THE NET AFFECT OF THIS CHANGE ORDER IS A 6.03 % INCREASE.

ORIGINAL CONTRACT AMOUNT	\$272,000.00	
Change Order No. 1	\$16,390.00	6.03% CHANGE
REVISED CONTRACT AMOUNT	\$288,390.00	6.03% TOTAL CHANGE
ORIGINAL CONTRACT DESIGN TIME	150 Days	
Time Extension No. 1	60 Days	
Revised Contract Design Time	210 Days	
SUBSTANTIAL COMPLETION DATE	N/A	
Revised Substantial Completion Date	N/A	

APPROVED

 A/E CONTRACTOR	<u>2/10/10</u>	 CITY ATTORNEY	
<u>N/A</u> CONSTRUCTION CONTRACTOR	<u>N/A</u>		DIRECTOR OF FISCAL SERVICES
 PROJECT ENGINEER	<u>2/19/10</u>		MAYOR
<u>N/A</u> CITY ENGINEER	<u>N/A</u>		CITY SECRETARY
 DEPARTMENT DIRECTOR	<u>19 Feb 2010</u>		CITY MANAGER



TRENEE LN
JAMEY LN
BARRON RD

VICTORIA AVE
LADOVE DR
BARCHETTA DR

FIELDSTONE PLACE
RIVERS END DRIVE

SH 40 / WILLIAM D FITCH PKWY

SH 40 / WILLIAM D FITCH PKWY

VICTORIA AVE

ROCKCLIFFE LOOP

2

0 500 1,000 Feet

March 11, 2010
Consent Agenda Item No. 2d
College Station Utilities Dispatch Facility (WF1073340)
Alternate Construction Delivery Method

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding a resolution designating the Request for Competitive Sealed Proposals (CSP) as an alternative delivery method for the College Station Utilities (CSU) Dispatch Facility (WF1073340).

Recommendation(s): Staff recommends approval of the resolution.

Summary: This item provides for the use of CSP for the construction of the CSU Dispatch Facility (WF1073340). CSP is a process that allows the City to consider the qualifications of the contractor as well as the bid price in selecting a contractor once the construction plans and specifications are complete.

The new dispatch building is necessary due to some recent NERC regulations that require the building housing the dispatch operations and SCADA (Supervisory Control and Data Acquisition) equipment to be housed in a secure and weather resistant facility. The existing dispatch facility, inside the CSU administrative building, does not meet these requirements.

A Resolution was approved at the City Council Meeting on 11/24/2008 authorizing the use of Construction Manager at Risk (CMAR) for the original CSU Renovations Project which included renovations to the Metering Facility, the Main Building, and the addition of the Dispatch Building. CMAR is a process by which a contractor is selected during the design process to work with an architect to develop an acceptable design for a guaranteed maximum price.

The original project has now been divided into three separate projects (Metering renovations, Main Building renovations, and Dispatch addition) in order to meet the constraints of the budget. Staff feels that using the CMAR delivery method for the Dispatch Facility will not provide any real benefit given the reduced size of this project and instead feels the CSP process will add more value. Additionally, the CSP will allow Staff to expedite the design schedule.

Budget & Financial Summary: The proposed FY11 construction budget for the CSU Dispatch Facility Project (WF1073340) is \$1,000,000. Budget for design of the project is included in the FY10 Electric budget.

Attachments:

1. Resolution
2. Project Location Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DETERMINING WHICH METHOD PROVIDES FOR THE BEST VALUE TO THE CITY OF COLLEGE STATION FOR THE CONSTRUCTION OF THE COLLEGE STATION UTILITIES DISPATCH FACILITY PROJECT AND AUTHORIZING THE USE OF THIS PROCUREMENT METHOD FOR PROJECT NUMBER WF1073340 IN ACCORDANCE WITH SECTION 271.114(a) OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, the City Council of the City of College Station, Texas, determined a need to construct the College Station Utilities Dispatch Facility Project (Project No. WF1073340); and

WHEREAS, the City has considered using a method specified by Texas Local Government Code Section 271.113(a) other than competitive bidding; and

WHEREAS, the City Council has determined that the method which provides the best value for the City for the construction of the College Station Utilities Dispatch Facility Project (Project No. WF1073340) is the use of competitive sealed proposals for construction services as permitted by Texas Local Government Code Section 271.113(a)(2); now, therefore,

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

PART 1: That the City Council hereby finds that the use of competitive sealed proposals provides the best value for the City in the construction of the College Station Utilities Dispatch Facility (Project No. WF1073340);

PART 2: That the City Council hereby authorizes the use of competitive sealed proposals as the procurement method for the College Station Utilities Dispatch Facility Project (Project No. WF1073340);

PART 3: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2010.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

Carla A. Robinson

City Attorney

CSU Dispatch Building Project Location Map



March 11, 2010
Consent Agenda Item No. 2e
Wolf Pen Creek Water Feature and Festival Area
Professional Services Contract

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding a professional services contract with Clark Condon Associates, Inc. for the design services for the Wolf Pen Creek Water Feature and Festival Area Project (Project No. WP-0901) in an amount not to exceed \$446,440.00.

Recommendation(s): Staff recommends Council approval of the resolution and award of the professional services contract to Clark Condon Associates, Inc. in an amount not to exceed \$446,440.00.

Summary: This contract is for the design of the Wolf Pen Creek Water Feature and Festival Area Project. The master plan has identified the key elements of the project and narrowed and defined the scope of work for the project in order to proceed with a design contract.

Under this contract, Clark Condon Associates, Inc. will provide design drawings and specifications for the facility, conduct workshops with the Oversight Committee, obtain approval from Planning and Development Services, and secure all permits, provide construction administration and materials testing during construction.

Budget & Financial Summary: This project is funded from the Wolf Pen Creek TIF Fund in the amount of \$3,500,000.00. As part of a development agreement, \$1,200,000.00 is obligated for the design and construction of a water feature.

Attachments:

1. Resolution
2. Project Location Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE WOLF PEN CREEK WATER FEATURE AND FESTIVAL AREA, PROJECT (PROJECT NO. WP-0901).

WHEREAS, the City of College Station, Texas, solicited proposals for the Wolf Pen Creek Water Feature and Festival Area Project; and

WHEREAS, the selection of Clark Condon Associates, Inc. is being recommended as the most highly qualified provider of the professional services; now, therefore,

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

PART 1: That the City Council hereby finds that Clark Condon Associates, Inc. is the most highly qualified provider of the services for the Wolf Pen Creek Water Feature and Festival Area Project on the basis of demonstrated competence and qualifications.

PART 2: That the City Council hereby approves the contract with Clark Condon Associates, Inc. for an amount not to exceed \$446,440.00 for the professional services related to the Wolf Pen Creek Water Feature and Festival Area Project.

PART 3: That the funding for this Contract shall be as budgeted from the Wolf Pen Creek TIF Fund in the amount of \$446,440.00.

PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2010.

ATTEST:

APPROVED:

City Secretary

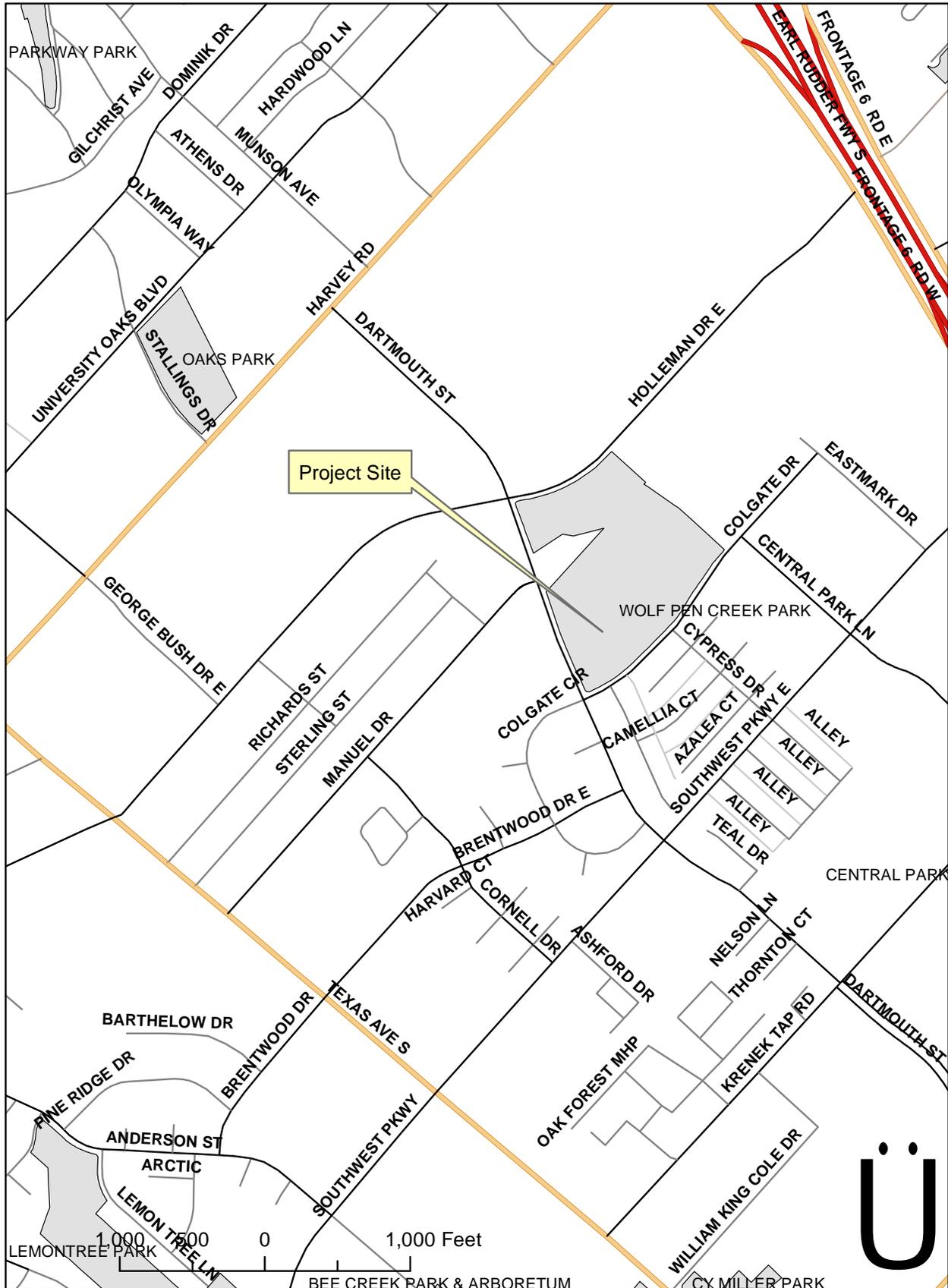
MAYOR

APPROVED:



City Attorney

Wolf Pen Creek Water Feature and Festival Area



March 11, 2010
Consent Agenda Item No. 2f
Reimbursement Resolution for the Rock Prairie Road
West Row-of-Way Acquisition Project

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action, and discussion regarding approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt for the Rock Prairie Road West Row-of-Way (ROW) Acquisition project.

Recommendation(s): Staff recommends approval of the resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Summary: The Rock Prairie Road West ROW Acquisition project was approved as part of the FY08 GOB program. The budget for this project is a total of \$740,000. The project is for the acquisition of ROW along Rock Prairie Road between State Highway 6 to Normand Drive. The City will be contracting for a study of the ROW requirements. The contract is for less than \$50,000 and it is anticipated it will be approved by the City Manager following the approval of this resolution. The debt for this project, however, has not yet been issued. On projects for which the expenditures will occur prior to the debt issue, a resolution declaring intention to reimburse certain expenditures with proceeds from debt must be adopted within 60 days of expenditure on the project.

Budget & Financial Summary: The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because the long term debt has not been issued for the project. This debt is scheduled to be issued later this fiscal year and in future fiscal years. The amount included on the debt reimbursement resolution is the amount that is anticipated to be issued in the next three years. This is the length of time the reimbursement resolution is intended to cover.

Attachments:

1. Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH
PROCEEDS FROM DEBT

WHEREAS, the City of College Station, Texas (the "City") is a home-rule municipality and political subdivision of the State of Texas;

WHEREAS, the City expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described on Exhibit "A" hereto (collectively, the "Project") prior to the issuance of obligations by the City in connection with the financing of the Project from available funds;

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS THAT:

Section 1. The City reasonably expects it will incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed \$360,000, for the purpose of paying the aggregate costs of the Project.

Section 2. All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the City in furtherance of this Statement after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Section 3. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Statement more than three years after the date any expenditure which is to be reimbursed is paid.

PASSED AND APPROVED THIS 11th DAY OF MARCH, 2010.

Ben White, Mayor

ATTEST:

Connie Hooks, City Secretary

(Seal)

APPROVED:



McCall Parkhurst & Horton L.L.P.
Bond Counsel

Exhibit "A"

The projects to be financed that are the subject of this Statement are:

The Rock Prairie Road West Right-of-Way Acquisition project

March 11, 2010
Consent Agenda Item No. 2g
Change Order #2 Wastewater Collection System Planning Evaluation

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding ratification of Change Order #2, in the amount of \$18,200 to contract 09-306 with HDR Engineering, Inc., to extend sanitary sewer flow monitoring program for one month.

Recommendation: Staff recommends Council ratify this change order.

Summary: On October 19th, 2009, City Council approved award of contract 09-306, in the amount of \$209,500.00 to HDR Engineering, Inc. to provide consulting engineering services for a wastewater collection system planning evaluation. This evaluation is essential to complete the following items:

- Ø Wastewater Master Plan as part of the Comprehensive Plan.
- Ø Determine possible impact fees for Council consideration.
- Ø Help develop an orderly plan for collection system extension and expansions.
- Ø Properly prioritize rehabilitation projects.
- Ø Evaluate private side contributions to inflow and infiltration.

A major portion of this evaluation is a dynamic sewer model that will reveal how much capacity is being used in each line 8" and larger. This model must be adjusted to match actual field conditions. To do so, we monitored actual flows at 20 locations using the City's four flow monitors plus sixteen rented flow monitors. We also monitored rainfall at four locations using four rented rain monitors.

Since sewage flow increases significantly during rainfall, these monitors had to be in place during a wet weather event. The original contract included monitoring through the month of December 2009, and unfortunately, it did not rain the entire month. We directed HDR to leave the monitors in place through January 2010, and we did get data for a significant rainfall event. The additional cost of \$18,200 includes rental of the flow monitoring equipment for an extra month and analysis of the resulting data. Since this data is essential for the Master Plan, staff recommends ratification of the change order.

Budget & Financial Summary: The original contract amount for this project is \$209,500.00. The revised contract amount for this project after previously approved Change Order #1 is \$215,100.00. The revised contract amount after Change Order #2 for this project would be \$233,300.00. The total amount for Change Order #2 is \$18,200.00, or 8.69% of the original amount.

Funds for this change order were not included in the FY10 budget. If approved, it is proposed that contingency funds in the amount of \$23,800 be used to cover both this change order and the prior change order. \$60,000 is budgeted for contingency in the Wastewater Operating Budget.

Attachment:
Change Order 2

CHANGE ORDER NO. 2
 CONTRACT #09-306

DATE: 1/6/2010

PROJECT DESCRIPTION: Wastewater Collection System
 Planning Evaluation

P.O.# 100178

PROJECT #S9230X

OWNER:

City of College Station
 P.O. Box 9960
 College Station, Texas 77842

CONTRACTOR:

HDR Engineering, Inc.
 4401 West Gate Blvd. Ph: 512- 912-5100
 Suite 400
 Austin, Texas 78745 Fax: 512- 912-5158

PURPOSE OF THIS CHANGE ORDER:

Item 1: Extend flow monitoring program for one month, including equipment rental (flow monitors, rain gauges)

Item 2: Professional engineering services cost to provide support and data review during extended month

Item 3:

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	LS	Rental Cost of Equipment	\$15,300.00	1	1	\$15,300.00
2	LS	Professional Engineering Services	\$2,900.00	0	1	\$2,900.00
						NET INCREASE = \$18,200.00

THE NET AFFECT OF THIS CHANGE ORDER IS A 8.69% (Increase or Decrease).

ORIGINAL CONTRACT AMOUNT	\$209,500.00	
Change Order No. 1	\$ 5,600.00	2.67 % of Original Contract Amount
Change Order No. 2	\$ 18,200.00	8.69 % of Original Contract Amount
Change Order No. 3	\$ _____	_____ % of Original Contract Amount
REVISED CONTRACT AMOUNT	\$233,300.00	

ORIGINAL CONTRACT TIME	210 Days
Change Order No. 1 Time Extension or Reduction	0 Days
Change Order No. 2 Time Extension or Reduction	30 Days
Change Order No. 3 Time Extension or Reduction	Days
REVISED CONTRACT TIME	240 Days

ORIGINAL SUBSTANTIAL COMPLETION DATE	May 10, 2010
REVISED SUBSTANTIAL COMPLETION DATE	June 10, 2010

APPROVED:



 A/E CONTRACTOR Date 2/12/10

 CHIEF FINANCIAL OFFICER Date

N/A

 CONSTRUCTION CONTRACTOR Date



 CITY ATTORNEY Date



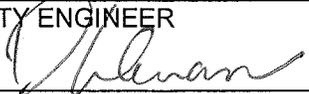
 PROJECT ENGINEER Date 2/23/10

 CITY MANAGER Date

N/A

 CITY ENGINEER Date

 MAYOR Date



 DEPARTMENT DIRECTOR/ADMINISTRATOR Date 23 Feb 10

 CITY SECRETARY Date

March 11, 2010
Consent Agenda Item No. 2h
Construction Contract #10-113
Central Park & Veterans Park and Athletic Complex Irrigation Improvements

To: Glenn Brown, City Manager

From: David Schmitz, Assistant Director, Parks and Recreation

Agenda Caption: Presentation, possible action, and discussion regarding a resolution awarding the bid and approval of a construction contract (Contract Number #10-113) with Prince Irrigation, Inc. in the amount of \$66,900 for installation/retrofit of current Irrigation Systems.

Recommendation(s): Staff recommends approval of the resolution and award of the construction contract with Prince Irrigation, for installation/retrofit of current Irrigation Systems, in the amount of \$66,900 and sixty (60) construction days.

