

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: December 14, 2021

PUBLIC HEARING DATE: January 4, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Ramon Herrera, 493-4324

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 8: Nurture and Promote a Healthy, Sustainable Community

SUBGOAL: 8.3: Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

**AN ORDINANCE AMENDING TITLE 7 (ANIMALS), CHAPTER 7.04 (DEFINITIONS AND ADMINISTRATION), SECTION 7.04.010 (DEFINITIONS);
TITLE 7 (ANIMALS), CHAPTER 7.08 (ANIMALS GENERALLY), SECTION 7.08.050 (STANDARDS FOR ANIMAL CARE);
TITLE 7 (ANIMALS), CHAPTER 7.12 (DOGS AND CATS), SECTION 7.12.020 (REGISTRATION, VACCINATION, AND MICROCHIPS REQUIRED);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.030 (GROOMER LICENSE APPLICATION);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.070 (DENIAL);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.080 (GROOMER LICENSE SUSPENSION OR REVOCATION);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.090 (SHOP REGISTRATION REQUIRED);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.100 (SHOP REGISTRATION APPLICATION);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.140 (DENIAL);
TITLE 7 (ANIMALS), CHAPTER 7.28 (ANIMAL SHELTER ADVISORY COMMITTEE), SECTION 7.28.050 (QUORUM AND PROCEDURES)
THE PENALTY AS PROVIDED IN SECTION 7.04.080 OF THE EL PASO CITY CODE**

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

To amend Title 7 of the El Paso City Code to comply with existing state law, to amend minor typographical errors throughout Title 7 of the El Paso City Code, to adopt rules that align with and advance the City's no-kill goals and to ensure that Shops providing grooming services and their respective groomers adhere to consistent standards of care.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Revised 04/09/2021

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: El Paso Animal Services

SECONDARY DEPARTMENT:

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE _____

**AN ORDINANCE AMENDING TITLE 7 (ANIMALS), CHAPTER 7.04 (DEFINITIONS AND ADMINISTRATION), SECTION 7.04.010 (DEFINITIONS);
TITLE 7 (ANIMALS), CHAPTER 7.08 (ANIMALS GENERALLY), SECTION 7.08.050 (STANDARDS FOR ANIMAL CARE);
TITLE 7 (ANIMALS), CHAPTER 7.12 (DOGS AND CATS), SECTION 7.12.020 (REGISTRATION, VACCINATION, AND MICROCHIPS REQUIRED);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.030 (GROOMER LICENSE APPLICATION);
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TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.140 (DENIAL);
TITLE 7 (ANIMALS), CHAPTER 7.28 (ANIMAL SHELTER ADVISORY COMMITTEE), SECTION 7.28.050 (QUORUM AND PROCEDURES);
THE PENALTY AS PROVIDED IN SECTION 7.04.080 OF THE EL PASO CITY CODE**

WHEREAS, the City of El Paso desires to amend Title 7 of the El Paso City Code to comply with existing state law; and

WHEREAS, the City of El Paso wishes to amend minor typographical errors throughout Title 7 of the El Paso City Code; and

WHEREAS, the City of El Paso desires to adopt rules that align with and advance the City's no-kill goals; and

WHEREAS, City Council wishes to ensure that Shops providing grooming services and their respective groomers adhere to consistent standards of care; and

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

Section 1. That Title 7 (Animals), Chapter 7.04.010 (Definitions) be amended to read as follows:

7.04.010 - Definitions. 1
ORDINANCE NO. _____

A. "Abandon" means to give up with the intent of never again claiming a right or interest in.

B. "Animal" means every living dumb creature.

C. "Animal establishment" means any established place conducting business dealing with animals for a profit including, but not limited to, kenneling, showing and exhibiting animals and excluding veterinary offices, clinics, hospitals or emergency rooms. An individual providing care for an animal in the absence of its owner, in the owner's home, will not be considered an "animal establishment."

D. "Animal training course" means a course of study approved by the Director and designed to provide basic instruction on reasonable precautions to ensure animals are not abused, mistreated, neglected or endangered or in any manner made to suffer during grooming. The animal training course shall include instruction on cardiopulmonary resuscitation (CPR) for dogs.

E. "Animal welfare organization" means a tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary, a shelter for abandoned or unwanted animals, or recognized animal rescue organization, that is registered and permitted by the department pursuant to Sections 7.14.010 and 7.14.090 of this Code.

F. "Bite" or "scratch" means any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.

G. "Bovine" is used in its general sense and includes all domesticated bovine regardless of age, sex or breed.

H. "Canvassing" means periodic verification of compliance with this title by the city utilizing personnel trained to go door-to-door within the incorporated city limits.

I. "Center" means any premises designated by the city for the purpose of impounding and caring for animals coming into the custody of the department of animal services and in which the program is housed.

J. "City owned" means any animal that has passed its respective disposition period, as set forth in this title, and that is in the possession or under the control of the department, or an animal that has not yet passed its disposition date as set forth in this title, but that is within the department's control.

K. "Collar" means a band of nylon, leather or similar material, chain, harness or other suitable device specifically designed to be used by the type of animal wearing the collar around its neck and to which a current rabies vaccination and registration tag can be affixed.

L. "Dangerous dog" means a dog that:

1. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept; or

2. Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

M. "Dangerous wild animal" includes but is not limited to:

1. Lion;
2. Tiger;
3. Ocelot;
4. Cougar;
5. Leopard;
6. Cheetah;
7. Jaguar;
8. Bobcat;
9. Lynx;
10. Serval;
11. Caracal;
12. Hyena;
13. Bear;
14. Coyote;
15. Jackal;
16. Baboon;
17. Chimpanzee;
18. Orangutan;
19. Gorilla;
20. Wolf; or
21. Any hybrid of an animal listed in this definition.

N. "Director" means the director of the department of animal services, or designee.

O. "Department" means the department of animal services.

P. "Dog" or "cat", unless otherwise specifically set forth with an age limit, shall include a "puppy" or "kitten" and the terms are interchangeable.

Q. "Ear tipped cat" means a cat upon which a surgical process is performed during neutering as part of the trap-neuter-return protocol overseen by a licensed veterinarian, in which a one-quarter-inch diagonal cut is made to remove the point of a cat's ear, and is preferably, but not exclusively, on the cat's left ear, to identify the cat as being sterilized and lawfully vaccinated for rabies.

R. "Established fee" means a fee that is authorized within this title, which is set in the amount identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution of the city council.

S. "Exotic animal" means any animal not commonly domesticated by man.

T. "Exposed to rabies" means that an animal has been bitten by or in contact with any animal known to be, or suspected of being, infected with rabies.

U. "Fowl" means domestic birds to include chickens, ducks, geese and pigeons.

V. "Groomer" means person engaged in the cleaning, styling and appearance maintenance of animals or the handling of animals in preparation for these services and who is responsible for complying with the provisions of this chapter; hereafter referred to as groomer.

W. "Grooming" means the cleaning, styling and appearance maintenance of animals or the handling of animals in preparation for these services.

X. "Inclement weather" includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.

Y. "Kennel", for purposes of this title, means any premises on which animals are kept or housed for conducting the business of buying, selling, grooming, training or boarding of animals for compensation.

Z. "Livestock" means domesticated equine or bovine regardless of age, sex or breed or any small ruminant, including domesticated sheep, goats, and animals of the same approximate size and weight.

