

THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 28-2018

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING CHAPTER 5, ANIMAL CONTROL, OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 5.01, "GENERAL PROVISIONS", SECTION 5.01.001, "DEFINITIONS", SECTION 5.01.023 "PERMIT REQUIRED FOR ZOOLOGICAL EDUCATIONAL OUTREACH DISPLAY", AND SECTION 5.01.026, "PERMIT REQUIRED FOR ANIMAL EXHIBITION", TO AMEND REGULATIONS CONCERNING THE DISPLAY OF WILD ANIMALS WITHIN THE CITY; AND AMENDING SECTION 5.01.029, "PERMIT REVOCATION, DENIAL AND APPEAL", TO REPEAL THE APPEAL PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED \$2,000 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City previously amended Chapter 5 to amend the regulations concerning the keeping of animals within the City of Seagoville; and

WHEREAS, the City Council finds that amending those provisions which apply to the display of wild animals will benefit the citizens of the City of Seagoville; and

WHEREAS, based on the foregoing, the City Council of the City of Seagoville, Texas hereby amends various sections of Chapter 5 of the Seagoville Code of Ordinances as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas be, and the same is, hereby amended by amending Chapter 5, Article 5.01, "General Provisions", which shall read as follows:

**"CHAPTER 5. ANIMAL CONTROL
ARTICLE 5.01 GENERAL PROVISIONS**

Sec. 5.01.001 Definitions

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Zoological educational outreach display: any temporary spectacle, display, event exhibition, or act where the operator has met all state and federal requirements to possess and display domestic, wild, or wild Class I animals for educational purposes.

Zoological park means any facility other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals, operated by a person, partnership, corporation or governmental agency.

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Sec. 5.01.023 Permit required for zoological educational outreach displays and zoological parks

- (a) The presenter or owner of a zoological educational outreach display or zoological park must apply for an annual permit from the Animal Services Department. The applicable annual permit fee, as adopted in the City's Master Fee Schedule, must be submitted with the permit application, along with a copy of all applicable licenses/permits as required under state and federal law. In order to qualify for a permit for a zoological educational outreach display or a zoological park, the site must have a minimum of twenty (20) acres, and the zoning applicable to the subject property must be a Planned Development providing for such use.
- (1) Zoological Educational Outreach Display: The presenter or owner of the zoological educational outreach display or the property owner where the display is to take place must provide written notice to the Animal Services Department at least ten (10) business days prior to the display. The written notice must include the exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display. The permit will be valid for period of no longer than thirty (30) days, and the Animal Services Department is authorized to approve no more than two (2) thirty (30) day extensions per calendar year
- (2) Zoological Parks: The owner or operator of a zoological park must submit an application for a permit at least thirty (30) days prior to commencement of operations. The permit will be valid for one year, and must be renewed on an annual basis.
- (b) Permit Conditions - the display of the animals in an educational outreach display or a zoo must comply with applicable state and federal law, as well as the following conditions:
- (1) All cages or other animal housing areas are kept clean and free of wastes;
- (2)
- (19) Class I or Class II animals are allowed to be displayed only in a zoological park provided that:
1. The wild animal Class I or Class II was born and raised in captivity;
 2. The wild animal Class I or Class II is not a venomous reptile unless the reptile is going to be continually contained within a locked, escape-proof cage or enclosure with solid walls to prevent contact with a person;

3. The permit holder provides a written plan of containment, restraint, and course of action should the wild animal Class I or Class II escape;
4. A physical barrier is in place between the wild animal Class I or Class II and the audience and no direct contact with the animal is allowed by anyone other than the permit holder or his representative;
5. The permit holder possesses and makes available all of the necessary state and/or federal permits to possess and display all animals in the display; and
6. The permit holder agrees to comply with the animal services director's order to immediately stop the display and/or remove the wild animal Class I or Class II if there is a public safety concern that requires such action;

(20) The animal services director may waive the permit fee if the permit holder is recognized by the Internal Revenue Service as a non-profit organization.

(c) A person commits an offense if he owns, manages, or represents a zoological educational outreach display or zoological park that requires a permit and denies or refuses to make available for inspection, upon request by the Animal Services during the hour before and entire duration of the zoological educational outreach display, his animals, that portion of the premises used to house or service the animals, the facilities for the animal display, equipment for the animal display, or any necessary registrations, records, feeding logs or permits.

(d) A person commits an offense if he owns, manages, operates, represents, or hires a zoological educational outreach display or a zoological park without a valid permit.

(e) A person commits an offense if he owns, operate, manages, represents, or hires a zoological educational outreach display or zoological park and fails to maintain any condition in subsection (b). Each animal or condition in violation of this chapter shall constitute a separate offense.

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Sec. 5.01.026 Permit required for animal exhibition

(a) The presenter or owner of the animal exhibition, or the property owner where the exhibit is to take place, must apply for an animal exhibition permit at least ten (10) business days before the performance or display and provide exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display. Permits shall only be issued to animal exhibitions that are in possession of all state and federal permits required to present such exhibitions. A permit shall be issued and remain valid for an exhibition period of no longer than thirty (30) days, and the Animal Services Department is authorized to approve no more than two (2) thirty (30) day extensions per calendar year. The animal exhibition must pay the required fee and comply with the following requirements:

- (1) All cages
 - (21) Any wild animal, as defined in this chapter, may not be exhibited in any animal exhibition or otherwise possessed within the city, unless the possession is specifically allowed by and complies with another section of this chapter.
- (b) A person commits an offense . . .

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Sec. 5.01.029 Permit revocation, denial

- (a) An animal services authority may issue a notice of revocation of any permit or deny an application for a permit under this chapter without prior warning, notice, or hearing if the permittee or applicant fails to meet the standards required in this chapter, refuses to make the premises or animals in his possession available for an inspection, seriously or repeatedly violates this chapter in ways that threaten the health or wellbeing of the permit holder's or applicant's customers, employees, neighbors, or animals in their care, or otherwise violates this chapter in any other way.
- (b) The permittee or applicant may reapply for a new permit under this chapter at any time.
- (c) The issuance of a suspension shall be a remedy in addition to, and not in lieu of, any penalty authorized by this chapter, and shall not limit any other rights of the animal services director to pursue other enforcement actions or remedies, to address any violation of the provisions of this chapter.”

SECTION 2. That if any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 3. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That any person adjudged guilty of an offense under this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$2,000.00. Each day that a violation continues shall constitute a separate offense.

SECTION 5. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS 3rd day of DECEMBER 2018.

APPROVED:



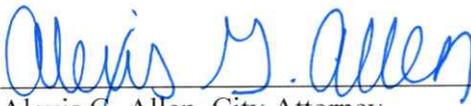
Dennis K. Childress, Mayor

ATTEST:



Kandi Jackson, City Secretary

APPROVED AS TO FORM:



Alexis G. Allen, City Attorney