Summary: The proposed improvements include the installation/retrofit of current Irrigation Systems in Central Park & Veterans Park and Athletic Complex. Items include:

- Radio Communication Board/Antennae
- Controllers
- Flow Sensors
- Master Valves
- Cable and Wires
- Weather Station and Software

Budget & Financial Summary: Three (3) sealed, competitive bids (Bid #10-36) were received and opened on March 11, 2010. The bid summary is attached. Prince Irrigation was the lowest responsible bidder.

This project is being funded through the ARRA grand funds awarded to the City of College Station. The appropriation for this project and the rest of the ARRA projects will be included on the next budget amendment.

Attachments:

- 1) Resolution
- 2) Bid #10-36 Tabulation
- 3) Site Plan
- 4) Contract #10-113 on file in the City Secretary's Office

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING CONTRACT #10-113 FOR THE INSTALLATION/RETROFIT OF CURRENT IRRIGATION SYSTEMS IN CENTRAL PARK & VETERANS PARK AND ATHLETIC COMPLEX PROJECT NUMBER GG-0912 & GG-0913, AND AUTHORIZING EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the Installation/Retrofit of Current Irrigation Systems in Central Park & Veterans Park and Athletic Complex Project Number GG-0912 & GG-0913 Project; and

WHEREAS, the selection of Prince Irrigation is being recommended as the lowest responsible bidder for the construction services related to the Installation/Retrofit of Current Irrigation Systems in Central Park & Veterans Park and Athletic Complex Project Number GG-0912 & GG-0913 Project; now therefore,

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

- PART 1: That the City Council hereby finds that Prince Irrigation is the lowest responsible bidder.
- PART 2: That the City Council hereby approves the contract with Prince Irrigation in the amount of \$66,900.00 for the labor, materials, and equipment required for the Installation/Retrofit of Current Irrigation Systems in Central Park & Veterans Park and Athletic Complex Project Number GG-0912 & GG-0913.
- PART 3: That the funding for this contract shall be as budgeted from the Federal Stimulus Fund in the amount of \$66,900.00.
- PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this the 11th day of March 2010.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR

APPROVED:

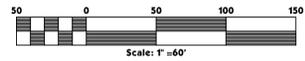
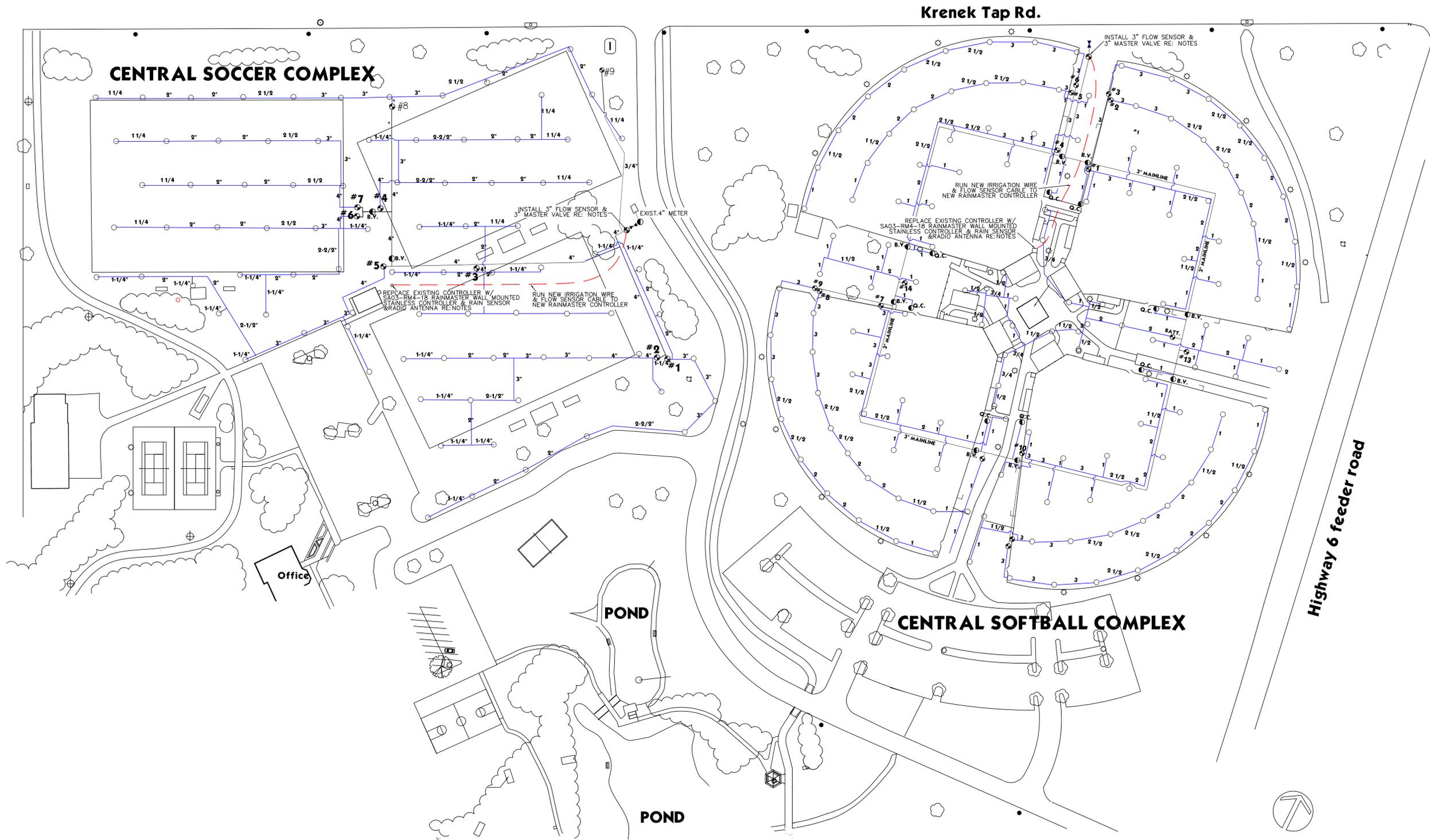


CITY ATTORNEY



City of College Station - Purchasing Department
 Bid Tabulation for #10-36
 "Central Park and Veterans Park Complex Irrigation Upgrade"
 Open Date: Thursday, February 18, 2010 @ 2:00 p.m.

				Prince Irrigation Bryan, TX	Greenway Constructors, Inc. College Station, TX		Landscape Contracting & Irrigation Houston, TX	
ITEM	QTY	UNIT	DESCRIPTION	TOTAL BID PRICE	UNIT BID PRICE	TOTAL BID AMOUNT	UNIT BID PRICE	TOTAL BID AMOUNT
BASE BID				\$66,900.00	\$73,340.00		\$123,703.00	
Bid Certification				YES	YES		YES	
Bid Bond				YES	YES		YES	
Delivery Date (Calendar Days)				60	60		60	

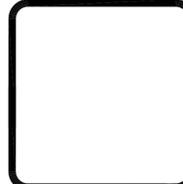


24" X 36" PAPER SIZE

**CITY OF COLLEGE STATION
PARKS AND RECREATION DEPARTMENT**

 POST OFFICE BOX 9960
 COLLEGE STATION, TX. 77842
 WWW.CSTX.GOV

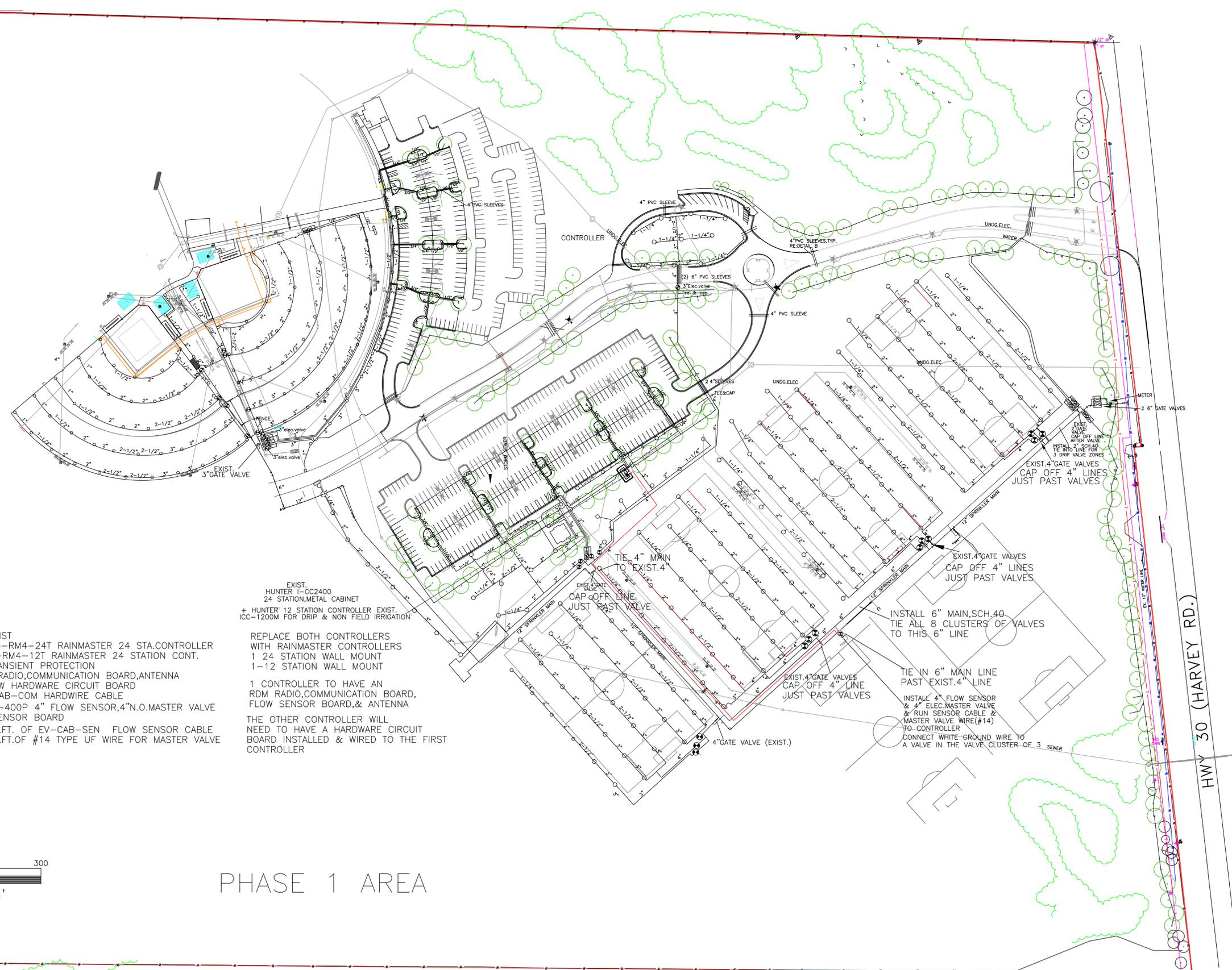
**CENTRAL PARK IRRIGATION
STIMULUS IMPROVEMENTS**



DATE: JAN. 2010
 PROJECT MANAGER:
 DAVID WOOD
 (979) 764-3888

REVISIONS:

SHEET:
1
 OF 3



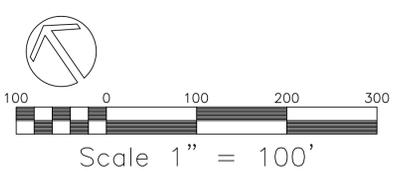
- PARTS LIST**
- 1 SA03-RM4-24T RAINMASTER 24 STA.CONTROLLER
 - 1 SA03-RM4-12T RAINMASTER 24 STATION CONT. WITH TRANSIENT PROTECTION
 - 1 RDM RADIO,COMMUNICATION BOARD,ANTENNA
 - 1 DX-HW HARDWARE CIRCUIT BOARD
 - 10'EV-CAB-COM HARDWIRE CABLE
 - 1-FSAV-400P 4" FLOW SENSOR,4"N.O.MASTER VALVE FLOW SENSOR BOARD
 - 700 LIN.FT.OF EV-CAB-SEN FLOW SENSOR CABLE
 - 700 LIN.FT.OF #14 TYPE UF WIRE FOR MASTER VALVE

REPLACE BOTH CONTROLLERS WITH RAINMASTER CONTROLLERS

- 1 24 STATION WALL MOUNT
- 1-12 STATION WALL MOUNT

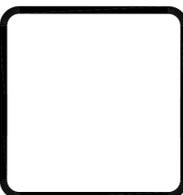
1 CONTROLLER TO HAVE AN RDM RADIO,COMMUNICATION BOARD, FLOW SENSOR BOARD,& ANTENNA

THE OTHER CONTROLLER WILL NEED TO HAVE A HARDWARE CIRCUIT BOARD INSTALLED & WIRED TO THE FIRST CONTROLLER



PHASE 1 AREA

VETERANS PARK IRRIGATION
 STIMULUS IMPROVEMENTS

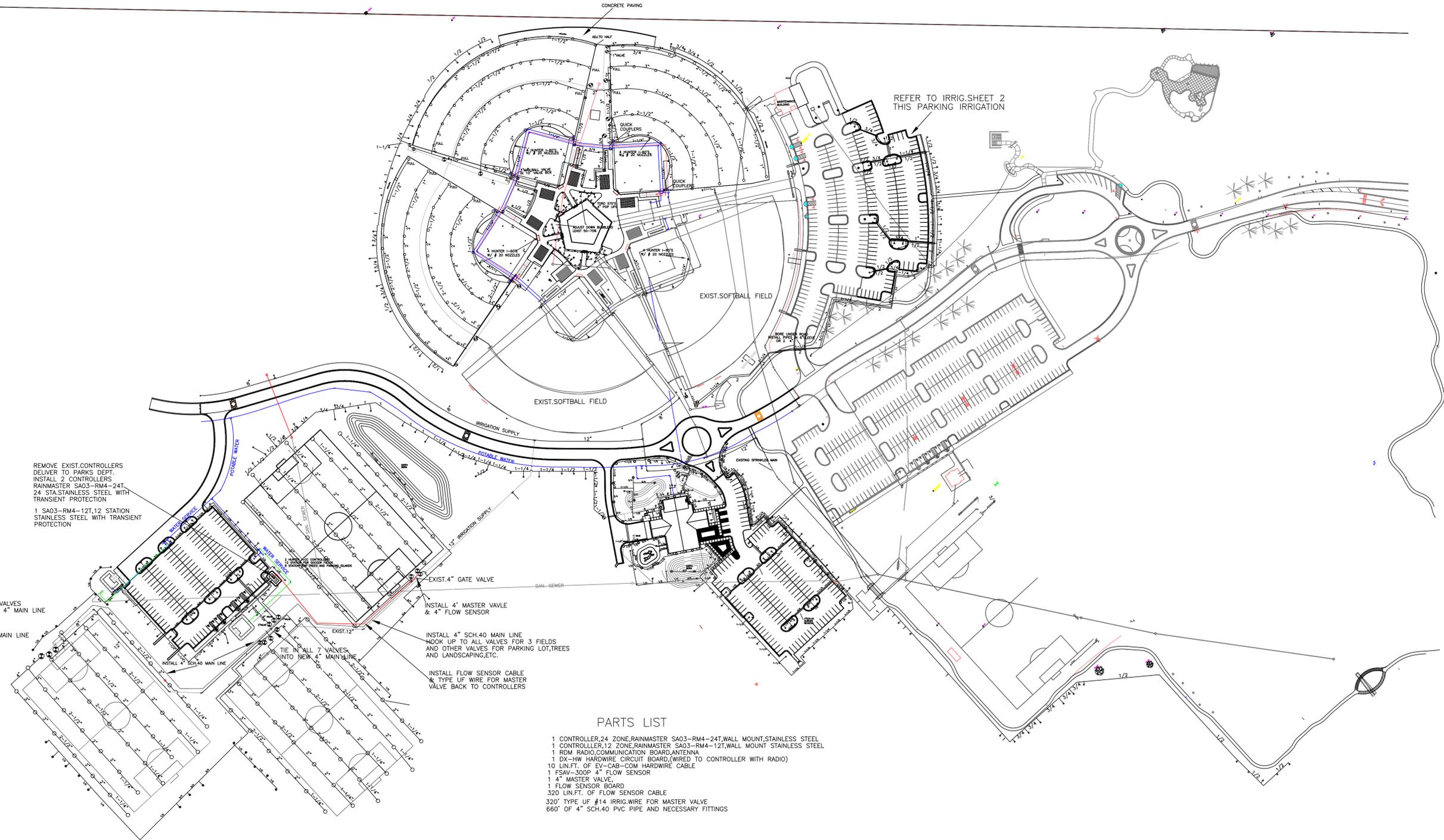


DATE: JAN. 2010
 PROJECT MANAGER:
 PETE VANECEK
 (979) 764-3411

REVISIONS:

SHEET:
2
 OF 3

HWY 60 (UNIVERSITY DR.)



REMOVE EXIST. CONTROLLERS
DELIVER TO PARKS DEPT.
INSTALL 2 CONTROLLERS
RAINMASTER SA03-RM4-24T,
24 STA. STAINLESS STEEL WITH
TRANSIENT PROTECTION
1 SA03-RM4-12T, 12 STATION
STAINLESS STEEL WITH TRANSIENT
PROTECTION

TIE IN 3 VALVES
INTO NEW 4\"/>

CAP OFF
EXIST. 8\"/>

1. REMOVE EXIST. CONTROLLERS
2. REMOVE EXIST. VALVES AND PARKING ISLANDS

EXIST. 4\"/>

INSTALL 4\"/>

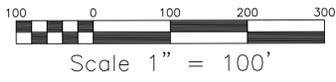
INSTALL 4\"/>

INSTALL FLOW SENSOR CABLE
& TYPE UP WIRE FOR MASTER
VALVE BACK TO CONTROLLERS

PARTS LIST

- 1 CONTROLLER, 24 ZONE, RAINMASTER SA03-RM4-24T, WALL MOUNT, STAINLESS STEEL
- 1 CONTROLLER, 12 ZONE, RAINMASTER SA03-RM4-12T, WALL MOUNT, STAINLESS STEEL
- 1 RM RADIO COMMUNICATION BOARD, ANTENNA
- 1 DX-HW HARDWARE CIRCUIT BOARD, (WIRED TO CONTROLLER WITH RADIO)
- 10 LIN. FT. OF EV-CAB-COM HARDWARE CABLE
- 1 FSAV-300P 4\"/>
- 1 4\"/>
- 1 FLOW SENSOR BOARD
- 320 LIN. FT. OF FLOW SENSOR CABLE
- 320' TYPE UP #14 IRRIG. WIRE FOR MASTER VALVE
- 660' OF 4\"/>

REFER TO IRRIG. SHEET 2
THIS PARKING IRRIGATION



PHASE 2 SOCCER FIELDS

CITY OF COLLEGE STATION
PARKS AND RECREATION DEPARTMENT
POST OFFICE BOX 9960
COLLEGE STATION, TX 77842
WWW.CS.TX.GOV

VETERANS PARK IRRIGATION
STIMULUS IMPROVEMENTS



DATE: JAN. 2010
PROJECT MANAGER:
PETE VANECEK
(979) 764-3412

REVISIONS:

SHEET:
3
OF 3

24" X 36" PAPER SIZE

**11 March 2010
Regular Agenda Item No. 1
Annexation Petitions – Rock Prairie Road West**

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning and Development Services

Agenda Caption: Presentation, possible action, and discussion regarding two petitions for annexation of seven acres in the 3800 block of Rock Prairie Road West, generally located southwest of the intersection of Rock Prairie Road West and I&GN Road.