AA. "Low risk" means an animal identified in Texas guidelines for rabies prevention as not requiring rabies testing. Includes mice, rats, squirrels, nutria, rabbits, opossums, armadillos, shrews, prairie dogs, beavers and gophers.

BB. "Neglected" means to fail to provide an animal with one or more of the necessities of life, including air, food, water, veterinary care, exercise or protection from the sun and other elements of nature.

CC. "Officer" means any employee of the program, an employee in the code enforcement division, or a commissioned peace officer.

DD. "Owner" means a custodian, caretaker or person who feeds or harbors the subject animal for more than seventy-two hours without said animal being identified as a trap-neuter-return cat. Persons caring for an animal at the specific request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with this Code.

EE. "Permit official" means the person or persons designated by the city manager as being responsible for issuing permits, licenses or making any other authorization provided for in this Code or any ordinance.

FF. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

GG. "Program" means the department's animal services program.

HH. "Properly fitted" means, with respect to a collar or harness, a collar or harness that: (a) is appropriately sized for the dog based on the dog's measurements and body weight; (b) does not choke the dog or impede the dog's normal breathing or swallowing; and (c) does not cause pain or injury to the dog.

II. "Public playground" means that area of a public park designated and intended for use by children and containing equipment suitable for play (i.e., swings, slides, merry-go-rounds).

JJ. "Qualified animal" means (1) a pure-breed animal which is currently registered with an applicable registry which has been established for the purposes of breed registration with the primary or intended purpose of exhibiting, showing, competing, or certifying the animals at local, national, international or breed club-sanctioned events or shows, and which is also eligible for registry with one or more additional agencies, and which may be bred or placed for the specific goal of exhibition or competition, or (2) an animal which is bred solely for the intended purpose of being trained and certified as service animals, for search and rescue use, or for official use by law enforcement and governmental agencies.

KK. "Rabbit" is used in its general sense and includes animals of the same approximate size and weight, which require similar husbandry.

LL. "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

MM. "Retail establishment" means an establishment that, in whole or in part, offers as allowed under this title dogs and/or cats for sale or resale to consumers or wholesalers, excluding a permitted breeder.

NN. "Service animals" means any guide dog, signal dog, or other animal individually trained to provide assistance to a person with a disability, or any animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990, as amended.

OO. "Shade" means a place giving protection from the heat and light of the sun.

PP. "Shelter" means an enclosure that is structurally sound and in good repair, provides convenient access to clean food and water, enables the animal to remain dry and clean, provides the animal with protection from inclement weather, is constructed and maintained so that it is impervious to moisture and can be readily sanitized, is constructed so as to protect the animal from injury, and provides sufficient space to allow each animal to turn around fully, stand, sit and lie in a comfortable position.

QQ. "Shop" means a building or portion of a building, designated by a registration holder and located and occupied in accordance with applicable local zoning and building codes where grooming is performed, completely separated from living quarters; hereafter referred to as "shop," and includes a motor vehicle or location that is identified or permitted as a temporary location under state law.

RR. "Transfer" or "offer to transfer" means to convey or offer to convey by all methods of conveyance.

SS. "Unprovoked attack" means an attack by a dog on a person in a place, other than the property where the dog's owner resides or where the dog is being kept including, but not limited to, the secure enclosure in which the dog was being kept at the time of the attack, that is not: 1. In response to being tormented, abused, or assaulted by the person attacked; 2. In response to pain or injury; 3. In response to an assault or attempted assault upon another person by the person attacked; or 4. To protect itself, its food, or its nursing offspring.

TT. "Trap-neuter-return" means the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning a cat to the location where it was trapped.

UU. "Veterinarian" means a doctor of veterinary medicine who holds a valid license to practice his profession in one or more of the fifty United States.

VV. "Veterinary clinic" means a facility or hospital for diagnosis and treatment of animals.

WW. "Veterinary officer" means the veterinarian or other person determined to be qualified to perform the duties established in this title, officially designated by the director.

Section 2. That Title 7 (Animals), Chapter 7.08.050 (Standards for animal care) be amended to read as follows:

Every person within the City of El Paso who owns or harbors any animal, or who owns, conducts, manages or operates any animal establishment for which a license is required by this title shall comply with each of the following conditions:

- A. Shelter and shade for animals must be provided.
- B. No animal shall be neglected.

- C. All animals shall be supplied with sufficient good and wholesome food and clean water as often as the feeding habits of the respective animals require.
- D. All animals and all animal buildings or enclosures shall be maintained in a clean, safe and sanitary condition.
- E. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- F. Every animal establishment shall isolate animals known to be sick sufficiently so as to not endanger the health of other animals. Sick animals shall at all times be isolated from other animals.
- G. The owner or custodian of an animal shall be required to present an animal to a veterinarian for examination or treatment if the director or veterinary officer finds this is necessary in order to maintain the health of the animal and notifies the owner or custodian to do so.
- H. It is unlawful to restrain a dog in violation of this section.
 - 1. An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:
 - a. Between the hours of ten p.m. and six a.m.;
 - b. Within five hundred feet of the premises of a school; or
 - c. In the case of inclement weather or extreme weather conditions, including conditions in which:
 - i. The actual or effective outdoor temperature is below thirty-two degrees Fahrenheit;
 - ii. A heat advisory has been issued by the National Weather Service, or a local or state authority, including the City of El Paso; or

- iii. A tornado warning has been issued for the City or County of El Paso by the National Weather Service.
2. In this section, a restraint unreasonably limits a dog's movement if the restraint:
- a. Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
 - b. Is a length shorter than the greater of:
 - i. Five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - ii. Ten feet;
 - c. Is in an unsafe condition; or
 - d. Causes injury to the dog.
3. Exceptions. The following do not constitute a violation of this section:
- a. A dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;
 - b. A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal or state authority or the City of El Paso;
 - c. A dog restrained for a reasonable period, not to exceed three hours in a twenty-four-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;
 - d. A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid permit or license issued by the State of Texas or City of El Paso if the activity for which the license is issued is associated with the use or presence of a dog;

- e. A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or
 - f. A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
4. This section does not prohibit a person from walking a dog with a hand-held leash.
- I. It shall be a violation of this title to provide an alcoholic beverage, controlled substance, or illegal drug to an animal, unless prescribed by a veterinarian.

Section 3. That Title 7 (Animals), Chapter 7.12 (Dogs and Cats), Section 7.12.020 (Registration, vaccination, and microchip required) be amended in its entirety to read as follows:

7.12.020 - Registration, vaccination, and microchips required.

- B. Upon application by a veterinarian, the program shall furnish the veterinarian with a supply of microchips and pre-numbered registration certificates and corresponding tags. The veterinarian shall be authorized to receive applications and issue registration certificates and tags for animals that are currently vaccinated and microchipped. Copies of all certificates issued shall be distributed and transmitted to various city agencies in accordance with arrangements made by the program with the veterinarians, provided that no information shall be released in violation of Texas Health and Safety Code Section 826.0211.
- 1. When applying for additional microchips, certificates and tags, the veterinarian shall account to the program for all those previously supplied to him, and shall remit to the program all fees collected.
 - 2. A veterinarian may exchange up to 100 unused, expired from the previous year tags for current year tags annually. This section does not apply to lost tags.
 - 3. He shall be held financially responsible for any microchips, certificates and tags no longer in his possession that have not been issued or voided and returned to the program.

4. The program may refuse to supply additional microchips, certificates and tags to any veterinarian who fails to account for all items previously furnished to him by the program.
All fees collected by any veterinarian are payable to the city upon demand.

Section 4. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.030 (Groomer license application) be amended in its entirety to read as follows:

7.15.030 - Groomer license application.

- A. An individual seeking to perform animal grooming must first obtain from the director or designee, an animal groomer certificate or other proof of completion of the director's animal groomer training course or an equivalent course pre-approved by the director before obtaining a groomer license.
 1. An individual must register for the animal groomer training course by submitting a form obtained from the department and paying the course fee.
 2. The animal groomer certificate or other proof of animal groomer training course completion is valid for five years from the date of issuance.
- B. An individual seeking to perform animal grooming must submit a signed, verified application annually, with the appropriate application fee(s), to the permit official. Applications shall be on forms obtained from the permit official and must contain, at a minimum, the following true and correct information and documentation:
 1. Full name of groomer;
 2. Address of groomer;
 3. Proof of identification of groomer, in the form of a valid government-issued photographic identification;
 4. A copy of the individual's animal groomer certificate and pet CPR certificate;
 5. A sworn statement that the groomer is not under criminal investigation for, does not have pending criminal charges or a conviction for animal cruelty or a similar offense (e.g., battery, assault, domestic violence, any crime of a violent nature) in Texas or any other jurisdiction in the past seven years;

6. Any other information as required by the application.

Section 5. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.070 (Denial) be amended to read as follows:

7.15.070 - Denial.

- A. The permit official shall deny an application for a groomer license, whether original or renewal, by serving the applicant with written notice by regular mail to the address listed in the application, if:
 1. The applicant is found to be in violation of this chapter or found, in the opinion of the director, to pose a significant risk to the public or animals for failure to meet the minimum standards of care set forth in Title 7; or
 2. The permit official finds any of the following:
 - a. That the applicant has supplied false or incorrect information on any application for a license;
 - b. That the applicant has failed to supply all information and/or documentation required on the application form;
 - c. That the applicant has failed to pay the application fee;
 - d. That the applicant is under criminal investigation for animal cruelty or a similar offense (e.g., battery, assault, domestic violence, any crime of a violent nature) in Texas or any other jurisdiction;
 - e. That the applicant has pending criminal charges for animal cruelty or a similar offense (e.g., battery, assault, domestic violence, any crime of a violent nature) in Texas or any other jurisdiction;
 - f. That the applicant has been convicted of animal cruelty or a similar offense (e.g., battery, assault, domestic violence, any crime of a violent nature) in Texas or any other jurisdiction in the past seven years;
 - g. That the applicant was providing grooming services without a license within the preceding six months of the person's application for a license.
- B. In the event that an applicant's current license is under suspension, no new license or suspension shall be issued until the term of such suspension has expired.

- C. In the event that an applicant's current or prior license is revoked pursuant to Section 7.15.080 of this chapter, no new license or suspension shall be issued until the term of such revocation has expired.
- D. The permit official shall issue the written notice of denial of a license to the applicant which shall contain, at a minimum, the following:
 - 1. The name of the applicant;
 - 2. Statement that the license is denied; and
 - 3. Reason(s) for the denial.

Section 6. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.080 (Groomer license suspension or revocation), be amended to read as follows:

7.15.080 - Groomer license suspension or revocation.

- A. Suspension of Groomer's License. The director may suspend a groomer's license if the director determines any of the following occurred:
 - 1. The license holder is under investigation or has pending criminal charges for violating a provision of this chapter or a rule adopted under this chapter;
 - 2. The license holder is under investigation or has pending criminal charges for having been intoxicated or under the influence of a mind-altering substance while providing grooming services;
 - 3. The license holder is under criminal investigation or pending criminal charges for animal cruelty;
 - 4. The license holder groomed an animal(s) without verifying that the animal had current vaccinations, microchip and city registration as required by applicable city, state and federal regulations;
 - 5. The license holder failed to provide a written report of a grooming-related injury requiring medical attention or the death of any animal whom he or she groomed to the department within forty-eight hours of the occurrence of such incident.
- B. Term of Suspension. The director may suspend a groomer's license according to the below:
 - 1. Except as provided by paragraph 2 below, the director may suspend a groomer's license for up to sixty calendar days.

2. A suspension due to a criminal investigation or pending criminal charges shall remain in effect until the first of the following occurs:
 - a. The license term expires;
 - b. The criminal investigation ends without pursuit of criminal charges; or
 - c. The criminal charges are dismissed.
- C. Notice of Intent to Suspend. Prior to the issuance of a suspension pursuant to paragraph A of this section, the director will issue a notice of intent to suspend. The notice of intent to suspend will include the following:
 1. Name and address of the groomer;
 2. Reason(s) for proposed suspension;
 3. Notice of any corrective measures necessary to bring the groomer into compliance with the requirements of this chapter;
 4. Ten calendar day time limit for the completion of the corrective measures;
 5. Statement that the license, is subject to suspension for failure to complete the corrective measures within the allotted time;
 6. Require the groomer license be surrendered in-person or by certified mail to the director within seven calendar days of receipt of notice of suspension;
 7. Statement that the license, is subject to revocation for failure to surrender groomer license within the allotted time; and

Failure to adopt the corrective measures by the time allotted in the notice of intent to suspend will result in suspension of the license. The director may reduce the time of suspension upon completion of the required corrective measures.
- D. The director may revoke a groomer's license if the licensed groomer is suspended for two violations of this chapter within a twelve-month period.
- E. Revocation of Groomer's License. The director may revoke a groomer's license subject to this chapter if the director determines that any of the following occurred:
 1. The license holder supplied false or misleading information on any application for a license;
 2. The license holder continues to provide grooming services on a suspended license;

3. The license holder is found to be violating a provision of this chapter or a rule adopted under this chapter;
 4. The license holder is found to have been intoxicated or under the influence of a mind altering substance while providing grooming services;
 5. The license holder is convicted of animal cruelty.
- F. A licensed groomer that has had his license suspended or revoked shall surrender the groomer license to the director within seven calendar days of receiving notice from the city of suspension or revocation, regardless of whether the registrant or licensed groomer requests an appeal in accordance with Section 7.15.190 of this Code.
1. In the case of suspension, failure to surrender the groomer license within seven calendar days' notice of the suspension shall cause the director to revoke the license. For the purpose of this provision, notice is considered received upon the department's mailing the notice via regular mail to the address listed in the groomer's license application.
 2. A suspended license holder shall not commence operations after the term of suspension has ended without first retrieving his license from the director.
- G. Notice of Suspension or Revocation. The director shall issue a written notice of suspension or revocation, pursuant to subsection A of this section to the groomer at issue and any shop at which such groomer provides services, which shall contain, as applicable, the following:
1. Name and address of the groomer;
 2. Statement of whether the license is suspended or revoked;
 3. Reason(s) for the suspension or revocation;
 4. Notice of any corrective measures necessary to bring the groomer into compliance with the requirements of this chapter;
 5. Reserved.
 6. Statement that the license, if suspended, is subject to revocation for failure to complete the corrective measures by the end of the suspension term;
 7. Order that the groomer license be surrendered in-person or by certified mail to the director at Animal Services within seven calendar days of receipt of notice of suspension or revocation;

8. Statement that the license, if suspended, is subject to revocation for failure to surrender groomer license within the allotted time;
9. Statement that the suspension or revocation may be appealed under the provisions set forth in Section 7.15.190 of this Code; and
10. For the purpose of this section, notice is considered received upon the groomer's mailing the notice via regular mail to the director.