Recommendation: Staff recommends approval.

Summary: The property owners of two adjacent tracts have submitted petitions for annexation of seven acres as provided for in Section 43.028 of the Texas Local Government Code. The statute requires that the governing body hear the petition and grant or refuse the petition within 30 days. If the petition is granted, Staff will initiate the annexation process.

The two tracts are surrounded on all sides by the City of College Station and are currently covered by a non-annexation development agreement. However, part of the property is proposed for development as a golf driving range and needs to be located within the City.

Budget & Financial Summary: N/A

Attachments:

1. Annexation Petition – Jackson Tract
2. Annexation Petition – Goodman Tract
3. Small Area Map

HAND

FEB 18 2010 *jm*

DELIVERED

PETITION FOR ANNEXATION

TO THE CITY SECRETARY OF THE CITY OF COLLEGE STATION:

This request for annexation of property to the jurisdictional limits of the City of College Station, Texas, is made pursuant to Local Government Code Chapter 43 by the undersigned property owner.

The area requested for annexation, hereinafter referred to as "Area", is described by metes and bounds in Exhibit A attached hereto and incorporated by reference. The Area is depicted in the survey; attached hereto as Exhibit B. As the landowner, we represent that the approximate total acreage owned is 3.43 acres.

The annexation of the Area is initiated on written petition by us as owner. We represent that we are the landowner and that we are authorized to sign this Petition for Annexation.

We understand that the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition after the fifth day but on or before the 30th day after my petition is filed.

SIGNED this the 18 day of February, 2010

OWNERS: Chad Jackson

STATE OF TEXAS

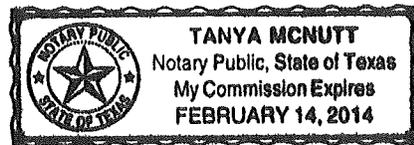
ACKNOWLEDGMENTS

COUNTY OF BRAZOS

Before me, the undersigned authority, on this day personally appeared Chad Jackson Known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed, on behalf of himself.

Given under my hand and seal of the office on this the 18th day of February, 2010.

Tanya McNutt
Notary Public



Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, Texas
(979) 693-2777

3.43 Acre Tract
Part of Edna Goodman Tract
Peter Norton Survey A-186
College Station, Texas
24 November, 2009

All that certain tract or parcel of land lying and being situated in the Peter Norton Survey, Abstract No. 186, in College Station, Brazos County, Texas, being a part of that 89.5 acre tract conveyed to Abner White by deed recorded in Volume 984, Page 567 of the Official Records of Brazos County, Texas, and also a part of that 8.000 acre tract conveyed to Edna Faye Goodman and described in Volume 6525, Page 148 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a ½" iron rod with an orange plastic cap stamped "H.P. Mayo RPLS 5045" set at the intersection of the southeast line of the Rock Prairie Road West 100' wide right-of-way described in deed to Brazos County and recorded in Volume 3365, Page 311 of the Official Public Records of Brazos County, Texas, and the northeast line of the said Goodman tract, from where a ½" iron rod found marking the north corner of the said Goodman tract bears N 48° 00' 15" W - 4.84'.

Thence S 41° 46' 38" W - 206.81 feet along southeast line of Rock Prairie Road West to a point for corner, from where a ½" iron rod found marking the west corner of the said Goodman tract bears S 43° 31' 06" W - 273.18';

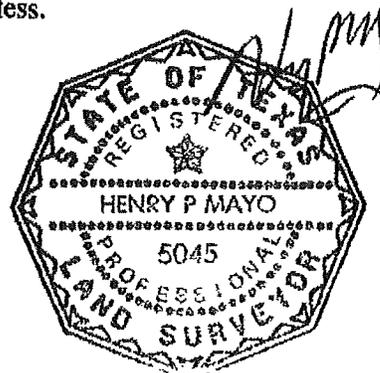
Thence S 48° 13' 22" E - 723.98 feet through the said Goodman tract to the southeast line of same, from where a ¾" iron rod found at the south corner of the said Goodman tract bears S 43° 10' 01" W - 278.14';

Thence N 43° 10' 01" E - 204.08 feet along the southeast line of the said Goodman tract to a ½" iron rod found at the east corner;

Thence N 48° 00' 15" W - 728.93 feet along the northeast line of the said Goodman tract to the Point of Beginning and containing 3.43 acres of land more or less.

Bearings are TX State Plane, Central Zone, NAD83 datum, based on GPS observations and the 1994 City of CS GPS control monument nos. 117 and 114 (S 83° 50' 04" W).

See survey plat dated November 2009.





JOE ORR, INC.
SURVEYORS & ENGINEERS

2167 Post Oak Circle
College Station, Texas 77945
(979) 683-2177 JoeOrrInc@verizon.net
TX Surveying Firm no. 100544-001 Engineering Firm no. F-433

Rock Prairie Road West - 100' R.O.W.

Brazos County
1.71 ac. - vol. 3365, pg. 311

James Erwin survey A-119

Peter Norton survey A-95

this 16.3 acres was
excepted from annexation
in ordinance no. 3049,
per development agreement

Abner White
(rem. of) 89.5 acres
vol. 984, pg. 567

Monique Goodman
1,000 acre
vol. 7678, pg. 264
(part of 8,000 ac.)

Edna Faye Goodman
(rem. of) 8,000 acres
vol. 6525, pg. 148

Chad Jackson
3.43 ac.
vol. 9506, pg. 99
(part of 8,000 ac.)

**Proposed
Annexation Area
3.43 acres**

N 48°13'22"W - 723.95'

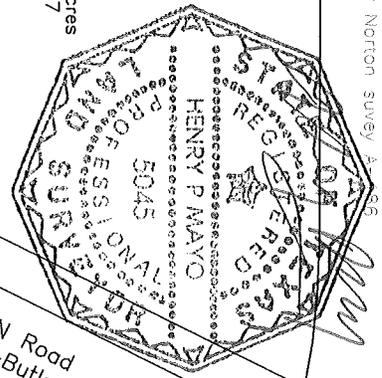
S 48°00'02"E - 728.85'

206.83'
N 41°46'38"E

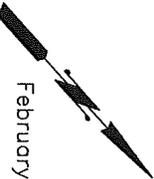
S 43°09'06"W
204.06'

N 58°25'59"E - 2148.9'
to CS Mon. no. 117

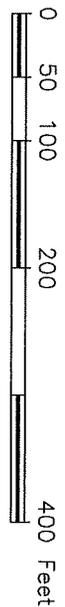
Abner White
(rem. of) 89.5 acres
vol. 984, pg. 567



I & GN Road
(aka: Jones-Butler Rd.)



February 2010



these two tracts comprise the 7.00 acres
which was excepted from annexation in
ordinance no. 3049, per development agreement

Bearings are Texas State Plane, NAD-83 datum, based on City of CS 1994 GPS control points and GPS observations.
This document was prepared under 22 TAC §6653.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
No monuments were set for this survey and found monuments are not cited on this reference map.
This map is not a survey plat and was prepared as an exhibit to complement the metes and bounds description also prepared at this time.

-- Exhibit Map --

Proposed Annexation - 3.43 acres

Chad Jackson Tract

Peter Norton survey A-186

Brazos County, Texas

Ovois, Incorporated
11.26 acres
vol. 6863, pg. 86

Ervin M. Williams, Sr.
and wife,
Mildred Williams
2.00 acres
vol. 976, pg. 782

Troy Williams, Sr. and
and wife, Helen Williams
2.56 acres
vol. 976, pg. 785
vol. 4989, pg. 201

PETITION FOR ANNEXATION

TO THE CITY SECRETARY OF THE CITY OF COLLEGE STATION:

This request for annexation of property to the jurisdictional limits of the City of College Station, Texas, is made pursuant to Local Government Code Chapter 43 by the undersigned property owner.

The area requested for annexation, hereinafter referred to as "Area", is described by metes and bounds in Exhibit A attached hereto and incorporated by reference. The Area is depicted in the survey; attached hereto as Exhibit B. As the landowner, we represent that the approximate total acreage owned is 3.57 acres.

The annexation of the Area is initiated on written petition by us as owner. We represent that we are the landowner and that we are authorized to sign this Petition for Annexation.

We understand that the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition after the fifth day but on or before the 30th day after my petition is filed.

SIGNED this the 15 day of Feb, 2010

OWNERS: Edna F. Goodman

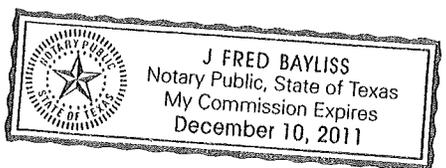
STATE OF TEXAS

ACKNOWLEDGMENTS

COUNTY OF BRAZOS

Before me, the undersigned authority, on this day personally appeared Edna F. Goodman Known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed, on behalf of herself.

Given under my hand and seal of the office on this the 15th day of Feb, 2010.



Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 693-2777

Proposed Annexation – 3.58 Acres
Remainder of Edna Goodman Tract
Peter Norton Survey A-186
Brazos County, Texas
February 22, 2010

All of that certain tract of land lying and being situated in the Peter Norton Survey, Abstract no. 186, in Brazos County, Texas, being a part of that 8.000 acre tract conveyed to Edna Faye Goodman by deed recorded in Volume 6525, Page 148 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Commencing at the intersection of the northeast line of the said Goodman tract and the southeast right-of-way line of Rock Prairie Road West, at a corner of the existing City Limits as described in City of College Station Ordinance no. 3049, from where the City of College Station 1994 GPS monument no. 117 bears N 58° 25' 59" E – 2148.9 feet.

Thence S 41° 46' 38" W – 206.83 feet, along said southeast right-of-way line, also being along a line of the said City Limits, to the west corner of that 3.43 acre tract conveyed by deed from Edna Goodman to Chad Jackson and recorded in Volume 9506, Page 99 of the Official Public Records of Brazos County, Texas, and being the **Point of Beginning** of this tract;

Thence S 48° 13' 22" E – 723.95 feet, through the said Goodman tract, along the southwest line of the said Jackson tract, to another line of the said City Limits;

Thence S 43° 09' 06" W – 278.17 feet, along said City Limits line, to the south corner of the said 8.000 acre Goodman tract;

Thence N 47° 49' 48" W – 290.00 feet, along an existing City Limits line and southwest line of the said 8.000 acre tract, to the south corner of that 1.000 acre tract conveyed by deed from Edna Goodman to Monique Goodman and recorded in Volume 7678, Page 264 of the Official Public Records of Brazos County, Texas;

Thence N 42° 10' 12" E – 100.00 feet, along an existing City Limits line, to the east corner of the said Monique Goodman tract;

Thence N 47° 49' 48" W – 427.98 feet, along an existing City Limits line and northeast line of the said 1.000 acre tract, to the southeast right-of-way line of Rock Prairie Road West;

Thence N 41° 46' 38" E – 173.17 feet, along the southeast right-of-way line of Rock Prairie Road West, also being a line of the existing City Limits, to the Point of Beginning and containing 3.58 acres of land more or less.

Bearings are Texas State Plane, NAD-83 datum, based on City of College Station 1994 GPS control points and GPS observations.

This document was prepared under 22 TAC §663.21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration the boundary of the political subdivision for which it was prepared.

See survey plat dated February 2010.





JOE ORR, INC.
SURVEYORS & ENGINEERS

2167 Post Oak Circle
College Station, Texas 77945
(979) 693-2177 JoeOrre@verizon.net
TX Surveying Firm no. 10854-00 Engineering Firm no. 4433

Rock Prairie Road West - 100' R.O.W.

Brazos County
vol. 3365, pg. 311

James Erwin survey A-119
Peter Norton survey

this 16.3 acres was
excepted from annexation
in ordinance no. 3049,
per development agreement

Abner White
(rem. of) 89.5 acres
vol. 984, pg. 567

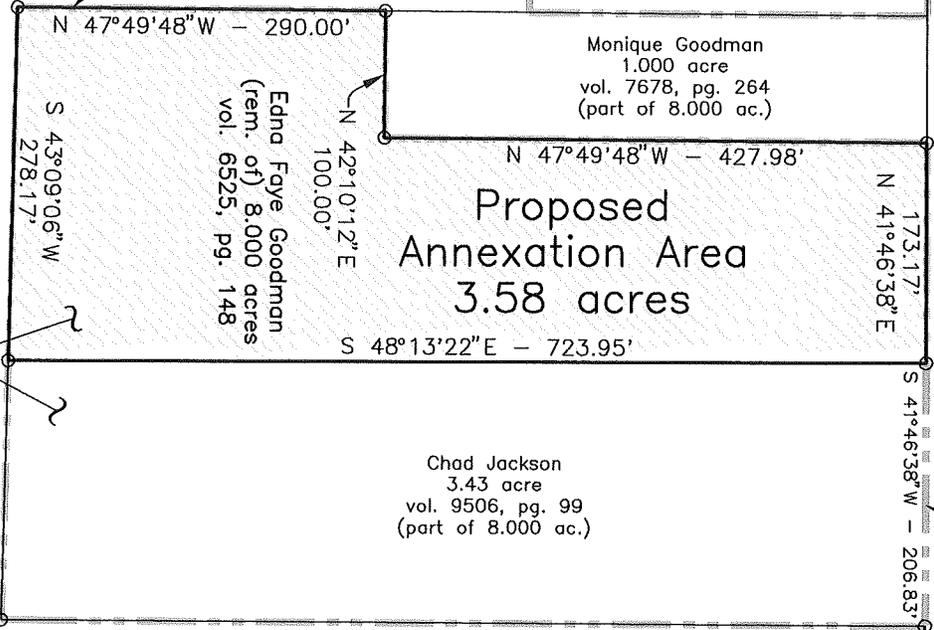
Monique Goodman
1.000 acre
vol. 7678, pg. 264
(part of 8.000 ac.)

**Proposed
Annexation Area
3.58 acres**

Edna Faye Goodman
(rem. of) 8.000 acres
vol. 6525, pg. 148

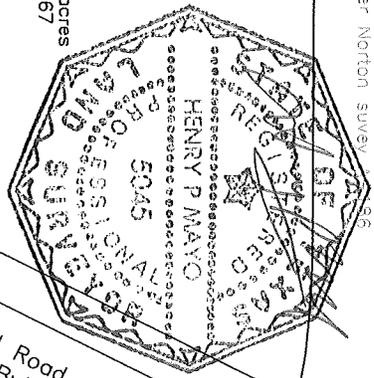
Chad Jackson
3.43 acre
vol. 9506, pg. 99
(part of 8.000 ac.)

these two tracts comprise the 7.00 acres
which was excepted from annexation in
ordinance no. 3049, per development agreement

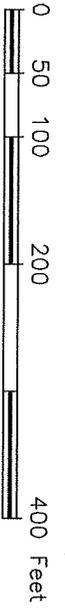


N 58°25'59"E - 2148.9'
to CS Mon. no. 117

Abner White
(rem. of) 89.5 acres
vol. 984, pg. 567



I & GN Road
(aka: Jones-Butler Rd.)



February 2010

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
No monuments were set for this survey and found monuments are not cited on this reference map.
This map is not a survey plot and was prepared as an exhibit to complement the metes and bounds description also prepared at this time.