H. License Reinstatement. A licensed groomer may seek to reinstate a revoked license according to the below:

1. A groomer must reapply for a groomer's license pursuant to Section 7.15.030 of this chapter. A groomer may not reapply for a new license for a period of twelve months after said license has been revoked.
2. A groomer who is found to perform grooming services with a revoked license shall not be eligible to reapply for a new license for a period of eighteen months after said license has been revoked.

Section 7. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.090 (Shop registration required), be amended to read as follows:

7.15.090 - Shop registration required.

- A. Shop registration shall be required for any animal establishment where grooming is performed. It shall be a violation of this chapter for any shop to perform grooming without first having obtained and paid for a valid registration from the permit official.
- B. The shop registration certificate shall be displayed inside the Shop during regular operation of the shop and shall be visible for inspection by groomers, clients and city officials.
- C. The registration requirements of this chapter do not apply to veterinary offices, veterinary clinics, or veterinary hospitals.
- D. A registered shop shall only employ and/or allow groomers in possession of a current, valid groomer license issued by the city, to provide grooming services and must adhere to the following:
 1. The shop must at all times maintain and have available for department inspection a list on a form provided by the city, with the following:

- a. The name and groomer license number of each groomer employed by or allowed the use of the shop in the previous two years; and
 - b. The date each groomer began employment with or use of the shop; and
 - c. The date each groomer ceased its employment with or use of the shop.
2. The shop must perform a mandatory, state-wide criminal background check on any groomer employed by or allowed to use the shop;
 3. Any groomer with a conviction for animal cruelty or any similar violation (e.g., battery, assault, domestic violence, any crime of a violent nature) within the previous seven years must not be employed by or allowed use of the shop;
- E. The shop shall maintain shop hygiene, public health and safety standards in accordance with applicable municipal, state and federal regulations so as not to endanger the public or animal health or create a nuisance.
- F. The shop shall ensure that the building, facility or mobile structure in which it operates is kept in a clean and sanitary condition and is equipped with the following:
1. Hot and cold running water; and
 2. Working air conditioning and heating unit(s); and
 3. Proper ventilation and filtration system.
- G. The shop shall take every reasonable precaution to ensure that animals are not abused, mistreated, neglected, endangered or in any manner made to suffer by any persons, animals, or any other means. Any tack, equipment, device, substance or material that is or could be injurious or cause unnecessary cruelty to any animal is prohibited.
- H. The shop shall provide each animal under its care and control with the following:
1. Fresh water within each animal's kennel. Fresh water shall be provided in a bowl free of debris, and if not new, properly sanitized before each animal's use;
 2. A clean and sanitary kennel or cage of appropriate size, suitable for each animal.
- I. The shop must provide a means for the owner(s) of any animal receiving grooming services to observe the grooming process either by use of a video surveillance system or windows through which the services can be seen as they are rendered.

- J. The shop must not take possession of or provide grooming services to an animal that does not have current vaccinations, microchip and city registration as required by applicable city, state and federal regulations.
- K. The shop must report all grooming-related injuries to animals requiring medical attention and the deaths of any animal at the shop, in writing within forty-eight hours of the occurrence of such incident to the department. Such report must include:
 - 1. The name, address and phone number of the owner or guardian of the injured or deceased animal as well as name of the injured or deceased animal; and
 - 2. Any information known as to how the injury to or death of the animal took place.
- L. The shop must maintain accurate records of all transactions showing the date, type of animal, type of activity, groomer that provided services and parties to any transaction. Such records shall be kept for a minimum of two years and will be made available upon demand to the department.
- M. All documents relevant to each groomer's application, background check, and supporting documents shall be available on site for inspection.

Section 8. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.100 (Shop registration application), be amended to read as follows:

7.15.100 - Shop registration application.

- A. Shop registration shall be required for any shop where animal grooming is performed. No shop shall be allowed to perform animal grooming without first having obtained and paid for a valid registration from the permit official. Applications shall be on forms obtained from the permit official and shall contain, at a minimum, the following information:
 - 1. Full name of the owner of the shop;
 - 2. Address of the owner of the shop;
 - 3. Shop address;
 - 4. Indication of existing shop (in operation for the preceding twelve months) or new shop;
 - 5. Copies of all groomers' current animal grooming licenses issued by the department; shops will not be issued shop registration without licensed groomers;

6. Except for a shop that is new, copy of current shop registration issued by the permit official;
7. A current, valid certificate of occupancy issued by the building official for the shop;
8. The acreage or square footage where the animals will be kept;
9. The number of anticipated animals or the average number of animals the shop services over the course of a twelve-month span;
10. The kinds of enclosures within which the animals are to be kept;
11. Information or evidence as to the methods by which the applicant will make and maintain accurate records of all transactions for a minimum of two years;
12. Information or evidence as to the methods by which the applicant will keep the shop under sanitary conditions so as not to endanger the public or animal health nor create a nuisance;
13. Information or evidence of compliance with the city's zoning ordinances for facilities, activities and operations conducted on property within the city limits; and
14. Any other information as required by the application.

Section 9. That Title 7 (Animals), Chapter 7.08 (Animals Generally), Section 7.15.140 (Denial) be amended to read as follows:

7.15.140 - Denial.

- A. The permit official shall deny an application for shop registration, whether original or renewal, by serving the applicant with written notice by regular mail, if:
 1. The applicant is found to be in violation of this chapter or found, in the opinion of the director, to pose a significant health risk to the public or animals for failure to meet the minimum health standards or standards of care set forth in this chapter; or
 2. The permit official finds any of the following:
 - a. That the applicant has supplied false or incorrect information on any application for a registration;
 - b. That the applicant has failed to supply all information required on the application form;
 - c. That the applicant has failed to pay the application fee; or
 - d. That the applicant does not have any licensed groomers employed to operate.

- B. In the event that an applicant's registration is under suspension, no new registration shall be issued until the term of such suspension has expired.
- C. In the event that an applicant's registration is revoked, no new registration shall be issued until the term of such revocation has expired.
- D. The permit official shall issue the written notice of denial of a registration to the applicant which shall contain, at a minimum, the following:
 - 1. The name of the applicant or shop;
 - 2. Statement that the registration is denied; and
 - 3. Reason(s) for the denial, as listed in this section.

Section 10. That Title 7 (Animals), Chapter 7.28 (Animal Shelter Advisory Committee), Section 7.28.050 (Quorum and procedures) be amended to read as follows:

7.28.050 - Quorum and procedures.