--- Exhibit Map ---

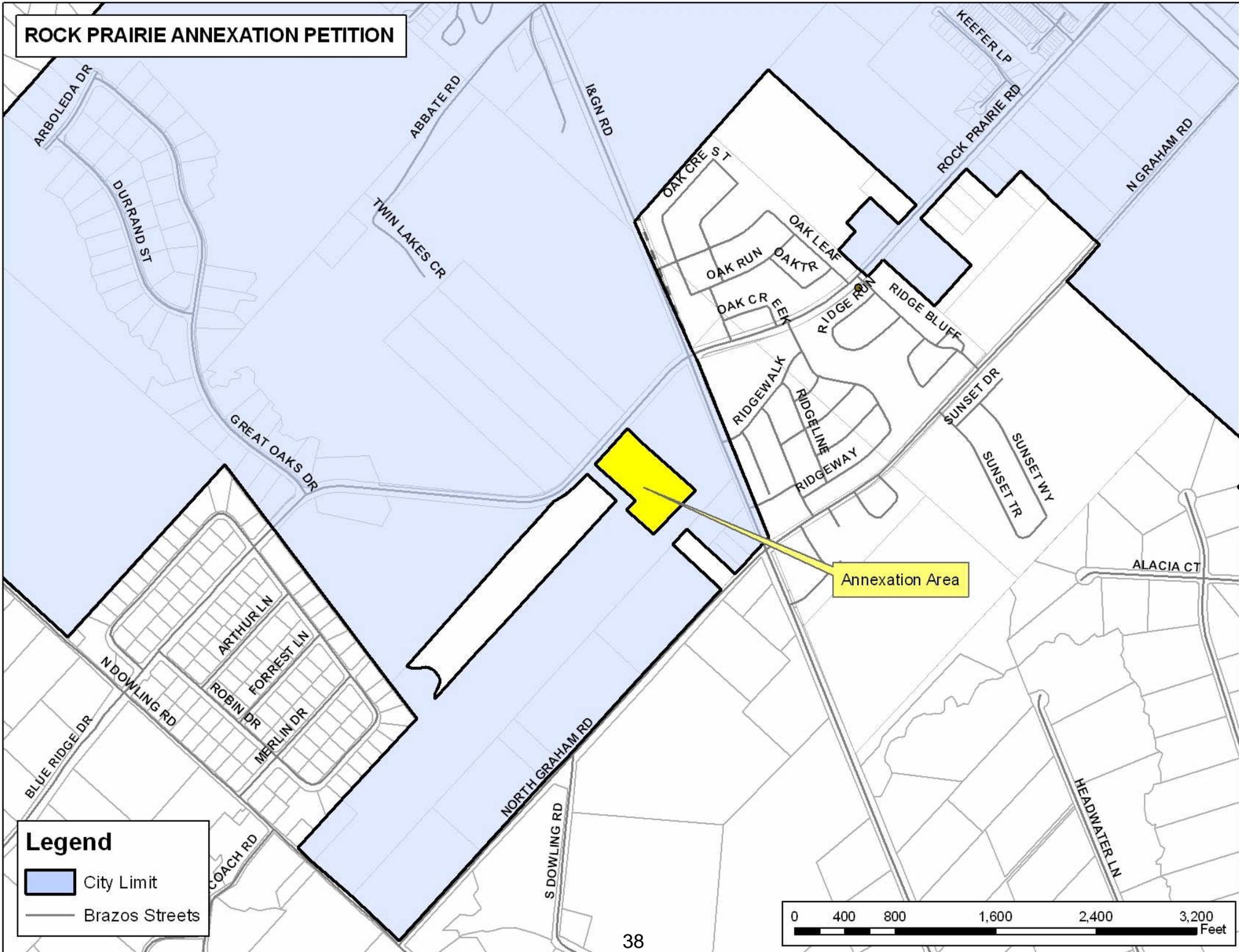
Proposed Annexation - 3.58 acres
Edna Goodman Tract
Peter Norton survey A-186
Brazos County, Texas

Ovais, Incorporated
11.26 acres
vol. 6663, pg. 86

Ervin M. Williams, Sr.
and wife,
Mildred Williams
2.00 acres
vol. 976, pg. 782

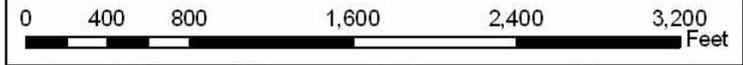
Trovie Williams, Sr. and
wife, Helen Williams
2.36 acres
vol. 976, pg. 785
vol. 4989, pg. 201

ROCK PRAIRIE ANNEXATION PETITION



Legend

-  City Limit
-  Brazos Streets



March 11, 2010
Regular Agenda Item No. 2
UPDATE: Re-write of Local Animal Control Ordinance

To: Glenn Brown, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding the re-write of the City of College Stations Ordinance as it relates to Animal Control.

Recommendation(s): It is recommended that the Council receives the recommended changes following the input received from Council at the February 11, Council Workshop, and to indicate which alternative to select where indicated in the draft.

Summary: Approximately 2 years ago a sub-committee of the Intergovernmental Committee (IGC) was formed to review and look at the Animal Control Ordinances and policies throughout Brazos County. The sub-committee is chaired by City of College Station Councilman James Massey. The sub-committee developed a proposed re-write draft of the City of College Station Code of Ordinance Chapter 2 – Animal Control. City Legal then put the ordinance in legal form. The version tonight now incorporates changes requested by council at its February 11th meeting as well as alternative approaches to two issues: whether to allow managed feral cats and whether to place a limit as to the number of animals a person may keep.

Assistant City Attorney Mary Ann Powell will be presenting the findings to Council.

Budget & Financial Summary: None

Attachments:

The following items may be reviewed by going to the City of College Station's Animal Control website <http://www.cstx.gov/index.aspx?page=3441> or by reviewing a hard copy available in the City Secretary's Office:

- Memorandum to Mayor and City Council from Assistant City Attorney
- Ordinance amending Chapter 2/Animal Control
- A "changes marked" version of the ordinance amending Ch. 2/animal control chapter, showing changes since council last saw on Feb. 11, 2010.
- Ordinance amending Chapter 4, Sect. 1/Solicitors, Charitable Solicitors, Itinerant Vendors, handbill Distributors
- Sample: Trap, Neuter and Release Policy Guidelines for Managed Feral Cat Colonies
- Resolution re encouraging humane treatment of animals

**March 11, 2010
Agenda Item No.
Local Animal Control Ordinance**

To: Mayor and Council
CC: Harvey Cargill, City Attorney
Jeffrey Capps, Police Chief
From: Mary Ann Powell, First Assistant City Attorney
Re: Animal Control

The following identifies three items for your consideration resulting from input at the February 11, 2010 Council workshop and regular meeting regarding animal control matters:

1. Revised proposed animal control ordinance. I attach both a "clean" and a "changes marked" version showing what I changed since council last saw it Feb. 25. Highlights of changes include the following:

a. Sect. 1.D. Impoundmt: The requirement to have a veterinarian determine whether a sick animal needs to be euthanized has been deleted. **Staff recommendation:** This is fine.

b. Sect. 2.B Number of animals/dogs cats: 3 alternatives are presented in the ordinance as follows:

- i. current limit of 4 **Staff recommendation:** This is fine;
- ii. a gradation as to limits - 4 maximum for apartments , 6 maximum for single-family, and 8 maximum for dwelling units on 1/2 ac. tract or more. **Staff recommendation:** This is fine; and
- iii. no limits. **Staff recommendation:** No.

c. Sect. 2.C. Managed Feral Cat Colonies: 2 alternatives are presented in the ordinance as follows:

- i. One alternative merely references managed feral cat colonies as may be allowed by separate policy. This is the approach preferred by the Brazos Feral Cat Allies. **Staff recommendation:** This is fine; and

- ii. Second alternative is to keep what was in place in earlier drafts "ordinizing" managed feral cat colonies so that non-adherence results in a citation. **Staff recommendation:** No.

d. Sect. 3.B. Fowl: Re-institution of a permitting system pursuant to council direction for keeping of fowl which preserves youth program verbiage developed by the IGC subcommittee. **Staff recommendation:** This is fine.

e. Sect. 3.E. Rabbits: Creation of a simple permit and set of regulations for keeping of rabbits pursuant to council direction. **Staff recommendation:** This is fine.

f. Sect. 3.F. Ferrets: Re-institution of a simple permitting and regulatory system for ferrets similar to what's in place now pursuant to council's direction. **Staff recommendation:** This is fine.

2. Resolution re humane treatment of animals. This is based upon direction received from Council and is based on IGC subcommittee member Shari Yvonne-Lewis' preamble without reference to animals as sentient beings.

3. Solicitor's Permit changes. I understand 2 things desired here:

a. to not allow sale of animals in ROW. This is already the law. Thus no change is required.

Real issue is how it's enforced and whether we're currently experiencing problems. Chief Capps reports that animal control officers during regular work hours and certified police officers assigned patrol during other times enforce this provision on a complaint basis. That is, when a complaint is received, they respond. Typically, the officer informs the wrong-doer of what the law is and does not immediately issue a citation, provided they stop what they're doing. If they persist, a citation is issued. Chief Capps is not aware of any current on-going problems but if one is identified, will take proactive steps to stop it.

Here is excerpt of current language in code:

"(2) No itinerant vendor may locate in the street right-of-way or highway department right-of-way without permission of the State Highway District Engineer or the City Engineer having control over such property, where such authority exists."

b. restrict itinerant vendor sale of animals to charitable organizations which purpose includes the well-being of such animals. Here is excerpt of proposed language which is in the ordinance amending this section of our Code of Ordinances:

"(12) No itinerant vendor, solicitor, or charitable organization shall engage in the sale, retail sale, charitable sale or solicitation of charitable contributions which involves animals unless it is a charitable organization which purpose includes the well-being of such animal."

4. Trap, Neuter and Release Policy Guidelines for Managed Feral Cat Colonies (for information purposes only). This is an example of what the City may follow regarding managed feral cat colonies in the event Council wants to allow oversight of managed feral cat colonies via a more informal policy rather than by ordinance. This is what Nancy McQuiston of the Brazos Feral Cat Allies indicated was her preference. Staff has not finalized this policy pending how council wants to handle this issue.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, "ANIMAL CONTROL", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY DELETING SAID CHAPTER AND SUBSTITUTING A NEW ONE RELATING TO RULES AND REGULATIONS OF ANIMALS IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1: That Chapter 2, "Animal Control", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT "A"

That Chapter 2, of the Code of Ordinances of the City of College Station, Texas, is hereby amended, by deleting said chapter in its entirety and substituting therefore a new one as set out hereafter to read as follows:

"CHAPTER 2: ANIMAL CONTROL**SECTION 1: GENERAL****A. Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

- (1) Animal shall mean any member of the group of living beings, included but not limited to birds, fish, mammals and reptiles but specifically excluding human beings. Animals shall include both domesticated and wild, male and female, warm and cold blooded.
- (2) Animal Control Authority shall mean the person, persons or entity designated by the City to enforce this chapter.
- (3) Animal Shelter shall mean a facility designated or recognized by the City for the purpose of impounding and caring for animals.
- (4) At large shall mean to be free of physical restraint beyond the boundaries of the premises of the owner.
- (5) Collar shall mean a collar or harness constructed of nylon, leather, or similar material specifically designed to be used for a dog, cat or pot-bellied pig.
- (6) Domestic Livestock shall mean domestic animals generally used or raised on a farm for profit, work, or pleasure, including, but not limited to; horses, mules, asses, cattle, swine, sheep and goats. The term excludes pot-bellied pigs and poultry.
- (7) Exotic animal shall mean any non-domesticated animal and any hybrid thereof, other than exotic livestock, which is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad.
- (8) Exotic livestock shall have the meaning as set forth in Section 142.001, Tx. Agriculture Code which typically will include grass-eating or plant-eating single hooved or cloven-hooved ungulates; including animals from the horse, swine, cattle, deer, and antelope families, and any hybrid thereof, non-domesticated and that are

non-indigenous, i.e., native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad.

- (9) Fowl or poultry shall mean chickens, turkeys, geese, ducks, pigeons, quail, pheasant, and peacocks or similarly feathered domesticated members of the aves class but excluding exotic birds.
- (10) Guard Dog shall mean a dog maintained within secured designated premises for the purposes of protecting life or property.
- (11) Licensing Authority shall mean the City or any designated entity charged with administering the issuance and revocation of permits and licenses within the City.
- (12) Owner shall mean any person who has a right of property or custody of an animal, or who controls, cares for or permits an animal to remain on or about any premise for more than seventy-two (72) hours or who otherwise chooses to become responsible for an animal except that those caring for feral cats that are part of a properly permitted managed feral cat colony shall not be considered owners for purposes of this chapter.
- (13) Person shall mean any individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- (14) Pot-bellied Pig shall mean any of the domesticated forms of the species *Suidae Sus scrofa* (miniature pigs under 100 pounds) originating in Southeastern Asia, and having a straight tail, potbelly, swayback, and black, white, or black and white coat.
- (15) Wild animal shall include all animals defined as Dangerous Wild Animals set forth in §822.101, Tx. Health and Safety Code, and shall include all undomesticated animals including, but not limited to lions, tigers, bears, wolves, apes, monkeys, baboons, all forms of venomous or dangerous reptiles, non-venomous snakes over six feet in length, pumas, wildcats, lynx, bison, raccoons, opossums, coyotes, foxes, skunks, squirrels, capybaras, and any other indigenous animals normally found in a wild state, and members of the class of Aves not domesticated by man, including hawks, falcons, and other birds of prey and bats.

B. Interference.

It is unlawful to remove an animal from or inflict damage upon a humane live trap set by the animal control authority.

C. Problem Animals.

It is unlawful to be an owner or manager of an animal which engages in behavior constituting problem animal behavior. Each of the following is a problem behavior of animals:

- (1) Waste Removal. An animal which soils, defiles or defecates on private property other than the owner's or on public areas, unless such waste is immediately removed and disposed of;
- (2) Excessive Noise. An animal which creates a disturbance by excessive barking, howling, crowing, screeching or other noise which would offend a person of ordinary sensibilities under the same or similar circumstances;
- (3) Chasing, Biting, and Scratching. An animal which chases, bites, scratches, molests, attacks or interferes with persons or other domestic animals on public property or on the private property of others;
- (4) Contagion for disease. An animal that carries or poses an unreasonable threat of carrying or transmitting a disease to other animals or to people.
- (5) Staked Animal. An animal which is staked or tied upon any open or unfenced lot or land within the City so that the animal so tied or staked could get on, across or within eight (8) feet of any public street, park or other public land, including within eight (8) feet of any public sidewalk, right of way, or public building;
- (6) Horses/Mules on Right-of-Way. Riding a horse or mule or any other animal on a public sidewalk or within the public street right-of-way except on the paved shoulder or curb lane of the street right-of-way, unless a permit is required from the City pursuant to other applicable law; or
- (7) Estrus. Allowing any female animal while in heat to attract other animals and not being confined in a building or enclosure in such a manner that she shall not be in contact with another of its species. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area with the consent of the animal owner(s) and on the premise of the owner in accordance with the requirements as may be set forth in this Chapter
- (8) No odor or fly attraction. No person may harbor, own, maintain or permit an animal on a property so as to offend a person of ordinary sensibilities living nearby or on near or adjacent property because of an offensive odor or unreasonable attraction of flies and other insects.

D. Impoundment.

- (1) Animal Shelter. The City maintains or ensures the availability of an animal shelter to impound animals which shelter shall be open to the public during normal business hours.

- (2) Animals subject to impoundment. Any animal found at large, found to be in violation of this Chapter or which poses an immediate danger to the general public may be impounded by the animal control authority and taken to the animal shelter.
- (3) Notification. Upon impounding an animal, the animal control authority shall make a reasonable effort to notify the registered owner and inform that person of the conditions whereby custody of the animal may be regained.
- (4) Unclaimed animals. Animals not claimed by the registered owners within a period of three (3) days in which the animal shelter is open to the public during normal business hours shall be subject to disposal by adoption, transfer or humane euthanasia. Notwithstanding the foregoing, the City may deviate from this timeframe consistent with this ordinance when dealing with a sick, injured, diseased, dangerous, and/or feral animal and when acting pursuant to the mutual agreement of the City and Owner of an impounded animal, in a manner consistent with this ordinance.
- (5) Sick animals impounded. If at any time during impoundment, the animal control authority determines an animal is in a state of disease, malnutrition, pain, suffering, or the like, the animal control authority may choose to euthanize such animal or have such animal assessed by a licensed veterinarian. When having the animal assessed by a licensed veterinarian, the animal control authority may make a determination as to the disposition of the animal after consideration of the cost of medical treatment, whether the owner of the animal can be located, whether the owner is willing or able to pay for such treatment, and whether euthanasia is recommended to prevent further suffering.
- (6) Impounded Registered Animals. If an animal which has been delivered to the City is currently registered and has an identification tag, a microchip or other identification the City shall notify the owner or person responsible for the animal by posting written notice at the address of the registered location of the animal, by telephone, by email, by regular mail or by whatever reasonable method determined appropriate by the Animal Control Authority that such animal has been impounded. Notice shall be deemed sufficient if it is given pursuant to the information provided to the City for such registration or as indicated on the identifying tag, microchip or other identifying marker.
- (7) Responsibility. Nothing in this section or in this Chapter generally shall relieve the registered owner or registered person responsible for such animal of liability for violations and any accrued charges or citations.

E. Redemption.

- (1) Any animal impounded may be redeemed by the registered owner thereof within three (3) days in which the shelter is open to the public during normal business hours upon payment of all applicable fees and signing of any citations which are to be issued. Payment of outstanding fees is not considered to be in lieu of a fine, penalty, or license fee.
- (2) Any animal confined for rabies quarantine, evidence, or other purposes, once such purposes no longer exist, may be redeemed by the owner thereof upon payment of any fees and signing of any citations, as applicable.
- (3) No animal may be redeemed until such animal is properly licensed and vaccinated when required.

F. Liability of Owner or Manager.

Disposal or redemption of an animal by any method specified herein does not relieve the owner or manager of liability for violations and/or accrued charges.

G. Transporting Animals in Open Bed Trucks or Trailers.

It shall be unlawful for a person to transport in an open bed pickup or an open flatbed truck or to tow in an open flatbed trailer on a public street or highway while a dog or other animal occupies the bed of the truck or trailer unless the animal is secured in a kennel or other secure vented enclosure, restrained by a harness manufactured for the purpose of restraining animals, or restrained using a chain, rope, or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

H. Animal in hot vehicle or trailer.

- (1) It is unlawful to leave an animal enclosed in a parked vehicle or enclosed trailer in a manner that subjects the animal to extreme temperatures that could adversely affect the animal's health, safety or welfare.
- (2) The Animal Control Officer, City police officer or City firefighter may take reasonable measures under the circumstances to remove an animal from a vehicle or trailer if said City official reasonably believes that an emergency exists to preserve the animal's health, safety or welfare.

I. Tethering of Animals.

In addition to any state laws regarding restraining an animal by a chain, rope, tether, leash, cable, or other device to a stationary object or trolley system including those set forth in Chapter 821 of the Texas Health and Safety Code, the following requirements apply:

- (1) Only one animal may be restrained to each cable run;
- (2) There must be a swivel on at least one end of the restraint device to minimize tangling; and
- (3) When a restraint system is used to keep an animal from running at large, the tether system must be of appropriate configuration to confine the animal to the subject property.

J. Sale of Animals.

Except as may be allowed pursuant to other applicable law, the outdoor sale of animals is prohibited.

K. Trapping of Animals.

Except as may be expressly allowed pursuant to applicable law and except as may be authorized by Animal Control Authority, the trapping of animals is prohibited.

SECTION 2: DOGS AND CATS

A. Rabies Vaccination And License Required.

- (1) Licensing. Except for those dogs and cats excepted from being licensed as set forth in this section, no person shall be an owner, keeper, or harbinger of any dog or cat, over four (4) months of age within the city unless such animal is vaccinated and licensed as set forth herein.
- (2) Requirements. The following requirements apply to licensing dogs and cats:
 - (a) The animal is over four (4) months of age;
 - (b) The animal is vaccinated against rabies by a licensed veterinarian in accordance with Chapter 826 Texas Health & Safety Code;
 - (c) The following information is provided:
 - i. Name and address of pet owner;
 - ii. Description of the pet;
 - iii. Date of vaccination;
 - iv. License number;
 - v. Permanent identification, if applicable (i.e. micro chip, tattoo); and
 - vi. Other appropriate information;

- (d) Application for a license must be made to the Licensing Authority within thirty (30) days after obtaining a dog or cat over four (4) months of age;
- (e) Except as otherwise provided, the licensing period will be for one (1) year. Each applicant shall pay the appropriate fee annually and shall supply all information reasonably requested on forms supplied by the City;
- (f) Licenses issued shall be of durable material and must be attached to the collar of the animal and must be worn at all times. A microchip may act as a secondary form of identification for duly licensed animals;
- (g) Licenses are not transferable to other animals; and
- (h) A license shall be issued after payment of the required fee. Persons who fail to obtain a license as required within the time period specified in this section may be subjected to a delinquent fee. License fees shall be waived for registered service dogs or government-owned dogs used by law enforcement.

(3) Exceptions: The following are excepted from the licensing provisions of this section:

- (a) licensed research facilities or animal shelters;
- (b) An animal within the city for no longer than sixty (60) days. New residents must apply for a license within thirty (30) days of establishing residency within the city;
- (c) A feral cat living in a managed feral cat colony as may be allowed pursuant to the provisions of this Chapter and where registration of the Managed Colony is substituted; or
- (d) An animal being housed in this jurisdiction temporarily following a natural or man-made disaster occurring in the animal's permanent home. This exemption is in effect for up to six (6) months, at which time the animal becomes a permanent resident of the City and becomes subject to the licensing provisions of this Chapter.

(4) Licensing by veterinarians. When so designated and when practicable, licensed veterinarians may be authorized to license a dog or cat in accordance with the terms and conditions of this Chapter. In such instances, the veterinarians so authorized shall be responsible for determining eligibility for licensing, collection of the required information and fee, and dispensing of the license itself. In such instances, the veterinarian shall maintain records relating to such licensing and shall remit same along with the collected fees to the Licensing Authority on a regular basis.

Alternative 1-Recommended by Staff as a viable approach:**B. Number of Dogs and Cats.**

(1) Limitation on number. It is unlawful to harbor more dogs and cats over the age of six months in a dwelling unit than as set forth herein unless permitted as set forth in this section and provided such use is in accordance with the City's applicable land use regulations. In this section, Dwelling Unit has the meaning given it in the City's Unified Development Ordinance.

(a) No more than four dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares a common wall with another dwelling unit;

(b) No more than six dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares no common wall with another dwelling unit nor shares the premises with any dwelling unit, and that is located on not more than one-half acre of land; and

(c) No more than eight dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares no common wall with another dwelling unit nor shares the premises with any dwelling unit, and that is located on more than one-half acre of land.

(2) Permit. In addition to meeting all other requirements of this chapter, a person who wants to harbor more dogs and cats than allowed above must make application and be granted a Multiple Pet Permit annually as set forth herein.

a. Application. The application for a Multiple Pet Permit must be made on a form prescribed by the City and shall include the following information:

i. The name, telephone number, and physical address of the applicant;

ii. The total number of animals sought to be included under the permit and the species, breed, gender, and age of each animal;

iii. The current, valid city license number for each animal listed in the application;

iv. A statement affirming that the applicant is familiar with the provisions of this chapter and a promise to maintain all animals in accordance with applicable legal requirements;
and

v. Any other information the City reasonably determines is necessary to issue a permit.

b. Fee. The City may require payment of a fee when submitting an application hereunder.

- c. Consideration of Permit. A permit shall be granted upon meeting the following criteria:
- i. Submittal of a complete, accurate application, including payment of a fee, if any, and submittal of all required documentation;
 - ii. Provision of a statement from a veterinarian licensed in the state of Texas is satisfied that the enclosures and circumstances under which such dogs or cats are to be kept comply with applicable laws and care standards;
 - iii. Applicant has not been convicted of one or more violations of this chapter or of any law relating to the care and humane treatment of animals nor has failed to appear in court in response to such a charge within the past 12 months from date of application;
 - iv. Applicant has not had a permit under this section previously revoked within the past 12 months from date of application; and
 - v. The address to which the permit relates is not the same as one for which a permit has been revoked within the past 12 months.
- d. Revocation of Permit. A permit may be revoked in the event one or more of the following occur:
- i. The application is incomplete, false or inaccurate;
 - ii. The permit holder is convicted, receives deferred adjudication, or pleads guilty or no contest with respect to one or more sections of this chapter or any law relating the care and humane treatment of animals or fails to appear in court to respond to such a charge; or
 - iii. The Animal Control Authority determines that specific circumstances exist indicating that it is in the best interests of the health and safety of the public to revoke the permit.
- e. Revocation Process. The process for revoking a permit granted under this section is as follows:
- i. The Animal Control Authority shall send written notice by certified mail to the current mailing address provided by the permit holder in its application identifying the reason for revocation; and
 - ii. The permit holder shall have thirty (30) days to appeal such determination in writing to the municipal court judge. A hearing shall be held before the judge. If the judge determines that the permit holder meets the criteria for revocation such judge shall order the revocation of the permit. The decision by the municipal court judge shall be in writing and shall be final.

Alternative 2-IGC subcommittee recommendation [place in sect. 1 to make applicable so no limits on any animals; would require doing away with limits re number of pot-bellied pigs set forth later in the ordinance as well]

B. Number of Animals.

(1) *Except as may be specifically set forth elsewhere in this chapter, the number of animals a person may have is limited to that number as such person can properly maintain in accordance with this chapter and other applicable law. In addition to applicable law, to determine whether a person is properly maintaining the number of animals such person has the following criteria may be used:*

- (a) **Adequate food.** *Adequate food which means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.*
- (b) **Adequate water.** *Adequate water means provision of continuous access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner and in sufficient volume to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.*
- (c) **Adequate shelter that is properly cleaned.** *Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species. Shelters with wire, grid, or slat floors (i) permit the animals' feet to pass through the openings,*

(ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury may not be adequate shelter.

(d) **Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight.** Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species may be considered provision of adequate space.

(e) **Adequate exercise.** Adequate exercise means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal. The intent is to provide opportunities for socialization. Lack of exercise, socialization and mental stimulation may lead to behavior problems such as self-mutilation, destructive behavior, fear and aggression. A pet needs a relationship with at least one other living being. Chronic isolation is unnatural and unhealthy for a companion animal. Human contact that occurs only when food and water are replenished may not constitute proper attention.

(f) **Adequate care, treatment and transportation.** Adequate care means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health. Adequate treatment means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

(g) **Veterinary care, including emergency treatment when needed or to prevent suffering or disease transmission.** Veterinary care means treatment by or on the order of a duly licensed veterinarian. Emergency treatment means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression. **[Staff recommendation: if adopt this alternative, delete these care guidelines a-g]**

(2) *In the event a person is convicted, receives deferred adjudication, probation or pleads guilty or no contest or fails to appear in court for a criminal charge regarding the care or treatment of an animal, same shall be prima facie evidence that the person has more animals that such person can properly maintain.*

Alternative 3-current ordinance, also recommended by Staff as a viable approach :

B. Number of Dogs and Cats.

It is unlawful to harbor more than 4 dogs and cats over the age of six months in a dwelling unit unless permitted as set forth in this section and provided such use is in accordance with the City's applicable land use regulations. In this section, Dwelling Unit has the meaning given it in the City's Unified Development Ordinance.

[Alternative 1. To be used if adopting feral cat colony as a policy in lieu of in this ordinance-recommended by Staff]

C. Dogs and Cats at Large.

- (1) Except as set forth herein, it shall be unlawful for any person to allow any dog or cat to be "at large" within the City.
- (2) Colonies of feral cats may be allowed if in accordance with a registered Trap, Neuter and Release Program approved by the City.

****Alternative 2[includes creating/regulating feral cat program in ordinance later on in this section-recommended by IGC subcommittee]***

C. Dogs and Cats at Large.

Except as may be set forth elsewhere in this Chapter, it shall be unlawful for any person to allow any dog or cat to be "at large" within the City.

D. Rabies Control Authority.

The City Council of the City shall designate an officer or contract with a public or private entity to carry out the activities required or authorized under Chapter 826 Texas Health and Safety Code and regulations relating thereto in acting as the City's local rabies control authority. This includes following the proper procedures for quarantine, testing and vaccination protocols as may be required or authorized.

E. Reports of Rabies.

It is unlawful for a person to fail to notify the local rabies control authority when the person reasonably suspects an animal is rabid or capable of transmitting rabies as set forth in §826.041 Tx. Health and Safety Code.

F. Guard Dogs. The following requirements apply for guard dogs located in the City:

- (1) Posting sign. It shall be unlawful for any person to leave a guard dog unattended in any place in or out of a building unless a clearly visible warning sign is placed advising others of same before entering the place to which the dog has access.
- (2) Unattended guard dog. No guard dog shall be left unattended in any place except inside a building or other structure that will not allow the dog to exit such building on its own volition.
- (3) Required Fencing. No guard dog shall be let out of doors unless it is in a fenced yard with a fence adequate to prevent the dog from leaving the premises.

G. Unlawful Release of Dog or Cat.

It shall be unlawful to release a dog or cat that is lawfully tethered, leashed or stabled within a lot, pen or similar type of enclosure or confinement without the consent of the owner of such animal.

****[To be used with Alternative 2 for section "C" above as recommended by IGC subcommittee].***

H. Feral Cat Colonies.

(1) Policy. *Trap, Neuter and Release programs offer a humane alternative for controlling certain animals.*

A feral cat is a domesticated cat or it's offspring that is not socialized to humans and is not tame. A feral cat colony is a group of two or more feral domestic cats. A managed feral cat colony is a feral cat colony that has a person who assumes responsibility for managing the colony in accordance with the goals and requirements set forth herein. It is a form of Trap, Neuter and Release program for feral cats. The purposes include reducing the number of feral cats in the colony through humanely trapping, neutering, vaccinating and releasing feral cats thereby eventually causing a reduction in their number while increasing the overall physical health of the colony. Neutering also decreases nuisance behaviors like roaming, marking, yowling and fighting. The purposes of such a program must be balanced with the need to continually ensure the health, safety and welfare of the general public.

Tracking the effectiveness of a Trap, Neuter and Release program, including a Managed Feral Cat Colony, is an integral part of such program.

(2) Managed Feral Cat Colonies Permitted. Notwithstanding the provisions of this chapter relating to the prohibition of cats being at large, managed feral cat colonies shall be permitted if they meet the requirements herein.

(3) Registration of Managed Feral Cat Colonies. The person assuming responsibility for the proposed managed feral cat colony who designates himself as manager shall register the colony annually with the City of College Station. Those interested in registering a currently existing feral cat colony within the City shall have 90 days within which to register such colony from the date of final passage of the ordinance amending this chapter authorizing the registration of same. It shall be unlawful to maintain or to assist in maintaining a Managed Feral Cat Colony without current registration.

(4) Registration requirements. The following is required information for registration of a managed feral cat colony:

- a. Name, address, telephone and email address, if any, of the manager of the managed feral cat colony including how to contact such manager at all times during weekdays, weekends, and during all hours of the day;*
- b. Location of the colony;*
- c. Name and written proof of property owner's consent to have the feeding stations and other equipment related to such managed colony on the property as well as consent from any other property owner to access such property;*
- d. Name and proof of written notification Colony in a format acceptable to the City explaining the right to contest the presence of the colony in a hearing before the municipal court judge within 10 days of receipt of such notification to all property owners and tenants within 200 feet from the property line upon which is located the Managed Feral Cat. For purposes of this section, written notification to a property owner is presumed if sent to the name and address as shown in the current records for the central appraisal district for such property and if sent to tenants pursuant to the City rental registry. The property or properties upon which the feeding stations are located determine the property where the colony is located for purposes of this section;*
- e. Acquiescence of property owners within 200 feet from the property line upon which are located proposed feeding stations. Such acquiescence is presumed if it can be demonstrated that notice was sent as required above and no timely request for a hearing was made;*
- f. Estimated number of cats in the colony;*
- g. A reasonable description of the cats in the colony, such as gender, health condition, gestational condition, approximate age, ability to reproduce, etc.;*
- h. Schedule of care for the colony as a whole, such as feeding schedule and shelter arrangements, if any;*

- i. *Description of care for individual cats, including date of vaccinations, neutering, medical care and trapping;*
- j. *Description of the Trap, Neuter and Release plan that is used and which is satisfactory to the Animal Control Officer; and*
- k. *Payment of a registration fee as may be duly adopted by the City.*

(5) Change in Registration Information. *Any time during the registration period if the name and contact information of the manager of a managed feral cat colony changes, the manager of the feral cat colony must provide the City with the new correct information.*

(6) Reporting to City. *In order to maintain a properly registered managed feral cat colony, the manager of such colony shall ensure the submittal of the following to the City:*

- a. *Written quarterly reports updating the population, gender, health condition, gestational condition, approximate age, and ability to reproduce of the feral cats in the colony as best as can be reasonable determined; the number of cats trapped, neutered, and released; and the number and type of vaccinations administered; and*
- b. *Inform the Animal Control Officer immediately or as soon as is practical anytime a feral cat within the managed feral cat colony is diseased or carries a transmittable disease contagious to other cats, pets or people. In such instance, the City shall have the discretion to take whatever measures it determines necessary to ensure the health, safety and welfare of the general public.*

(7) Meeting Goals. *The Manager of a managed Feral Cat Colony must be able to demonstrate to the City that the following goals are being met over a reasonable period of time:*

- a. *Cause a reduction in the number of feral cats in a geographic area. Indicators include a stabilization of the number of feral cats, and a reduction in the number of kittens in a colony; and*
- b. *Cause an increase in the overall health and well being of domestic cats within the cat colony and within the general geographic area. This includes an increase in the percentage of or number of cats neutered and vaccinated for rabies.*

(8) Required Management Practices. *The manager of a feral cat colony shall comply with the following:*

- a. *Abide by all the requirements set forth in this Chapter except for licensing, registration and the obligation to not have an animal be at large, and to meet the requirements of all other applicable state and federal laws;*
- b. *Receive and provide proof of having received current pre-exposure rabies vaccination;*

- c. *Actively attempt to humanely trap, neuter and release all the feral cats aged 12 weeks and older within the colony.*
- d. *Trap in accordance with the following:*
 - i. *Properly use only traps approved by the Animal Control Authority;*
 - ii. *Check traps at least once every twelve hours;*
 - iii. *Locate traps on own property or on property of others with written consent from such landowner on a form provided or approved by the Animal Control Authority;*
 - iv. *Not trap when the effective outdoor temperature is less than 32 degrees Fahrenheit, when a heat advisory has been issued by the city or state, or when a hurricane, tropical storm, or tornado warning has been issued for the City by the National Weather Service;*
 - v. *To turn animals bearing identification and/or Brazos County License tags over to the Animal Control Authority.*
- e. *Upon trapping a feral cat, the manager of a feral cat colony is responsible for providing proof of having performed the following:*
 - i. *Neutering;*
 - ii. *Vaccinating the cat to prevent rabies;*
 - iii. *Testing for FeLeuk and FIV;*
 - iv. *In the event the trapped cat tests positive for FeLeuk, FIV or other fatal disease or if the cat is in such a poor state of health where to not humanely end its life would be considered inhumane, such cat must be humanely euthanized; and*
 - v. *Microchip and ear tip the cat. Males shall have their right ear tipped, and females shall have their left ear tipped.*
- f. *Provide food and shelter in a humane manner, including daily feeding on weekends as well as weekdays and provision of a constant, safe source of water; and*
- g. *Will not locate or maintain a feeding station or other items relating to managed feral cat colonies within 100 feet of publicly owned road right-of-way, parks open to the general public, government buildings open to the general public, and schools excluding state universities.*

(9) City Processing of Cats from Managed Feral Cat Colonies. *In addition to any other applicable provisions set forth in this chapter, in the event an Animal Control Officer encounters a cat he reasonably believes may belong to a properly registered managed feral cat colony and such cat is engaging in problem behavior in violation of one or more provisions of this chapter or the feral cat is in poor health, not neutered or otherwise requires human intervention, such officer shall use his reasonable best effort to contact the manager of the colony to which such cat belongs. In such circumstances, the manager must attempt to adequately address the situation so that the cat is no longer engaging in the problem behavior, receives*

the veterinarian care, is neutered or that whatever action is required is taken to adequately resolve the problem.

If unsuccessful in contacting the manager, or if the manager is not able to resolve the problem, or if necessary in order to preserve the health, safety and welfare of the general public, the Animal Control Officer may impound such cat and take any other action he determines necessary. The cat may be returned to the manager of the colony pursuant to the requirements for redeeming an impounded animal as set forth elsewhere in this chapter except for the requirements to have the animal licensed and provided the cat is free from disease; and the cat is neutered. The Animal Control Officer may make veterinarian services available to the manager for such cat when needed and upon assumption of such medical costs by the manager of the colony with which such cat is associated.

(10) Revocation of Registration of Managed Feral Cat Colony. Revocation of registration of a managed feral cat colony may occur at the discretion of the Animal Control Officer when he reasonably believes that one or more provisions of this chapter have been violated and that due to the severity of the violation or the frequency of the violation, that it is in the best interests of the general public that the registration be revoked. In such event and when feasible, the Animal Control Officer shall attempt to contact the manager of the colony of his decision and afford such manager the opportunity to correct the violation(s) or to otherwise request an opportunity to have a hearing before the Municipal Court Judge regarding such revocation. Decisions made by the Municipal Court Judge shall be final.

(11) Unlawful Conduct. It is unlawful to manage or to otherwise care or feed members of a feral cat colony unless such colony is properly currently registered with the City.

I. Dangerous Dogs.

(1) Dangerous Dogs. The determination and processing of dangerous dogs in the City shall commence with an investigation conducted by the animal control authority in accordance with Chapter 822 Texas Health and Safety Code.

(2) Alternative Process. Alternatively, the City herein elects to make available an alternative determination and processing of a dangerous dog pursuant to Section 822.0422 Texas Health and Safety Code commencing with making a report of an incident meeting the definition of dangerous dog to a city municipal court and following the procedure set forth therein.