- A. The ASAC shall select from among its members a chair and a vice-chair, and may adopt rules and regulations for the governing of its own proceedings to carry out the purposes for which the ASAC was created, consistent with the state law and the charter and ordinances of the city. A quorum shall initially consist of seven members. Beginning March 27, 2012, when the ASAC consists of eleven members, a quorum shall consist of six members.
- B. The city shall provide support to the ASAC for the purpose of scheduling and giving notice of the meetings, the preparation of minutes of each meeting, and the provision of other reasonable support services. The city's director of the Department of Animal Services shall designate a city employee to serve as the secretary. The secretary shall have the right to attend meetings and speak on questions before the ASAC, but shall have no vote and shall not be counted for the purpose of making a quorum or determining the number

Section 11. Title 7 (Animals) amendments shall take effect February 1, 2022.

Section 12. Except as expressly herein amended, Title 7 (Animals), of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2021.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Ramon Herrera, Director
Department of Animal Services

ORDINANCE _____

**AN ORDINANCE AMENDING TITLE 7 (ANIMALS), CHAPTER 7.04 (DEFINITIONS AND ADMINISTRATION), SECTION 7.04.010 (DEFINITIONS);
TITLE 7 (ANIMALS), CHAPTER 7.08 (ANIMALS GENERALLY), SECTION 7.08.050 (STANDARDS FOR ANIMAL CARE);
TITLE 7 (ANIMALS), CHAPTER 7.12 (DOGS AND CATS), SECTION 7.12.020 (REGISTRATION, VACCINATION, AND MICROCHIPS REQUIRED);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.030 (GROOMER LICENSE APPLICATION);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.070 (DENIAL);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.080 (GROOMER LICENSE SUSPENSION OR REVOCATION);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.090 (SHOP REGISTRATION REQUIRED);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.100 (SHOP REGISTRATION APPLICATION);
TITLE 7 (ANIMALS), CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.140 (DENIAL);
TITLE 7 (ANIMALS), CHAPTER 7.28 (ANIMAL SHELTER ADVISORY COMMITTEE), SECTION 7.28.050 (QUORUM AND PROCEDURES);
THE PENALTY AS PROVIDED IN SECTION 7.04.080 OF THE EL PASO CITY CODE**

WHEREAS, the City of El Paso desires to amend Title 7 of the El Paso City Code to comply with existing state law; and

WHEREAS, the City of El Paso wishes to amend minor typographical errors throughout Title 7 of the El Paso City Code; and

WHEREAS, the City of El Paso desires to adopt rules that align with and advance the City's no-kill goals; and

WHEREAS, City Council wishes to ensure that Shops providing grooming services and their respective groomers adhere to consistent standards of care; and

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

Section 1. That Title 7 (Animals), Chapter 7.04.010 (Definitions) be amended to read as follows:

7.04.010 - Definitions. 1
ORDINANCE NO. _____

A. "Abandon" means to give up with the intent of never again claiming a right or interest in.

B. "Animal" means every living dumb creature.

C. "Animal establishment" means any established place conducting business dealing with animals for a profit including, but not limited to, kenneling, showing and exhibiting animals and excluding veterinary offices, clinics, hospitals or emergency rooms. An individual providing care for an animal in the absence of its owner, in the owner's home, will not be considered an "animal establishment."

D. "Animal training course" means a course of study approved by the Director and designed to provide basic instruction on reasonable precautions to ensure animals are not abused, mistreated, neglected or endangered or in any manner made to suffer during grooming. The animal training course shall include instruction on cardiopulmonary resuscitation (CPR) for dogs.

E. "Animal welfare organization" means a tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary, a shelter for abandoned or unwanted animals, or recognized animal rescue organization, that is registered and permitted by the department pursuant to Sections 7.14.010 and 7.14.090 of this Code.

F. "Bite" or "scratch" means any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.

G. "Bovine" is used in its general sense and includes all domesticated bovine regardless of age, sex or breed.

H. "Canvassing" means periodic verification of compliance with this title by the city utilizing personnel trained to go door-to-door within the incorporated city limits.

I. "Center" means any premises designated by the city for the purpose of impounding and caring for animals coming into the custody of the department of animal services and in which the program is housed.

J. "City owned" means any animal that has passed its respective disposition period, as set forth in this title, and that is in the possession or under the control of the department, or an animal that has not yet passed its disposition date as set forth in this title, but that is within the department's control.

K. "Collar" means a band of nylon, leather or similar material, chain, harness or other suitable device specifically designed to be used by the type of animal wearing the collar around its neck and to which a current rabies vaccination and registration tag can be affixed.

L. "Dangerous dog" means a dog that:

1. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept; or

2. Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

M. "Dangerous wild animal" includes but is not limited to:

1. Lion;
2. Tiger;
3. Ocelot;
4. Cougar;
5. Leopard;
6. Cheetah;
7. Jaguar;
8. Bobcat;
9. Lynx;
10. Serval;
11. Caracal;
12. Hyena;
13. Bear;
14. Coyote;
15. Jackal;
16. Baboon;
17. Chimpanzee;
18. Orangutan;
19. Gorilla;
20. Wolf; or
21. Any hybrid of an animal listed in this definition.

N. "Director" means the director of the department of animal services, or designee.

O. "Department" means the department of animal services.

P. "Dog" or "cat", unless otherwise specifically set forth with an age limit, shall include a "puppy" or "kitten" and the terms are interchangeable.

Q. "Ear tipped cat" means a cat upon which a surgical process is performed during neutering as part of the trap-neuter-return protocol overseen by a licensed veterinarian, in which a one-quarter-inch diagonal cut is made to remove the point of a cat's ear, and is preferably, but not exclusively, on the cat's left ear, to identify the cat as being sterilized and lawfully vaccinated for rabies.

R. "Established fee" means a fee that is authorized within this title, which is set in the amount identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution of the city council.

S. "Exotic animal" means any animal not commonly domesticated by man.

T. "Exposed to rabies" means that an animal has been bitten by or in contact with any animal known to be, or suspected of being, infected with rabies.

U. "Fowl" means domestic birds to include chickens, ducks, geese and pigeons.

V. "Groomer" means person engaged in the cleaning, styling and appearance maintenance of animals or the handling of animals in preparation for these services and who is responsible for complying with the provisions of this chapter; hereafter referred to as groomer.

W. "Grooming" means the cleaning, styling and appearance maintenance of animals or the handling of animals in preparation for these services.

X. "Inclement weather" includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.

Y. "Kennel", for purposes of this title, means any premises on which animals are kept or housed for conducting the business of buying, selling, grooming, training or boarding of animals for compensation.

Z. "Livestock" means domesticated equine or bovine regardless of age, sex or breed or any small ruminant, including domesticated sheep, goats, and animals of the same approximate size and weight.

AA. "Low risk" means an animal identified in Texas guidelines for rabies prevention as not requiring rabies testing. Includes mice, rats, squirrels, nutria, rabbits, opossums, armadillos, shrews, prairie dogs, beavers and gophers.

BB. "Neglected" means to fail to provide an animal with one or more of the necessities of life, including air, food, water, veterinary care, exercise or protection from the sun and other elements of nature.

CC. "Officer" means any employee of the program, an employee in the code enforcement division, or a commissioned peace officer.

DD. "Owner" means a custodian, caretaker or person who feeds or harbors the subject animal for more than seventy-two hours without said animal being identified as a trap-neuter-return cat. Persons caring for an animal at the specific request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with this Code.

EE. "Permit official" means the person or persons designated by the city manager as being responsible for issuing permits, licenses or making any other authorization provided for in this Code or any ordinance.