(3) Additional Requirements for Dangerous Dogs. Once a dog has been determined to be a dangerous dog, the following requirements shall apply in addition to those set forth in Chapter 822 Texas Health and Safety Code:

- (a) The owner of the dangerous dog must implant and maintain a microchip on the dangerous dog and ensure the dangerous dog wear a city-issued or city-approved collar at all times;
- (b) When a dangerous dog is restrained on a leash, a leash issued or approved by the City must be used to ensure, among other things, the visibility of the dangerous dog when out in public, the security of the leash, the length of the leash, and the overall safety of the general public;
- (c) When a dangerous dog is restrained on a leash, the person in physical control of the leash must be a person of at least 17 years of age;
- (d) When the dangerous dog is taken off the property of the owner for any reason, the dangerous dog must be properly muzzled so as to prevent such dog from biting;
- (e) The dangerous dog must be surgically neutered or show proof of having been neutered to the Animal Control Authority within 30 days of the owner learning such dog is dangerous or within 30 days of moving to the City;
- (f) The owner of a dangerous dog shall have 14 days within which to notify animal control authority of a change of ownership or change of address of the dangerous dog;
- (g) The owner of a dangerous dog must pay an annual registration fee of \$500 for the first year and a \$250 annual re-registration fee thereafter unless such dog has violated one or more provisions of this chapter during the previous year, in which case an annual renewal registration fee of \$500 shall be assessed;
- (h) The owner of a dangerous dog must notify any boarding facility, veterinary clinic or animal trainer that the dog is dangerous prior to going to such location or person and to notify the animal control authority of same; and
- (i) The owner of a dangerous dog must notify the animal control authority when the dog is deceased.

SECTION 3: LIVESTOCK, BIRDS, EXOTIC ANIMALS AND WILD ANIMALS.

A. Keeping of Domestic Livestock.

Keeping of domestic livestock is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter. When allowed pursuant to the zoning land use regulations of the City, the following additional requirements apply for domestic livestock:

- (1) Not allowed to be at large. Domestic livestock shall be kept within structures or enclosures or lawfully tethered and not permitted to run at large;

- (2) Avoid creation of health hazard. An owner of domestic livestock shall be responsible for the proper pickup and disposal of all animal feces. Feces must be removed often enough so that there is no odor or fly attraction which would disturb a person of normal sensibilities or otherwise constitute a health hazard;
- (3) Distance requirements. The structure or enclosure within which the livestock may be confined shall be not less than one hundred feet (100') from any structure used for human occupancy, except the dwelling occupied by the owner of the domestic livestock. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.
- (4) Contact information. The owner of the livestock shall post their contact information at all entrances to the livestock enclosure, including their name, address, and telephone numbers.
- (5) Proof of vaccinations. The owner of the domestic livestock shall make available to the animal control authority proof of current vaccinations as may be required pursuant to applicable law, including Brucellosis for all cattle 18 months of age and over except steers and spayed heifers per Texas Administrative Code Title 4, Part 2, Chapter 35, and a negative test for Equine Infectious Anemia for horses, mules, and donkeys as required under Texas Administrative Code Title 4, Part 2, Chapter 49 for horses at an event or gathering, horses in stables or breeding farms, or any horse that has had a change of ownership.

B. Fowl.

(1) Keeping allowed without permit. Keeping of fowl is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter.

(2) Keeping allowed with permit. Keeping of fowl is allowed in all single-family residential zones consistent with the land use regulations therein for such zone as same may from time to time be amended, and upon issuance of a permit and by meeting other applicable regulations as set forth herein.

(a) Permit requirements. The following is required to be issued a permit for keeping of fowl in a single-family residential zone:

- (i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information for the owner of the property and the owner of the fowl, type and number of fowl, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information; and

(ii) Payment of a fee as may be imposed by the City Council.

(b) Additional requirements. A person with a lawfully issued permit may keep, harbor, own, or maintain up to 10 chicken or turkey hens except more may be allowed if the person is lawfully involved in an Agricultural Youth Project under the supervision of a county extension agent, interest group leader or agriculture teacher employed by the independent school district and:

(i) Chickens are kept no longer than 75 days and turkeys are kept no longer than 190 days; and

(ii) Chickens and turkeys are housed in a sanitary manner so that they are not a nuisance to others.

(3) Keeping fowl in enclosures. It shall be the duty of the owner of fowl to keep same enclosed in such manner that the fowl cannot go upon public streets, highways, alleys, rights of ways or parkways of the City, or upon the private property of others. Any enclosure that houses fowl must be at least one hundred (100) feet from any dwelling other than the dwelling occupied by the owner of the fowl. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.

(4) Roosters prohibited. It is unlawful to own, keep, harbor, or to maintain or to possess a rooster within the City limits.

C. Birds.

It shall be the duty of the person owning, or having within his management or control, any birds including fowl, including but not limited to fowl, pheasants, quail, peacocks, doves, parrots, tropical birds and similarly feathered animals, to keep same enclosed upon his own premises in such manner that such birds cannot go upon the public streets, highways, alleys, rights of ways, or parkways of the City, or upon the private property of others.

D. Hogs and Pigs Prohibited.

(1) Prohibited. It shall be unlawful for any person to maintain and keep any hog, or pig within the City except as may be allowed pursuant to the City's zoning ordinance and except for pot-bellied pigs as set forth below.

(2) Pot-bellied pigs. Pot-bellied pigs are permitted to be in the City in accordance with the provisions set forth herein:

- (a) No more than two pot-bellied pigs may be kept on any one parcel or tract of land in a residentially zoned district and in accordance with applicable land use regulations;
- (b) Pot-bellied pigs are permitted in only residentially or agriculturally zoned districts;
- (c) The premises where any such pigs are kept shall be kept clean and free of all offensive odors, flies, rodents or other pests. Droppings shall be placed in the suitable container and disposed of on a regular basis;
- (d) No such pigs may be bred within a residentially zoned district;
- (e) All male pot-bellied pigs in the City in a residentially zoned district must be neutered;
- (f) All pot-bellied pigs must have their tusks either surgically removed or trimmed so as to be blunted at all times;
- (g) All pot-bellied pigs must be vaccinated against communicable diseases and in accordance with general guidelines from the American Veterinary Medical Association;
- (h) All such pigs must be licensed by the City upon making proper application as set forth herein and upon the payment of an annual license fee as may be set by the city council. In order to obtain a license, the owner of the pig must present the following:
 - i. Proof that the pig, if male, is neutered if located in a residentially zoned district and that the tusks are either trimmed as required above or have been surgically removed;
 - ii. The address and property description where the pig will be kept;
 - iii. The name and contact information of the owner;
 - iv. The approximate weight, height, gender, general health and age of the animal; and
 - v. Immunization records as required.
- (i) All such pigs shall display the City license affixed to a collar at all times.

E. Rabbits

(1) Keeping allowed without permit. Keeping of rabbits is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter.

(2) Keeping allowed with permit. Keeping of rabbits is allowed in all single-family residential zones consistent with applicable land use regulations, and upon issuance of a permit and by meeting other regulations as set forth herein.

(a) Permit requirements. The following is required to be issued a permit for keeping of rabbits in a single-family residential zone:

- (i) An application must be completely and accurately filled out and

submitted to the City identifying the location, contact information for the owner of the property and the owner of the rabbits, type and number of rabbits, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information;

(ii) Payment of a fee as may be imposed by the City Council.

(b) Additional requirements. A person with a lawfully issued permit may keep, harbor, own, or maintain on his or her premises up to 10 rabbits.

(3) Keeping rabbits in enclosures. It shall be the duty of the owner of rabbits to keep same enclosed upon his own premises in such manner that the rabbits cannot go upon public streets, highways, alleys, rights of ways or parkways of the City, or upon the private property of others. Any enclosure that houses rabbits must be at least one hundred (100) feet from any dwelling other than the dwelling occupied by the owner of the rabbits. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.

F. Ferrets.

(1) General. It is unlawful to harbor more than two ferrets over the age of six months in a dwelling unit. Such ferrets must be permitted as set forth in this section and be in accordance with the City's applicable land use regulations. In this section, Dwelling Unit has the meaning given it in the City's Unified Development Ordinance.

(2) Vaccination requirements. Ferrets must be currently vaccinated against rabies at all times.

(3) Permit requirements. The following is required to be issued a permit for ferrets:

(i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information of the owner and occupant of the dwelling unit, type and number of ferrets at such dwelling unit, type of enclosure, proof of vaccination, and other pertinent information; and

(ii) Payment of a fee as may be imposed by the City Council.

G. Ostriches, Emus, and Rheas Prohibited.

Notwithstanding any provision to the contrary, it shall be unlawful for any person to maintain and keep any ostrich, emu or rhea within the city limits.

H. Harboring Wild Animals.

The following requirements apply for harboring wild animals:

- (1) Prohibition: It shall be unlawful for any person to keep or harbor any wild animal within the City except as may be required under applicable law, such as allowed for service animals under the Americans with Disability Act.
- (2) Exceptions: The exceptions set forth in Section 822.102 (a) (2-11) Texas Health and Safety Code shall be exceptions from the prohibition of wild animals set forth above.

I. Harboring Exotic animals, including Exotic Livestock.

Unless expressly prohibited elsewhere in this Chapter, exotic animals, including exotic livestock, shall be allowed in accordance with applicable laws, including zoning regulations; provided they are vaccinated against communicable diseases and in accordance with general guidelines from the American Veterinary Medical Association.”

*****CHANGES MARKED*****

(changes made since Feb. 11, 2010 version presented at council meeting)

CHAPTER 2: ANIMAL CONTROL

SECTION 1: GENERAL

A. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

- (1) Animal shall mean any member of the group of living beings, included but not limited to birds, fish, mammals and reptiles but specifically excluding human beings. Animals shall include both domesticated and wild, male and female, warm and cold blooded.
- (2) Animal Control Authority shall mean the person, persons or entity designated by the City to enforce this chapter.
- (3) Animal Shelter shall mean a facility designated or recognized by the City for the purpose of impounding and caring for animals.
- (4) At large shall mean to be free of physical restraint beyond the boundaries of the premises of the owner.
- (5) Collar shall mean a collar or harness constructed of nylon, leather, or similar material specifically designed to be used for a dog, cat or pot-bellied pig.
- (6) Domestic Livestock shall mean domestic animals generally used or raised on a farm for profit, work, or pleasure, including, but not limited to; horses, mules, asses, cattle, swine, sheep and goats. The term excludes pot-bellied pigs and poultry.
- (7) Exotic animal shall mean any non-domesticated animal and any hybrid thereof, other than exotic livestock, which is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad.
- (8) Exotic livestock shall have the meaning as set forth in Section 142.001, Tx. Agriculture Code which typically will include grass-eating or plant-eating single hooved or cloven-hooved ungulates; including animals from the horse, swine, cattle, deer, and antelope families, and any hybrid thereof, non-domesticated and that are non-indigenous, i.e., native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad.

- (9) Fowl or poultry shall mean chickens, turkeys, geese, ducks, pigeons, quail, pheasant, and peacocks or similarly feathered domesticated members of the aves class but excluding exotic birds.
- (10) Guard Dog shall mean a dog maintained within secured designated premises for the purposes of protecting life or property.
- (11) Licensing Authority shall mean the City or any designated entity charged with administering the issuance and revocation of permits and licenses within the City.
- (12) Owner shall mean any person who has a right of property or custody of an animal, or who controls, cares for or permits an animal to remain on or about any premise for more than seventy-two (72) hours or who otherwise chooses to become responsible for an animal except that those caring for feral cats that are part of a properly permitted managed feral cat colony shall not be considered owners for purposes of this chapter.
- (13) Person shall mean any individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- (14) Pot-bellied Pig shall mean any of the domesticated forms of the species Suidae Sus scrofa (miniature pigs under 100 pounds) originating in Southeastern Asia, and having a straight tail, potbelly, swayback, and black, white, or black and white coat.
- (15) Wild animal shall include all animals defined as Dangerous Wild Animals set forth in §822.101, Tx. Health and Safety Code, and shall include all undomesticated animals including, but not limited to lions, tigers, bears, wolves, apes, monkeys, baboons, all forms of venomous or dangerous reptiles, non-venomous snakes over six feet in length, pumas, wildcats, lynx, bison, raccoons, opossums, coyotes, foxes, skunks, squirrels, capybaras, and any other indigenous animals normally found in a wild state, and members of the class of Aves not domesticated by man, including hawks, falcons, and other birds of prey and bats.

B. Interference.

It is unlawful to remove an animal from or inflict damage upon a humane live trap set by the animal control authority.

C. Problem Animals.

It is unlawful to be an owner or manager of an animal which engages in behavior constituting problem animal behavior. Each of the following is a problem behavior of animals:

- (1) Waste Removal. An animal which soils, defiles or defecates on private property other than the owner's or on public areas, unless such waste is immediately removed and disposed of;
- (2) Excessive Noise. An animal which creates a disturbance by excessive barking, howling, crowing, screeching or other noise which would offend a person of ordinary sensibilities under the same or similar circumstances;
- (3) Chasing, Biting, and Scratching. An animal which chases, bites, scratches, molests, attacks or interferes with persons or other domestic animals on public property or on the private property of others;
- (4) Contagion for disease. An animal that carries or poses an unreasonable threat of carrying or transmitting a disease to other animals or to people.
- (5) Staked Animal. An animal which is staked or tied upon any open or unfenced lot or land within the City so that the animal so tied or staked could get on, across or within eight (8) feet of any public street, park or other public land, including within eight (8) feet of any public sidewalk, right of way, or public building;
- (6) Horses/Mules on Right-of-Way. Riding a horse or mule or any other animal on a public sidewalk or within the public street right-of-way except on the paved shoulder or curb lane of the street right-of-way, unless a permit is required from the City pursuant to other applicable law; or
- (7) Estrus. Allowing any female animal while in heat to attract other animals and not being confined in a building or enclosure in such a manner that she shall not be in contact with another of its species. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area with the consent of the animal owner(s) and on the premise of the owner in accordance with the requirements as may be set forth in this Chapter
- (8) No odor or fly attraction. No person may harbor, own, maintain or permit an animal on a property so as to offend a person of ordinary sensibilities living nearby or on near or adjacent property because of an offensive odor or unreasonable attraction of flies and other insects.

D. Impoundment.

- (1) Animal Shelter. The City maintains or ensures the availability of an animal shelter to impound animals which shelter shall be open to the public during normal business hours.
- (2) Animals subject to impoundment. Any animal found at large, found to be in violation of this Chapter or which poses an immediate danger to the general public may be impounded by the animal control authority and taken to the animal shelter.
- (3) Notification. Upon impounding an animal, the animal control authority shall make a reasonable effort to notify the registered owner and inform that person of the conditions whereby custody of the animal may be regained.

- (4) Unclaimed animals. Animals not claimed by the registered owners within a period of three (3) days in which the animal shelter is open to the public during normal business hours shall be subject to disposal by adoption, transfer or humane euthanasia. Notwithstanding the foregoing, the City may deviate from this timeframe consistent with this ordinance when dealing with a sick, injured, diseased, dangerous, and/or feral animal and when acting pursuant to the mutual agreement of the City and Owner of an impounded animal, in a manner consistent with this ordinance.
- (5) Sick animals impounded. If at any time during impoundment, the animal control authority determines an animal is in a state of disease, malnutrition, pain, suffering, or the like, the animal control authority may choose to euthanize such animal or have such animal assessed by a licensed veterinarian. When having the animal assessed by a licensed veterinarian, the animal control authority may make a determination as to the disposition of the animal after consideration of the cost of medical treatment, whether the owner of the animal can be located, whether the owner is willing or able to pay for such treatment, and whether euthanasia is recommended to prevent further suffering.
- (6) Impounded Registered Animals. If an animal which has been delivered to the City is currently registered and has an identification tag, a microchip or other identification the City shall notify the owner or person responsible for the animal by posting written notice at the address of the registered location of the animal, by telephone, by email, by regular mail or by whatever reasonable method determined appropriate by the Animal Control Authority that such animal has been impounded. Notice shall be deemed sufficient if it is given pursuant to the information provided to the City for such registration or as indicated on the identifying tag, microchip or other identifying marker.
- (7) Responsibility. Nothing in this section or in this Chapter generally shall relieve the registered owner or registered person responsible for such animal of liability for violations and any accrued charges or citations.

E. Redemption.

- (1) Any animal impounded may be redeemed by the registered owner thereof within three (3) days in which the shelter is open to the public during normal business hours upon payment of all applicable fees and signing of any citations which are to be issued. Payment of outstanding fees is not considered to be in lieu of a fine, penalty, or license fee.
- (2) Any animal confined for rabies quarantine, evidence, or other purposes, once such purposes no longer exist, may be redeemed by the owner thereof upon payment of any fees and signing of any citations, as applicable.

- (3) No animal may be redeemed until such animal is properly licensed and vaccinated when required.

F. Liability of Owner or Manager.

Disposal or redemption of an animal by any method specified herein does not relieve the owner or manager of liability for violations and/or accrued charges.

G. Transporting Animals in Open Bed Trucks or Trailers.

It shall be unlawful for a person to transport in an open bed pickup or an open flatbed truck or to tow in an open flatbed trailer on a public street or highway while a dog or other animal occupies the bed of the truck or trailer unless the animal is secured in a kennel or other secure vented enclosure, restrained by a harness manufactured for the purpose of restraining animals, or restrained using a chain, rope, or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

H. Animal in hot vehicle or trailer.

- (1) It is unlawful to leave an animal enclosed in a parked vehicle or enclosed trailer in a manner that subjects the animal to extreme temperatures that could adversely affect the animal's health, safety or welfare.
- (2) The Animal Control Officer, City police officer or City firefighter may take reasonable measures under the circumstances to remove an animal from a vehicle or trailer if said City official reasonably believes that an emergency exists to preserve the animal's health, safety or welfare.

I. Tethering of Animals.

In addition to any state laws regarding restraining an animal by a chain, rope, tether, leash, cable, or other device to a stationary object or trolley system including those set forth in Chapter 821 of the Texas Health and Safety Code, the following requirements apply:

- (1) Only one animal may be restrained to each cable run;
- (2) There must be a swivel on at least one end of the restraint device to minimize tangling; and
- (3) When a restraint system is used to keep an animal from running at large, the tether system must be of appropriate configuration to confine the animal to the subject property.

J. Sale of Animals.

Except as may be allowed pursuant to other applicable law, the outdoor sale of animals is prohibited.

K. Trapping of Animals.

Except as may be expressly allowed pursuant to applicable law and except as may be authorized by Animal Control Authority, the trapping of animals is prohibited.

SECTION 2: DOGS AND CATS

A. Rabies Vaccination And License Required.

(1) Licensing. Except for those dogs and cats excepted from being licensed as set forth in this section, no person shall be an owner, keeper, or harbinger of any dog or cat, over four (4) months of age within the city unless such animal is vaccinated and licensed as set forth herein.

(2) Requirements. The following requirements apply to licensing dogs and cats:

- (a) The animal is over four (4) months of age;
- (b) The animal is vaccinated against rabies by a licensed veterinarian in accordance with Chapter 826 Texas Health & Safety Code;
- (c) The following information is provided:
 - i. Name and address of pet owner;
 - ii. Description of the pet;
 - iii. Date of vaccination;
 - iv. License number;
 - v. Permanent identification, if applicable (i.e. micro chip, tattoo); and
 - vi. Other appropriate information;
- (d) Application for a license must be made to the Licensing Authority within thirty (30) days after obtaining a dog or cat over four (4) months of age;
- (e) Except as otherwise provided, the licensing period will be for one (1) year. Each applicant shall pay the appropriate fee annually and shall supply all information reasonably requested on forms supplied by the City;
- (f) Licenses issued shall be of durable material and must be attached to the collar of the animal and must be worn at all times. A microchip may act as a secondary form of identification for duly licensed animals;
- (g) Licenses are not transferable to other animals; and
- (h) A license shall be issued after payment of the required fee. Persons who fail to obtain a license as required within the time period specified in this section may be subjected to a delinquent fee. License fees shall

be waived for registered service dogs or government-owned dogs used by law enforcement.

(3) Exceptions: The following are excepted from the licensing provisions of this section:

- (a) licensed research facilities or animal shelters;
- (b) An animal within the city for no longer than sixty (60) days. New residents must apply for a license within thirty (30) days of establishing residency within the city;
- (c) A feral cat living in a managed feral cat colony as may be allowed pursuant to the provisions of this Chapter and where registration of the Managed Colony is substituted; or
- (d) An animal being housed in this jurisdiction temporarily following a natural or man-made disaster occurring in the animal's permanent home. This exemption is in effect for up to six (6) months, at which time the animal becomes a permanent resident of the City and becomes subject to the licensing provisions of this Chapter.

(4) Licensing by veterinarians. When so designated and when practicable, licensed veterinarians may be authorized to license a dog or cat in accordance with the terms and conditions of this Chapter. In such instances, the veterinarians so authorized shall be responsible for determining eligibility for licensing, collection of the required information and fee, and dispensing of the license itself. In such instances, the veterinarian shall maintain records relating to such licensing and shall remit same along with the collected fees to the Licensing Authority on a regular basis.

Alternative 1-Recommended by Staff as a viable approach:

B. Number of Dogs and Cats.

(1) Limitation on number. *It is unlawful to harbor more dogs and cats over the age of six months in a dwelling unit than as set forth herein unless permitted as set forth in this section and provided such use is in accordance with the City's applicable land use regulations. In this section, Dwelling Unit has the meaning given it in the City's Unified Development Ordinance.*

- (a) No more than four dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares a common wall with another dwelling unit;*
- (b) No more than six dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares no common wall with another dwelling unit nor shares the premises with any dwelling unit, and that is located on not more than one-half acre of land; and*

(c) *No more than eight dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares no common wall with another dwelling unit nor shares the premises with any dwelling unit, and that is located on more than one-half acre of land.*

(2) Permit. *In addition to meeting all other requirements of this chapter, a person who wants to harbor more dogs and cats than allowed above must make application and be granted a Multiple Pet Permit annually as set forth herein.*

a. Application. *The application for a Multiple Pet Permit must be made on a form prescribed by the City and shall include the following information:*

i. *The name, telephone number, and physical address of the applicant;*

ii. *The total number of animals sought to be included under the permit and the species, breed, gender, and age of each animal;*

iii. *The current, valid city license number for each animal listed in the application;*

iv. *A statement affirming that the applicant is familiar with the provisions of this chapter and a promise to maintain all animals in accordance with applicable legal requirements;*

and

v. *Any other information the City reasonably determines is necessary to issue a permit.*

b. Fee. *The City may require payment of a fee when submitting an application hereunder.*

c. Consideration of Permit. *A permit shall be granted upon meeting the following criteria:*

i. *Submittal of a complete, accurate application, including payment of a fee, if any, and submittal of all required documentation;*

ii. *Provision of a statement from a veterinarian licensed in the state of Texas is satisfied that the enclosures and circumstances under which such dogs or cats are to be kept comply with applicable laws and care standards;*

iii. *Applicant has not been convicted of one or more violations of this chapter or of any law relating to the care and humane treatment of animals nor has failed to appear in court in response to such a charge within the past 12 months from date of application;*

iv. *Applicant has not had a permit under this section previously revoked within the past 12 months from date of application; and*

v. *The address to which the permit relates is not the same as one for which a permit has been revoked within the past 12 months.*

d. Revocation of Permit. *A permit may be revoked in the event one or more of the following occur:*

i. *The application is incomplete, false or inaccurate;*

ii. *The permit holder is convicted, receives deferred adjudication, or pleads guilty or no contest with respect to one or more sections of this*

- chapter or any law relating the care and humane treatment of animals or fails to appear in court to respond to such a charge; or
- iii. The Animal Control Authority determines that specific circumstances exist indicating that it is in the best interests of the health and safety of the public to revoke the permit.
- e. Revocation Process. The process for revoking a permit granted under this section is as follows:
- i. The Animal Control Authority shall send written notice by certified mail to the current mailing address provided by the permit holder in its application identifying the reason for revocation; and
 - ii. The permit holder shall have thirty (30) days to appeal such determination in writing to the municipal court judge. A hearing shall be held before the judge. If the judge determines that the permit holder meets the criteria for revocation such judge shall order the revocation of the permit. The decision by the municipal court judge shall be in writing and shall be final.

Alternative 2-IGC subcommittee recommendation [place in sect. 1 to make applicable so no limits on any animals; would require doing away with limits re number of pot-bellied pigs set forth later in the ordinance as well]

B. Number of Animals.

(1) Except as may be specifically set forth elsewhere in this chapter, the number of animals a person may have is limited to that number as such person can properly maintain in accordance with this chapter and other applicable law. In addition to applicable law, to determine whether a person is properly maintaining the number of animals such person has the following criteria may be used:

- (a) **Adequate food.** Adequate food which means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.
- (b) **Adequate water.** Adequate water means provision of continuous access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner and in sufficient volume to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as

dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

- (c) **Adequate shelter that is properly cleaned.** *Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species. Shelters with wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury may not be adequate shelter.*
- (d) **Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight.** *Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species may be considered provision of adequate space.*
- (e) **Adequate exercise.** *Adequate exercise means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal. The intent is to provide opportunities for socialization. Lack of exercise, socialization and mental stimulation may lead to behavior problems such as self-mutilation, destructive behavior, fear and aggression. A pet needs a relationship with at least one other living being. Chronic isolation is unnatural and unhealthy for a companion animal. Human contact that occurs only when food and water are replenished may not constitute proper attention.*
- (f) **Adequate care, treatment and transportation.** *Adequate care means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health. Adequate treatment means the responsible handling or transportation of animals in the person's ownership,*

custody or charge, appropriate for the age, species, condition, size and type of the animal.

(g) Veterinary care, including emergency treatment when needed or to prevent suffering or disease transmission. *Veterinary care means treatment by or on the order of a duly licensed veterinarian. Emergency treatment means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression. [Staff recommendation: if adopt this alternative, delete these care guidelines a-g]*

(2) In the event a person is convicted, receives deferred adjudication, probation or pleads guilty or no contest or fails to appear in court for a criminal charge regarding the care or treatment of an animal, same shall be prima facie evidence that the person has more animals that such person can properly maintain.

Alternative 3-current ordinance, also recommended by Staff as a viable approach :

B. Number of Dogs and Cats.

It is unlawful to harbor more than 4 dogs and cats over the age of six months in a dwelling unit unless permitted as set forth in this section and provided such use is in accordance with the City's applicable land use regulations. In this section, Dwelling Unit has the meaning given it in the City's Unified Development Ordinance.

[Alternative 1. To be used if adopting feral cat colony as a policy in lieu of in this ordinance-recommended by Staff]

C. Dogs and Cats at Large.

- (1) Except as set forth herein, it shall be unlawful for any person to allow any dog or cat to be "at large" within the City.
- (2) Colonies of feral cats may be allowed if in accordance with a registered Trap, Neuter and Release Program approved by the City.

***Alternative 2[includes creating/regulating feral cat program in ordinance later on in this section-recommended by IGC subcommittee]**

C. Dogs and Cats at Large.

Except as may be set forth elsewhere in this Chapter, it shall be unlawful for any person to allow any dog or cat to be “at large” within the City.

D. Rabies Control Authority.

The City Council of the City shall designate an officer or contract with a public or private entity to carry out the activities required or authorized under Chapter 826 Texas Health and Safety Code and regulations relating thereto in acting as the City’s local rabies control authority. This includes following the proper procedures for quarantine, testing and vaccination protocols as may be required or authorized.

E. Reports of Rabies.

It is unlawful for a person to fail to notify the local rabies control authority when the person reasonably suspects an animal is rabid or capable of transmitting rabies as set forth in §826.041 Tx. Health and Safety Code.

F. Guard Dogs. The following requirements apply for guard dogs located in the City:

- (1) Posting sign. It shall be unlawful for any person to leave a guard dog unattended in any place in or out of a building unless a clearly visible warning sign is placed advising others of same before entering the place to which the dog has access.
- (2) Unattended guard dog. No guard dog shall be left unattended in any place except inside a building or other structure that will not allow the dog to exit such building on its own volition.
- (3) Required Fencing. No guard dog shall be let out of doors unless it is in a fenced yard with a fence adequate to prevent the dog from leaving the premises.

G. Unlawful Release of Dog or Cat.

It shall be unlawful to release a dog or cat that is lawfully tethered, leashed or stabled within a lot, pen or similar type of enclosure or confinement without the consent of the owner of such animal.

****[To be used with Alternative 2 for section “C” above as recommended by IGC subcommittee].***

H. Feral Cat Colonies.

(1) Policy. *Trap, Neuter and Release programs offer a humane alternative for controlling certain animals.*

A feral cat is a domesticated cat or it's offspring that is not socialized to humans and is not tame. A feral cat colony is a group of two or more feral domestic cats. A managed feral cat colony is a feral cat colony that has a person who assumes responsibility for managing the colony in accordance with the goals and requirements set forth herein. It is a form of Trap, Neuter and Release program for feral cats. The purposes include reducing the number of feral cats in the colony through humanely trapping, neutering, vaccinating and releasing feral cats thereby eventually causing a reduction in their number while increasing the overall physical health of the colony. Neutering also decreases nuisance behaviors like roaming, marking, yowling and fighting. The purposes of such a program must be balanced with the need to continually ensure the health, safety and welfare of the general public.

Tracking the effectiveness of a Trap, Neuter and Release program, including a Managed Feral Cat Colony, is an integral part of such program.

(2) Managed Feral Cat Colonies Permitted. Notwithstanding the provisions of this chapter relating to the prohibition of cats being at large, managed feral cat colonies shall be permitted if they meet the requirements herein.

(3) Registration of Managed Feral Cat Colonies. The person assuming responsibility for the proposed managed feral cat colony who designates himself as manager shall register the colony annually with the City of College Station. Those interested in registering a currently existing feral cat colony within the City shall have 90 days within which to register such colony from the date of final passage of the ordinance amending this chapter authorizing the registration of same. It shall be unlawful to maintain or to assist in maintaining a Managed Feral Cat Colony without current registration.

(4) Registration requirements. The following is required information for registration of a managed feral cat colony:

- a. Name, address, telephone and email address, if any, of the manager of the managed feral cat colony including how to contact such manager at all times during weekdays, weekends, and during all hours of the day;*
- b. Location of the colony;*
- c. Name and written proof of property owner's consent to have the feeding stations and other equipment related to such managed colony on the property as well as consent from any other property owner to access such property;*
- d. Name and proof of written notification Colony in a format acceptable to the City explaining the right to contest the presence of the colony in a hearing before the municipal court judge within 10 days of receipt of such notification to all property owners and tenants within 200 feet from the property line upon which is located the Managed Feral Cat. For purposes of this section, written notification to a property owner is presumed if sent to the name and address as shown in the current records for the central appraisal district for such property and if sent to tenants pursuant to the City rental registry. The property or properties upon which the feeding stations are located determine the property where the colony is located for purposes of this section;*

- e. Acquiescence of property owners within 200 feet from the property line upon which are located proposed feeding stations. Such acquiescence is presumed if it can be demonstrated that notice was sent as required above and no timely request for a hearing was made;
- f. Estimated number of cats in the colony;
- g. A reasonable description of the cats in the colony, such as gender, health condition, gestational condition, approximate age, ability to reproduce, etc.;
- h. Schedule of care for the colony as a whole, such as feeding schedule and shelter arrangements, if any;
- i. Description of care for individual cats, including date of vaccinations, neutering, medical care and trapping;
- j. Description of the Trap, Neuter and Release plan that is used and which is satisfactory to the Animal Control Officer; and
- k. Payment of a registration fee as may be duly adopted by the City.

(5) Change in Registration Information. Any time during the registration period if the name and contact information of the manager of a managed feral cat colony changes, the manager of the feral cat colony must provide the City with the new correct information.

(6) Reporting to City. In order to maintain a properly registered managed feral cat colony, the manager of such colony shall ensure the submittal of the following to the City:

- a. Written quarterly reports updating the population, gender, health condition, gestational condition, approximate age, and ability to reproduce of the feral cats in the colony as best as can be reasonable determined; the number of cats trapped, neutered, and released; and the number and type of vaccinations administered; and
- b. Inform the Animal Control Officer immediately or as soon as is practical anytime a feral cat within the managed feral cat colony is diseased or carries a transmittable disease contagious to other cats, pets or people. In such instance, the City shall have the discretion to take whatever measures it determines necessary to ensure the health, safety and welfare of the general public.

(7) Meeting Goals. The Manager of a managed Feral Cat Colony must be able to demonstrate to the City that the following goals are being met over a reasonable period of time:

- a. Cause a reduction in the number of feral cats in a geographic area. Indicators include a stabilization of the number of feral cats, and a reduction in the number of kittens in a colony; and
- b. Cause an increase in the overall health and well being of domestic cats within the cat colony and within the general geographic area. This includes an increase in the percentage of or number of cats neutered and vaccinated for rabies.

(8) Required Management Practices. The manager of a feral cat colony shall comply with the following:

- a. *Abide by all the requirements set forth in this Chapter except for licensing, registration and the obligation to not have an animal be at large, and to meet the requirements of all other applicable state and federal laws;*
- b. *Receive and provide proof of having received current pre-exposure rabies vaccination;*
- c. *Actively attempt to humanely trap, neuter and release all the feral cats aged 12 weeks and older within the colony.*
- d. *Trap in accordance with the following:*
 - i. *Properly use only traps approved by the Animal Control Authority;*
 - ii. *Check traps at least once every twelve hours;*
 - iii. *Locate traps on own property or on property of others with written consent from such landowner on a form provided or approved by the Animal Control Authority;*
 - iv. *Not trap when the effective outdoor temperature is less than 32 degrees Fahrenheit, when a heat advisory has been issued by the city or state, or when a hurricane, tropical storm, or tornado warning has been issued for the City by the National Weather Service;*
 - v. *To turn animals bearing identification and/or Brazos County License tags over to the Animal Control Authority.*
- e. *Upon trapping a feral cat, the manager of a feral cat colony is responsible for providing proof of having performed the following:*
 - i. *Neutering;*
 - ii. *Vaccinating the cat to prevent rabies;*
 - iii. *Testing for FeLeuk and FIV;*
 - iv. *In the event the trapped cat tests positive for FeLeuk, FIV or other fatal disease or if the cat is in such a poor state of health where to not humanely end its life would be considered inhumane, such cat must be humanely euthanized; and*
 - v. *Microchip and ear tip the cat. Males shall have their right ear tipped, and females shall have their left ear tipped.*
- f. *Provide food and shelter in a humane manner, including daily feeding on weekends as well as weekdays and provision of a constant, safe source of water; and*
- g. *Will not locate or maintain a feeding station or other items relating to managed feral cat colonies within 100 feet of publicly owned road right-of-way, parks open to the general public, government buildings open to the general public, and schools excluding state universities.*

(9) City Processing of Cats from Managed Feral Cat Colonies. *In addition to any other applicable provisions set forth in this chapter, in the event an Animal Control Officer encounters a cat he reasonably believes may belong to a properly registered managed feral cat colony and such cat is engaging in problem behavior in violation of one or more provisions of this chapter or the feral cat is in poor health, not neutered or otherwise requires human intervention, such officer shall use his reasonable best effort to contact the manager of the colony to which such cat belongs. In such circumstances, the manager must attempt to adequately address the situation so that the cat is no longer engaging in the problem behavior, receives*

the veterinarian care, is neutered or that whatever action is required is taken to adequately resolve the problem.

If unsuccessful in contacting the manager, or if the manager is not able to resolve the problem, or if necessary in order to preserve the health, safety and welfare of the general public, the Animal Control Officer may impound such cat and take any other action he determines necessary. The cat may be returned to the manager of the colony pursuant to the requirements for redeeming an impounded animal as set forth elsewhere in this chapter except for the requirements to have the animal licensed and provided the cat is free from disease; and the cat is neutered. The Animal Control Officer may make veterinarian services available to the manager for such cat when needed and upon assumption of such medical costs by the manager of the colony with which such cat is associated.

(10) Revocation of Registration of Managed Feral Cat Colony. Revocation of registration of a managed feral cat colony may occur at the discretion of the Animal Control Officer when he reasonably believes that one or more provisions of this chapter have been violated and that due to the severity of the violation or the frequency of the violation, that it is in the best interests of the general public that the registration be revoked. In such event and when feasible, the Animal Control Officer shall attempt to contact the manager of the colony of his decision and afford such manager the opportunity to correct the violation(s) or to otherwise request an opportunity to have a hearing before the Municipal Court Judge regarding such revocation. Decisions made by the Municipal Court Judge shall be final.

(11) Unlawful Conduct. It is unlawful to manage or to otherwise care or feed members of a feral cat colony unless such colony is properly currently registered with the City.

I. Dangerous Dogs.

(1) Dangerous Dogs. The determination and processing of dangerous dogs in the City shall commence with an investigation conducted by the animal control authority in accordance with Chapter 822 Texas Health and Safety Code.

(2) Alternative Process. Alternatively, the City herein elects to make available an alternative determination and processing of a dangerous dog pursuant to Section 822.0422 Texas Health and Safety Code commencing with making a report of an incident meeting the definition of dangerous dog to a city municipal court and following the procedure set forth therein.