FF. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

GG. "Program" means the department's animal services program.

HH. "Properly fitted" means, with respect to a collar or harness, a collar or harness that: (a) is appropriately sized for the dog based on the dog's measurements and body weight; (b) does not choke the dog or impede the dog's normal breathing or swallowing; and (c) does not cause pain or injury to the dog.

II. "Public playground" means that area of a public park designated and intended for use by children and containing equipment suitable for play (i.e., swings, slides, merry-go-rounds).

JJ. "Qualified animal" means (1) a pure-breed animal which is currently registered with an applicable registry which has been established for the purposes of breed registration with the primary or intended purpose of exhibiting, showing, competing, or certifying the animals at local, national, international or breed club-sanctioned events or shows, and which is also eligible for registry with one or more additional agencies, and which may be bred or placed for the specific goal of exhibition or competition, or (2) an animal which is bred solely for the intended purpose of being trained and certified as service animals, for search and rescue use, or for official use by law enforcement and governmental agencies.

KK. "Rabbit" is used in its general sense and includes animals of the same approximate size and weight, which require similar husbandry.

LL. "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

MM. "Retail establishment" means an establishment that, in whole or in part, offers as allowed under this title dogs and/or cats for sale or resale to consumers or wholesalers, excluding a permitted breeder.

NN. "Service animals" means any guide dog, signal dog, or other animal individually trained to provide assistance to a person with a disability, or any animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990, as amended.

OO. "Shade" means a place giving protection from the heat and light of the sun.

PP. "Shelter" means an enclosure that is structurally sound and in good repair, provides convenient access to clean food and water, enables the animal to remain dry and clean, provides the animal with protection from inclement weather, is constructed and maintained so that it is impervious to moisture and can be readily sanitized, is constructed so as to protect the animal from injury, and provides sufficient space to allow each animal to turn around fully, stand, sit and lie in a comfortable position.

QQ. "Shop" means a building or portion of a building, designated by a registration holder and located and occupied in accordance with applicable local zoning and building codes where grooming is performed, completely separated from living quarters; hereafter referred to as "shop," and includes a motor vehicle or location that is identified or permitted as a temporary location under state law.

RR. "Transfer" or "offer to transfer" means to convey or offer to convey by all methods of conveyance.

SS. "Unprovoked attack" means an attack by a dog on a person in a place, other than the property where the dog's owner resides or where the dog is being kept including, but not limited to, the secure enclosure in which the dog was being kept at the time of the attack, that is not: 1. In response to being tormented, abused, or assaulted by the person attacked; 2. In response to pain or injury; 3. In response to an assault or attempted assault upon another person by the person attacked; or 4. To protect itself, its food, or its nursing offspring.

TT. "Trap-neuter-return" means the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning a cat to the location where it was trapped.

UU. "Veterinarian" means a doctor of veterinary medicine who holds a valid license to practice his profession in one or more of the fifty United States.

VV. "Veterinary clinic" means a facility or hospital for diagnosis and treatment of animals.

WW. "Veterinary officer" means the veterinarian or other person determined to be qualified to perform the duties established in this title, officially designated by the director.

Section 2. That Title 7 (Animals), Chapter 7.08.050 (Standards for animal care) be amended to read as follows:

Every person within the City of El Paso who owns or harbors any animal, or who owns, conducts, manages or operates any animal establishment for which a license is required by this title shall comply with each of the following conditions:

- A. Shelter and shade for animals must be provided.
- B. No animal shall be neglected.

- C. All animals shall be supplied with sufficient good and wholesome food and clean water as often as the feeding habits of the respective animals require.
- D. All animals and all animal buildings or enclosures shall be maintained in a clean, safe and sanitary condition.
- E. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- F. Every animal establishment shall isolate animals known to be sick sufficiently so as to not endanger the health of other animals. Sick animals shall at all times be isolated from other animals.
- G. The owner or custodian of an animal shall be required to present an animal to a veterinarian for examination or treatment if the director or veterinary officer finds this is necessary in order to maintain the health of the animal and notifies the owner or custodian to do so.
- H. It is unlawful to restrain a dog in violation of this section.
 - 1. An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:
 - a. Between the hours of ten p.m. and six a.m.;
 - b. Within five hundred feet of the premises of a school; or
 - c. In the case of **inclement weather** or extreme weather conditions, including conditions in which:
 - i. The actual or effective outdoor temperature is below thirty-two degrees Fahrenheit;
 - ii. A heat advisory has been issued by the National Weather Service, or a local or state authority, including the City of El Paso; or

- iii. A tornado warning has been issued for the City or County of El Paso by the National Weather Service.
2. In this section, a restraint unreasonably limits a dog's movement if the restraint:
- a. Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
 - b. Is a length shorter than the greater of:
 - i. Five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - ii. Ten feet;
 - c. Is in an unsafe condition; or
 - d. Causes injury to the dog.
3. Exceptions. The following do not constitute a violation of this section:
- a. A dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;
 - b. A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal or state authority or the City of El Paso;
 - c. A dog restrained for a reasonable period, not to exceed three hours in a twenty-four-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;
 - d. A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid permit or license issued by the State of Texas or City of El Paso if the activity for which the license is issued is associated with the use or presence of a dog;

- e. A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or
 - f. A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
4. This section does not prohibit a person from walking a dog with a hand-held leash.
1. It shall be a violation of this title to provide an alcoholic beverage, controlled substance, or illegal drug to an animal, unless prescribed by a veterinarian.

Section 3. That Title 7 (Animals), Chapter 7.12 (Dogs and Cats), Section 7.12.020 (Registration, vaccination, and microchip required) be amended in its entirety to read as follows:

7.12.020 - Registration, vaccination, and microchips required.

- B. Upon application by a veterinarian, the program shall furnish the veterinarian with a supply of microchips and pre-numbered registration certificates and corresponding tags. The veterinarian shall be authorized to receive applications and issue registration certificates and tags for animals that are currently vaccinated and microchipped. Copies of all certificates issued shall be distributed and transmitted to various city agencies in accordance with arrangements made by the program with the veterinarians, provided that no information shall be released in violation of Texas Health and Safety Code Section 826.0211.
- 1. When applying for additional microchips, certificates and tags, the veterinarian shall account to the program for all those previously supplied to him, and shall remit to the program all fees collected.
 - 2. A veterinarian may exchange up to 100 unused, expired from the previous year tags for current year tags annually. This section does not apply to lost tags.
 - 3. He shall be held financially responsible for any microchips, certificates and tags no longer in his possession that have not been issued or voided and returned to the program.

4. The program may refuse to supply additional microchips, certificates and tags to any veterinarian who fails to account for all items previously furnished to him by the program. All fees collected by any veterinarian are payable to the city upon demand.

Section 4. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.030 (Groomer license application) be amended in its entirety to read as follows:

7.15.030 - Groomer license application.

- A. An individual seeking to perform animal grooming must first obtain from the director or designee, an animal groomer certificate or other proof of completion of the director's animal groomer training course or an equivalent course pre-approved by the director before obtaining a groomer license.
 1. An individual must register for the animal groomer training course by submitting a form obtained from the department and paying the course fee.
 2. The animal groomer certificate or other proof of animal groomer training course completion is valid for five years from the date of issuance.
- B. An individual seeking to perform animal grooming must submit a signed, verified application annually, with the appropriate application fee(s), to the permit official. Applications shall be on forms obtained from the permit official and must contain, at a minimum, the following true and correct information and documentation:
 1. Full name of groomer;
 2. Address of groomer;
 3. Proof of identification of groomer, in the form of a **valid** government-issued photographic identification;
 4. A copy of the individual's animal groomer certificate **and pet CPR certificate**;
 5. A sworn statement that the groomer is not under criminal investigation for, does not have pending criminal charges or a conviction for animal cruelty or a similar offense (e.g., battery, assault, domestic violence, any crime of a violent nature) in Texas or any other jurisdiction in the past ~~ten~~ **seven** years;

6. Any other information as required by the application.

Section 5. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.070 (Denial) be amended to read as follows:

7.15.070 - Denial.

- A. The permit official shall deny an application for a groomer license, whether original or renewal, by serving the applicant with written notice by regular mail to the address listed in the application, if:
1. The applicant is found to be in violation of this chapter or found, in the opinion of the director, to pose a significant risk to the public or animals for failure to meet the minimum standards of care set forth in Title 7; or
 2. The permit official finds any of the following:
 - a. That the applicant has supplied false or incorrect information on any application for a license;
 - b. That the applicant has failed to supply all information and/or documentation required on the application form;
 - c. That the applicant has failed to pay the application fee;
 - d. That the applicant is under criminal investigation for animal cruelty or a similar offense (e.g., battery, assault, domestic violence, any crime of a violent nature) in Texas or any other jurisdiction;
 - e. That the applicant has pending criminal charges for animal cruelty or a similar offense (e.g., battery, assault, domestic violence, any crime of a violent nature) in Texas or any other jurisdiction;
 - f. That the applicant has been convicted of animal cruelty or a similar offense (e.g., battery, assault, domestic violence, any crime of a violent nature) in Texas or any other jurisdiction in the past ~~ten~~ seven years;
 - g. That the applicant was providing grooming services without a license within the preceding six months of the person's application for a license.
- B. In the event that an applicant's current license is under suspension, no new license or suspension shall be issued until the term of such suspension has expired.

- C. In the event that an applicant's current or prior license is revoked pursuant to Section 7.15.080 of this chapter, no new license or suspension shall be issued until the term of such revocation has expired.
- D. The permit official shall issue the written notice of denial of a license to the applicant which shall contain, at a minimum, the following:
 - 1. The name of the applicant;
 - 2. Statement that the license is denied; and
 - 3. Reason(s) for the denial.

Section 6. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.080 (Groomer license suspension or revocation), be amended to read as follows:

7.15.080 - Groomer license suspension or revocation.

- A. Suspension of Groomer's License. The director may suspend a groomer's license if the director determines any of the following occurred:
 - 1. The license holder is under ~~criminal~~ investigation or has pending criminal charges for violating a provision of this chapter or a rule adopted under this chapter;
 - 2. The license holder is under ~~criminal~~ investigation or has pending criminal charges for having been intoxicated or under the influence of a mind-altering substance while providing grooming services;
 - 3. The license holder is under criminal investigation or pending criminal charges for animal cruelty;
 - 4. The license holder groomed an animal(s) without verifying that the animal had current vaccinations, microchip and city registration as required by applicable city, state and federal regulations;
 - 5. The license holder failed to provide a written report of a grooming-related injury requiring medical attention or the death of any animal whom he or she groomed to the department within forty-eight hours of the occurrence of such incident.
- B. Term of Suspension. The director may suspend a groomer's license according to the below:
 - 1. Except as provided by paragraph 2 below, the director may suspend a groomer's license for up to sixty calendar days.

2. A suspension due to a criminal investigation or pending criminal charges shall remain in effect until the first of the following occurs:
 - a. The license term expires;
 - b. The criminal investigation ends without pursuit of criminal charges; or
 - c. The criminal charges are dismissed.
- C. Notice of Intent to Suspend. Prior to the issuance of a suspension pursuant to paragraph A of this section, the director will issue a notice of intent to suspend. The notice of intent to suspend will include the following:
 1. Name and address of the groomer;
 2. Reason(s) for proposed suspension;
 3. Notice of any corrective measures necessary to bring the groomer into compliance with the requirements of this chapter;
 4. **Ten calendar day** Reasonable time limit for the completion of the corrective measures;
 5. Statement that the license, is subject to suspension for failure to complete the corrective measures within the allotted time;
 6. Require the groomer license be surrendered in-person or by certified mail to the director within seven **calendar** days of receipt of notice of suspension;
 7. Statement that the license, is subject to revocation for failure to surrender groomer license within the allotted time; and

Failure to adopt the corrective measures by the time allotted in the notice of intent to suspend will result in suspension of the license. The director may reduce the time of suspension upon completion of the required corrective measures.
- D. The director may revoke a groomer's license if the licensed groomer is suspended for two violations of this chapter within a twelve-month period.
- E. Revocation of Groomer's License. The director may revoke a groomer's license subject to this chapter if the director determines that any of the following occurred:
 1. The license holder supplied false or misleading information on any application for a license;
 2. The license holder continues to provide grooming services on a suspended license;

3. The license holder is ~~convicted of~~ found to be violating a provision of this chapter or a rule adopted under this chapter;
 4. The license holder is ~~convicted of having been~~ found to have been intoxicated or under the influence of a mind altering substance while providing grooming services;
 5. The license holder is convicted of animal cruelty.
- F. A licensed groomer that has had his license suspended or revoked shall surrender the groomer license to the director within seven calendar days of receiving notice from the city of suspension or revocation, regardless of whether the registrant or licensed groomer requests an appeal in accordance with Section 7.15.190 of this Code.
1. In the case of suspension, failure to surrender the groomer license within seven calendar days' notice of the suspension shall cause the director to revoke the license. For the purpose of this provision, notice is considered received upon the department's mailing the notice via regular mail to the address listed in the groomer's license application.
 2. A suspended license holder shall not commence operations after the term of suspension has ended without first retrieving his license from the director.
- G. Notice of Suspension or Revocation. The director shall issue a written notice of suspension or revocation, pursuant to subsection A of this section to the groomer at issue and any shop at which such groomer provides services, which shall contain, as applicable, the following:
1. Name and address of the groomer;
 2. Statement of whether the license is suspended or revoked;
 3. Reason(s) for the suspension or revocation;
 4. Notice of any corrective measures necessary to bring the groomer into compliance with the requirements of this chapter;
 5. Reserved.
 6. Statement that the license, if suspended, is subject to revocation for failure to complete the corrective measures by the end of the suspension term;
 7. Order that the groomer license be surrendered in-person or by certified mail to the director at Animal Services within seven calendar days of receipt of notice of suspension or revocation;

8. Statement that the license, if suspended, is subject to revocation for failure to surrender groomer license within the allotted time; and
 9. Statement that the suspension or revocation may be appealed under the provisions set forth in Section 7.15.190 of this Code.
 10. For the purpose of this section, notice is considered received upon the groomer's mailing the notice via regular mail to the director.
- H. License Reinstatement. A licensed groomer may seek to reinstate a revoked license according to the below:
1. A groomer must reapply for a groomer's license pursuant to Section 7.15.030 of this chapter. A groomer may not reapply for a new license for a period of twelve months after said license has been revoked.
 2. A groomer who is found to perform grooming services with a revoked license shall not be eligible to reapply for a new license for a period of eighteen months after said license has been revoked.