(3) Additional Requirements for Dangerous Dogs. Once a dog has been determined to be a dangerous dog, the following requirements shall apply in addition to those set forth in Chapter 822 Texas Health and Safety Code:

(a) The owner of the dangerous dog must implant and maintain a microchip on the dangerous dog and ensure the dangerous dog wear a city-issued or city-approved collar at all times;

- (b) When a dangerous dog is restrained on a leash, a leash issued or approved by the City must be used to ensure, among other things, the visibility of the dangerous dog when out in public, the security of the leash, the length of the leash, and the overall safety of the general public;
- (c) When a dangerous dog is restrained on a leash, the person in physical control of the leash must be a person of at least 17 years of age;
- (d) When the dangerous dog is taken off the property of the owner for any reason, the dangerous dog must be properly muzzled so as to prevent such dog from biting;
- (e) The dangerous dog must be surgically neutered or show proof of having been neutered to the Animal Control Authority within 30 days of the owner learning such dog is dangerous or within 30 days of moving to the City;
- (f) The owner of a dangerous dog shall have 14 days within which to notify animal control authority of a change of ownership or change of address of the dangerous dog;
- (g) The owner of a dangerous dog must pay an annual registration fee of \$500 for the first year and a \$250 annual re-registration fee thereafter unless such dog has violated one or more provisions of this chapter during the previous year, in which case an annual renewal registration fee of \$500 shall be assessed;
- (h) The owner of a dangerous dog must notify any boarding facility, veterinary clinic or animal trainer that the dog is dangerous prior to going to such location or person and to notify the animal control authority of same; and
- (i) The owner of a dangerous dog must notify the animal control authority when the dog is deceased.

SECTION 3: LIVESTOCK, BIRDS, EXOTIC ANIMALS AND WILD ANIMALS.

A. Keeping of Domestic Livestock.

Keeping of domestic livestock is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter. When allowed pursuant to the zoning land use regulations of the City, the following additional requirements apply for domestic livestock:

- (1) Not allowed to be at large. Domestic livestock shall be kept within structures or enclosures or lawfully tethered and not permitted to run at large;

- (2) Avoid creation of health hazard. An owner of domestic livestock shall be responsible for the proper pickup and disposal of all animal feces. Feces must be removed often enough so that there is no odor or fly attraction which would disturb a person of normal sensibilities or otherwise constitute a health hazard;
- (3) Distance requirements. The structure or enclosure within which the livestock may be confined shall be not less than one hundred feet (100') from any structure used for human occupancy, except the dwelling occupied by the owner of the domestic livestock. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.
- (4) Contact information. The owner of the livestock shall post their contact information at all entrances to the livestock enclosure, including their name, address, and telephone numbers.
- (5) Proof of vaccinations. The owner of the domestic livestock shall make available to the animal control authority proof of current vaccinations as may be required pursuant to applicable law, including Brucellosis for all cattle 18 months of age and over except steers and spayed heifers per Texas Administrative Code Title 4, Part 2, Chapter 35, and a negative test for Equine Infectious Anemia for horses, mules, and donkeys as required under Texas Administrative Code Title 4, Part 2, Chapter 49 for horses at an event or gathering, horses in stables or breeding farms, or any horse that has had a change of ownership.

B. Fowl.

(1) Keeping allowed without permit. Keeping of fowl is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter.

(2) Keeping allowed with permit. Keeping of fowl is allowed in all single-family residential zones consistent with the land use regulations therein for such zone as same may from time to time be amended, and upon issuance of a permit and by meeting other applicable regulations as set forth herein.

(a) Permit requirements. The following is required to be issued a permit for keeping of fowl in a single-family residential zone:

- (i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information for the owner of the property and the owner of the fowl, type and number of fowl, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information; and
- (ii) Payment of a fee as may be imposed by the City Council.

(b) Additional requirements. A person with a lawfully issued permit may keep, harbor, own, or maintain up to 10 chicken or turkey hens except more may be allowed if

the person is lawfully involved in an Agricultural Youth Project under the supervision of a county extension agent, interest group leader or agriculture teacher employed by the independent school district and:

- (i) Chickens are kept no longer than 75 days and turkeys are kept no longer than 190 days; and
- (ii) Chickens and turkeys are housed in a sanitary manner so that they are not a nuisance to others.

(3) Keeping fowl in enclosures. It shall be the duty of the owner of fowl to keep same enclosed in such manner that the fowl cannot go upon public streets, highways, alleys, rights of ways or parkways of the City, or upon the private property of others. Any enclosure that houses fowl must be at least one hundred (100) feet from any dwelling other than the dwelling occupied by the owner of the fowl. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.

(4) Roosters prohibited. It is unlawful to own, keep, harbor, or to maintain or to possess a rooster within the City limits.

C. Birds.

It shall be the duty of the person owning, or having within his management or control, any birds including fowl, including but not limited to fowl, pheasants, quail, peacocks, doves, parrots, tropical birds and similarly feathered animals, to keep same enclosed upon his own premises in such manner that such birds cannot go upon the public streets, highways, alleys, rights of ways, or parkways of the City, or upon the private property of others.

D. Hogs and Pigs Prohibited.

(1) Prohibited. It shall be unlawful for any person to maintain and keep any hog, or pig within the City except as may be allowed pursuant to the City's zoning ordinance and except for pot-bellied pigs as set forth below.

(2) Pot-bellied pigs. Pot-bellied pigs are permitted to be in the City in accordance with the provisions set forth herein:

(a) No more than two pot-bellied pigs may be kept on any one parcel or tract of land in a residentially zoned district and in accordance with applicable land use regulations;

(b) Pot-bellied pigs are permitted in only residentially or agriculturally zoned districts;

- (c) The premises where any such pigs are kept shall be kept clean and free of all offensive odors, flies, rodents or other pests. Droppings shall be placed in the suitable container and disposed of on a regular basis;
- (d) No such pigs may be bred within a residentially zoned district;
- (e) All male pot-bellied pigs in the City in a residentially zoned district must be neutered;
- (f) All pot-bellied pigs must have their tusks either surgically removed or trimmed so as to be blunted at all times;
- (g) All pot-bellied pigs must be vaccinated against communicable diseases and in accordance with general guidelines from the American Veterinary Medical Association;
- (h) All such pigs must be licensed by the City upon making proper application as set forth herein and upon the payment of an annual license fee as may be set by the city council. In order to obtain a license, the owner of the pig must present the following:
 - i. Proof that the pig, if male, is neutered if located in a residentially zoned district and that the tusks are either trimmed as required above or have been surgically removed;
 - ii. The address and property description where the pig will be kept;
 - iii. The name and contact information of the owner;
 - iv. The approximate weight, height, gender, general health and age of the animal; and
 - v. Immunization records as required.
- (i) All such pigs shall display the City license affixed to a collar at all times.

E. Rabbits

(1) Keeping allowed without permit. Keeping of rabbits is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter.

(2) Keeping allowed with permit. Keeping of rabbits is allowed in all single-family residential zones consistent with applicable land use regulations, and upon issuance of a permit and by meeting other regulations as set forth herein.

(a) Permit requirements. The following is required to be issued a permit for keeping of rabbits in a single-family residential zone:

- (i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information for the owner of the property and the owner of the rabbits, type and number of

rabbits, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information;

(ii) Payment of a fee as may be imposed by the City Council.

(b) Additional requirements. A person with a lawfully issued permit may keep, harbor, own, or maintain on his or her premises up to 10 rabbits.

(3) Keeping rabbits in enclosures. It shall be the duty of the owner of rabbits to keep same enclosed upon his own premises in such manner that the rabbits cannot go upon public streets, highways, alleys, rights of ways or parkways of the City, or upon the private property of others. Any enclosure that houses rabbits must be at least one hundred (100) feet from any dwelling other than the dwelling occupied by the owner of the rabbits. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.

F. Ferrets.

(1) General. It is unlawful to harbor more than two ferrets over the age of six months in a dwelling unit. Such ferrets must be permitted as set forth in this section and be in accordance with the City's applicable land use regulations. In this section, Dwelling Unit has the meaning given it in the City's Unified Development Ordinance.

(2) Vaccination requirements. Ferrets must be currently vaccinated against rabies at all times.

(3) Permit requirements. The following is required to be issued a permit for ferrets:

(i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information of the owner and occupant of the dwelling unit, type and number of ferrets at such dwelling unit, type of enclosure, proof of vaccination, and other pertinent information; and

(ii) Payment of a fee as may be imposed by the City Council.

G. Ostriches, Emus, and Rheas Prohibited.

Notwithstanding any provision to the contrary, it shall be unlawful for any person to maintain and keep any ostrich, emu or rhea within the city limits.

H. Harboring Wild Animals.

The following requirements apply for harboring wild animals:

- (1) Prohibition: It shall be unlawful for any person to keep or harbor any wild animal within the City except as may be required under applicable law, such as allowed for service animals under the Americans with Disability Act.
- (2) Exceptions: The exceptions set forth in Section 822.102 (a) (2-11) Texas Health and Safety Code shall be exceptions from the prohibition of wild animals set forth above.

I. Harboring Exotic animals, including Exotic Livestock.

Unless expressly prohibited elsewhere in this Chapter, exotic animals, including exotic livestock, shall be allowed in accordance with applicable laws, including zoning regulations; provided they are vaccinated against communicable diseases and in accordance with general guidelines from the American Veterinary Medical Association.

TRAP, NEUTER AND RELEASE POLICY GUIDELINES FOR MANAGED FERAL CAT COLONIES

- A. Purpose.** Trap, Neuter and Release programs offer a humane alternative for controlling cats that are at large. Such programs may be approved on a case by case basis by the City.

A feral cat is a domesticated cat or it's offspring that is unsocialized to humans and is not tame. A feral cat colony is a group of two or more feral domestic cats. A managed feral cat colony is a feral cat colony that has a person who assumes responsibility for managing the colony in accordance with the goals and requirements set forth herein. It is a kind of Trap, Neuter and Release Program for feral cats. The purposes include reducing the number of feral cats in the colony through humanely trapping, neutering, vaccinating and releasing feral cats thereby eventually causing a reduction in their number while increasing the overall physical health of the colony. The purposes of such a program must be balanced with the need to continually ensure the health, safety and welfare of the general public.

Tracking the effectiveness of a Trap, Neuter and Release program, including a Managed Feral Cat Colony, is an integral part of such program.

- B. City Approval.** The supervisor of the City's Animal Control Division shall review and consider all requests to implement a Trap Neuter and Release Program for feral cats as managed feral cat colonies in accordance with the provisions of this policy and consistent with the City's regulatory scheme for animal control as set forth in its ordinances.
- C. Assumption of Responsibility.** Managers of feral cat colonies assume responsibility for carrying out their Trap, Neuter and Release program in accordance with this policy and other applicable laws and regulations.
- D. Registration of Managed Feral Cat Colonies.** Managed feral cat colonies may be approved if they register with the City on an annual basis which registration shall include the following information:
1. Identifying and providing contact information for the Manager of the proposed managed feral cat colony. Such contact information shall include who to contact on weekends and evenings;
 2. Location of the colony. Location of the colony is determined by the location of the feeding station(s);
 3. Name and written proof of property owner's consent to have such managed colony on the property as well as consent from any other property owner needed to access such property;

4. General description of the colony as to the approximate number, gender, age, health, ability to reproduce; numbers that have been successfully trapped, neutered and released, and other relevant information as determined by the City;
 5. General description of the proposed care for the colony, such as feeding schedule, type of food, source of water, and shelter arrangements, if any;
 6. General description of the trap, neuter and release program used;
 7. Description of the method of identifying members of the managed feral cat colony, such as whether such cats are identified by ear tipping, ear notching or by microchip;
 8. Payment of a registration fee as may be duly adopted by the City; and
 9. Provision of any other information deemed necessary by the City to ensure a successful managed feral cat colony.
- E. Change in information of Registration.** If information in the registration for a managed feral cat colony changes, the manager of the feral cat colony shall provide the City with the new information.
- F. Keeping Records.** Feral cat colony managers shall keep records as to the approximate number, gender, age, health, ability to reproduce; numbers that have been successfully trapped, neutered and released, medical services rendered and other relevant information as determined by the City in a form acceptable to the City. Such information shall be made available to the City upon request during normal business hours.
- G. Goals of Managed Feral Cat Program.** Managers of feral cat colonies should be able to demonstrate to the City that the following goals are being met:
1. That there is a reduction in the population of the colony; and
 2. That there is an increase in the overall health and well-being of feral cats within the colony and within the general geographic area. This includes an increase in the percentage or number of cats neutered and vaccinated.
- H. Management Practices.** The following management practices should be in place when managing a feral cat colony:
1. Inform the Animal Control Officer immediately or as soon as is practical anytime a feral cat within the managed feral cat colony is diseased or carries a transmittable disease contagious to other cats, pets or people. In such instance, the City shall have the discretion to take whatever measures it determines necessary to ensure the health, safety and welfare of the general public.
 2. Abide by all the requirements set forth in Chapter 2 regarding problem behavior of animals;
 3. Receive and keep current pre-exposure rabies vaccination;
 4. Actively attempt to humanely Trap, Neuter and Release all the feral cats aged 12 weeks and older within the colony until all cats within the colony have been neutered, are current in their vaccinations and are otherwise in good health including reasonable preventative care, such as receiving vaccination for cat leukemia;
 5. Upon trapping, assume responsibility for providing the medical care necessary for the well-being of the feral cat, and to see to the

administration of all vaccinations and other care generally recommended pursuant to the American Veterinary Medical Association;

6. Maintain and keep available to the Animal Control Officer upon request information as to the dates and times of trapping, and the date and nature of medical care, including vaccinations and neutering, for each cat within the colony;
 7. Provide food and water in a humane manner, including daily feeding on weekends as well as weekdays and provision of a constant, safe source of water;
 8. Not locate feeding stations or other items relating to a managed feral cat colony within 100 feet of City-owned property including public right-of-way, parks, and government buildings;
 9. Develop and use a monitoring program to identify new cats joining the colony as well as cats requiring medical attention;
 10. Take any and all reasonable steps to ensure compliance with the provisions of this policy, including reducing likelihood of trespassing upon property of others, taking actions likely to increase ability to neuter and vaccinate and keep the cats healthy, avoiding exposure to diseases, selecting feeding locations most likely to best meet the provisions of this chapter, etc.; and
 11. Ear notch, ear tip, microchip or otherwise humanely mark all neutered feral cats within the colony.
- I. Failure to Meet Goals.** If the City reasonably determines that the goals recited above are not being met over a reasonable period of time based upon observation, complaints or the failure of the manager to adequately demonstrate otherwise upon request, then the registration of such cat colony may be revoked. Such revoked registration may be re-instated if adherence to this policy can be adequately demonstrated as determined by the City.
- J. City Processing of Cats from Managed Feral Cat Colonies.** In the event an Animal Control Officer encounters a cat he reasonably believes may belong to a managed feral cat colony and is in violation of one or more provisions of Chapter 2 of the City Code of Ordinances or the feral cat is in poor health, not neutered or otherwise requires human intervention, such officer shall use his reasonable best effort to contact the manager of the colony to which such cat belongs. In such circumstances, the Animal Control Office may impound such cat. The cat may not be returned to the manager of the colony until impoundment fees and all other fees are paid in full, the cat is free from disease or from being a carrier of disease; and the cat is neutered. The Animal Control Officer may make veterinarian services available to the manager for such cat when needed and upon assumption of such medical costs by the manager of the colony with which such cat is associated.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 4, "BUSINESS REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW RELATING TO THE SOLICITATION AND SALE OF ANIMALS BY CHARITABLE ORGANIZATIONS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 4, "BUSINESS REGULATIONS", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 34 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

Mayor

ATTEST:

City Secretary

EXHIBIT "A"

That Chapter 4, "BUSINESS REGULATIONS", Section 1, "SOLICITORS, CHARITABLE SOLICITORS, ITINERANT VENDORS, HANDBILL DISTRIBUTORS", of the Code of Ordinances of the City of College Station, Texas, is hereby amended by deleting paragraph (12) of subsection E, "MISCELLANEOUS REGULATIONS" in its entirety and replacing with paragraphs (12) and (13) as follows:

- “(12) No itinerant vendor, solicitor, or charitable organization shall engage in the sale, retail sale, charitable sale or solicitation of charitable contributions which involves animals unless it is a charitable organization which purpose includes the well-being of such animal.

- (13) A violation of this Section is a Class C misdemeanor and shall be punished by a fine pursuant to the General Penalty set out in Chapter 1, Section 5, of this Code of Ordinances.”

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION FINDING AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY OF COLLEGE STATION TO ENCOURAGE ITS CITIZENS TO TREAT THEIR PET ANIMALS HUMANELY; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER.

WHEREAS, Prevention of cruelty, harm, suffering, abandonment or death of animals caused by irresponsible pet owners and from the criminal acts of callous individuals is a desirable goal; and

WHEREAS, It is desirable to deter and modify the habits and the conduct of irresponsible pet owners which can be a source of public safety problems and the source of suffering of animals; and

WHEREAS, Animal abuse is a serious social problem and there is a direct correlation between such unacceptable behavior and other types of cruelty and violence; and

WHEREAS, Citizens should be encouraged to keep animals safe from harm or injury, and to protect the public from any danger or nuisance that may arise when irresponsible owners do not take care of their animals according to the requirements of applicable laws; and

WHEREAS, The relationship between human beings and animals kept as pets can be special, can create special bonds between owner and pet, can improve people's lives and can reflect basic humanitarian beliefs so that in recent years there has been a shift to a more progressive, humane, and compassionate attitude towards companion animals; and

WHEREAS, The City of College Station should encourage, foster, and enforce the principles and practices of responsible pet animal ownership whenever reasonable and practical, including encouraging responsible ownership by imposing certain obligations and responsibilities; and

WHEREAS, Animals are property so that ownership of a pet animal may confer certain constitutional rights and liberties under the Fourth, Fifth, and Fourteenth amendments of the United States Constitution and similar provisions under the Texas state constitution; now therefore

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

PART 1: That the facts and recitations set forth in the preamble of this resolution are hereby declared true and correct.

PART 2: That the City Council of the City of College Station herein determines it to be in the best interest of the City to encourage the humane treatment of animals and the

recognition of the rights of owners of animals as property owned by them, and to pursue both in accordance with applicable law and resources.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

City Attorney