Section 7. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.090 (Shop registration required), be amended to read as follows:

7.15.090 - Shop registration required.

- A. Shop registration shall be required for any animal establishment where grooming is performed. It shall be a violation of this chapter for any shop to perform grooming without first having obtained and paid for a valid registration from the permit official.
- B. The shop registration certificate shall be displayed inside the Shop during regular operation of the shop and shall be visible for inspection by groomers, clients and city officials.
- C. The registration requirements of this chapter do not apply to veterinary offices, veterinary clinics, or veterinary hospitals.
- D. A registered shop shall only employ and/or allow groomers in possession of a current, valid groomer license issued by the city, to provide grooming services and must adhere to the following:
 1. The shop must at all times maintain and have available for department inspection a list on a form provided by the city, with the following:

- a. The name and groomer license number of each groomer employed by or allowed the use of the shop in the previous two years; and
 - b. The date each groomer began employment with or use of the shop; and
 - c. The date each groomer ceased its employment with or use of the shop.
- 2. The shop must perform a mandatory, **state-wide criminal** background check on any groomer employed by or allowed to use the shop;
- 3. Any groomer with a conviction for animal cruelty or any similar violation (e.g., battery, assault, domestic violence, any crime of a violent nature) within the previous ~~ten~~ **seven** years must not be employed by or allowed use of the shop;
- E. The shop shall maintain shop hygiene, public health and safety standards in accordance with applicable municipal, state and federal regulations so as not to endanger the public or animal health or create a nuisance.
- F. The shop shall ensure that the building, facility or mobile structure in which it operates is kept in a clean and sanitary condition and is equipped with the following:
 - 1. Hot and cold running water; and
 - 2. Working air conditioning and heating unit(s); and
 - 3. Proper ventilation and filtration system.
- G. The shop shall take every reasonable precaution to ensure that animals are not abused, mistreated, neglected, endangered or in any manner made to suffer by any persons, animals, or any other means. Any tack, equipment, device, substance or material that is or could be injurious or cause unnecessary cruelty to any animal is prohibited.
- H. The shop shall provide each animal under its care and control with the following:
 - 1. Fresh water within each animal's kennel. Fresh water shall be provided in a bowl free of debris, and if not new, properly sanitized before each animal's use;
 - 2. A clean and sanitary kennel or cage of appropriate size, suitable for each animal.
- I. The shop must provide a means for the owner(s) of any animal receiving grooming services to observe the grooming process either by use of a video surveillance system or windows through which the services can be seen as they are rendered.

- J. The shop must not take possession of or provide grooming services to an animal that does not have current vaccinations, microchip and city registration as required by applicable city, state and federal regulations.
- K. The shop must report all grooming-related injuries to animals requiring medical attention and the deaths of any animal at the shop, in writing within forty-eight hours of the occurrence of such incident to the department. Such report must include:
 - 1. The name, address and phone number of the owner or guardian of the injured or deceased animal as well as name of the injured or deceased animal; and
 - 2. Any information known as to how the injury to or death of the animal took place.
- L. The shop must maintain accurate records of all transactions showing the date, type of animal, type of activity, groomer that provided services and parties to any transaction. Such records shall be kept for a minimum of two years and will be made available upon demand to the department.
- M. All documents relevant to each groomer’s application, criminal background check, and supporting documents shall be available on site for inspection.

Section 8. That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.100 (Shop registration application), be amended to read as follows:

7.15.100 - Shop registration application.

- A. Shop registration shall be required for any shop where animal grooming is performed. No shop shall be allowed to perform animal grooming without first having obtained and paid for a valid registration from the permit official. Applications shall be on forms obtained from the permit official and shall contain, at a minimum, the following information:
 - 1. Full name of the owner of the shop;
 - 2. Address of the owner of the shop;
 - 3. Shop address;
 - 4. Indication of existing shop (in operation for the preceding twelve months) or new shop;
 - 5. Copies of all groomers' current animal grooming licenses issued by the department; shops will not be issued shop registration without licensed groomers;

6. Except for a shop that is new, copy of current shop registration issued by the permit official;
7. A current, valid certificate of occupancy issued by the building official for the shop;
8. The acreage or square footage where the animals will be kept;
9. The number of anticipated animals or the average number of animals the shop services over the course of a twelve-month span;
10. The kinds of enclosures within which the animals are to be kept;
11. Information or evidence as to the methods by which the applicant will make and maintain accurate records of all transactions for a minimum of two years;
12. Information or evidence as to the methods by which the applicant will keep the shop under sanitary conditions so as not to endanger the public or animal health nor create a nuisance;
13. Information or evidence of compliance with the city's zoning ordinances for facilities, activities and operations conducted on property within the city limits; and
14. Any other information as required by the application.

Section 9. That Title 7 (Animals), Chapter 7.08 (Animals Generally), Section 7.15.140 (Denial) be amended to read as follows:

7.15.140 - Denial.

- A. The permit official shall deny an application for shop registration, whether original or renewal, by serving the applicant with written notice by regular mail, if:
 1. The applicant is found to be in violation of this chapter or found, in the opinion of the director, to pose a significant health risk to the public or animals for failure to meet the minimum health standards or standards of care set forth in this chapter; or
 2. The permit official finds any of the following:
 - a. That the applicant has supplied false or incorrect information on any application for a registration;
 - b. That the applicant has failed to supply all information required on the application form;
 - c. That the applicant has failed to pay the application fee; or
 - d. That the applicant does not have any licensed groomers employed to operate.

- B. In the event that an applicant's registration is under suspension, no new registration shall be issued until the term of such suspension has expired.
- C. In the event that an applicant's registration is revoked, no new registration shall be issued until the term of such revocation has expired.
- D. The permit official shall issue the written notice of denial of a registration to the applicant which shall contain, at a minimum, the following:
 - 1. The name of the applicant or shop;
 - 2. Statement that the registration is denied; and
 - 3. Reason(s) for the denial, as listed in this section.

Section 10. That Title 7 (Animals), Chapter 7.28 (Animal Shelter Advisory Committee), Section 7.28.050 (Quorum and procedures) be amended to read as follows:

7.28.050 - Quorum and procedures.

- A. The ASAC shall select from among its members a chair and a vice-chair, and may adopt rules and regulations for the governing of its own proceedings to carry out the purposes for which the ASAC was created, consistent with the state law and the charter and ordinances of the city. A quorum shall initially consist of seven members. Beginning March 27, 2012, when the ASAC consists of eleven members, a quorum shall consist of six members.
- B. The city shall provide support to the ASAC for the purpose of scheduling and giving notice of the meetings, the preparation of minutes of each meeting, and the provision of other reasonable support services. The city's director of the ~~dDepartment of environmental services~~ Animal Services shall designate a city employee to serve as the secretary. The secretary shall have the right to attend meetings and speak on questions before the ASAC, but shall have no vote and shall not be counted for the purpose of making a quorum or determining the number

Section 11. Title 7 (Animals) amendments shall take effect February 1, 2022.

Section 12. Except as expressly herein amended, Title 7 (Animals), of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2021.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:

Ramon Herrera, Director
Department of Animal Services