

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

**AGENDA DATE:** January 4, 2022

**PUBLIC HEARING DATE:** January 18, 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) TO ADD INCLEMENT WEATHER TO THE DEFINITIONS; CHAPTER 7.08 (ANIMALS GENERALLY), SECTION 7.08.050 (STANDARDS FOR ANIMAL CARE) TO ADD INCLEMENT WEATHER CONDITIONS TO UNLAWFUL RESTRAINT OF A DOG; CHAPTER 7.12 (DOGS AND CATS), SECTION 7.12.020 (REGISTRATION, VACCINATION, AND MICROCHIPS REQUIRED) TO ALLOW VETERINARIANS TO EXCHANGE OR RETURN UP TO 100, UNUSED, EXPIRED FROM THE PREVIOUS YEAR TAGS FOR CURRENT YEAR TAGS; CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.030 (GROOMER LICENSE APPLICATION) TO CLARIFY THE CONTENTS OF THE GROOMER'S APPLICATION; CHAPTER 7.15, SECTION 7.15.070 (DENIAL) TO AMEND CONVICTION TIMEFRAME INELIGIBILITY; CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.080 (GROOMER LICENSE SUSPENSION OR REVOCATION) TO CLARIFY THE TYPE OF INVESTIGATION AND CORRECTIVE ACTION TIMEFRAME; CHAPTER 7.15, SECTION 7.15.090 (SHOP REGISTRATION REQUIRED) TO CLARIFY THE TYPE OF BACKGROUND CHECK REQUIRED AND ALLOWING DOCUMENTS RELEVANT TO APPLICATION, BACKGROUND CHECK, AND SUPPORTING DOCUMENTS BE AVAILABLE FOR INSPECTION; CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.100 (SHOP REGISTRATION APPLICATION) TO CLARIFY THE ISSUANCE OF SHOP REGISTRATION REQUIREMENTS; CHAPTER 7.15, SECTION 7.15.140 (DENIAL) TO CLARIFY DENIAL REASONS FOR PERMIT APPLICATION; CHAPTER 7.28 (ANIMAL SHELTER ADVISORY COMMITTEE), SECTION 7.28.050 (QUORUM AND PROCEDURES) TO AMEND DEPARTMENT; 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?**

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:**

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



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**(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) TO ADD INCLEMENT WEATHER TO THE DEFINITIONS; CHAPTER 7.08 (ANIMALS GENERALLY), SECTION 7.08.050 (STANDARDS FOR ANIMAL CARE) TO ADD INCLEMENT WEATHER CONDITIONS TO UNLAWFUL RESTRAINT OF A DOG; CHAPTER 7.12 (DOGS AND CATS), SECTION 7.12.020 (REGISTRATION, VACCINATION, AND MICROCHIPS REQUIRED) TO ALLOW VETERINARIANS TO EXCHANGE OR RETURN UP TO 100, UNUSED, EXPIRED FROM THE PREVIOUS YEAR TAGS FOR CURRENT YEAR TAGS; CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.030 (GROOMER LICENSE APPLICATION) TO CLARIFY THE CONTENTS OF THE GROOMER'S APPLICATION; CHAPTER 7.15, SECTION 7.15.070 (DENIAL) TO AMEND CONVICTION TIMEFRAME INELIGIBILITY; CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.080 (GROOMER LICENSE SUSPENSION OR REVOCATION) TO CLARIFY THE TYPE OF INVESTIGATION AND CORRECTIVE ACTION TIMEFRAME; CHAPTER 7.15, SECTION 7.15.090 (SHOP REGISTRATION REQUIRED) TO CLARIFY THE TYPE OF BACKGROUND CHECK REQUIRED AND ALLOWING DOCUMENTS RELEVANT TO APPLICATION, BACKGROUND CHECK, AND SUPPORTING DOCUMENTS BE AVAILABLE FOR INSPECTION; CHAPTER 7.15 (GROOMING SERVICES), SECTION 7.15.100 (SHOP REGISTRATION APPLICATION) TO CLARIFY THE ISSUANCE OF SHOP REGISTRATION REQUIREMENTS; CHAPTER 7.15, SECTION 7.15.140 (DENIAL) TO CLARIFY DENIAL REASONS FOR PERMIT APPLICATION; CHAPTER 7.28 (ANIMAL SHELTER ADVISORY COMMITTEE), SECTION 7.28.050 (QUORUM AND PROCEDURES) TO AMEND DEPARTMENT; 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.

**ORDINANCE NO. \_\_\_\_\_**

**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 add the definition of “inclement weather” as subsection X. as follows, and to renumber all subsequent definitions:

**7.04.010 - Definitions.**

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

**Section 2.** That Title 7 (Animals), Chapter 7.08 (Animals Generally) Section 7.08.050 (Standards for animal care), Subsection H.1. be amended to read as follows:

H.1.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.

**Section 3.** That Title 7 (Animals), Chapter 7.12 (Dogs and Cats), Section 7.12.020 (Registration, vaccination, and microchip required), Subsection 7.12.020.B. be amended 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. 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. A veterinarian may exchange or return up to 100, unused, expired from the previous year tags for current year tags annually. This section does not apply to lost tags. 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. 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), Subsections 7.15.030.B.3., and 7.15.030.B.4., and 7.15.030B.5. be amended to read as follows:

**7.15.030 - Groomer license application.**

- B. 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;

**Section 5.** That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.070 (Denial), Subsection 7.15.070.A.2.f. be amended to read as follows:

**7.15.070 - Denial.**

- A. 2. The permit official finds any of the following:
  - 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;

**Section 6.** That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.080 (Groomer license suspension or revocation), Subsections 7.15.080.A.1. and 7.15.080.A.2., Subsections 7.15.080.C.4. and 7.15.080.C.6., Subsections 7.15.080.E.3. and 7.15.080.E.4., Subsection 7.15.080.G.7. be amended to read as follows:

**ORDINANCE NO.** \_\_\_\_\_

**7.15.080 - Groomer license suspension or revocation.**

- A. 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;
- C. 4. Ten calendar day time limit for the completion of the corrective measures;
- 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.
- E. 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;
- G. 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;

**Section 7.** That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.090 (Shop registration required), Subsections 7.15.090.D.2. and 7.15.090.D.3. be amended and adding Subsection 7.15.090.M., to read as follows:

**7.15.090 - Shop registration required.**

- D. 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;
- 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), Subsection 7.15.100.A.5. be amended to read as follows:

**7.15.100 - Shop registration application.**

- A. 5. Copies of all groomers' current animal grooming licenses issued by the department; shops will not be issued shop registration without licensed groomers;

**Section 9.** That Title 7 (Animals), Chapter 7.08 (Animals Generally), Section 7.15.140 (Denial), to add Subsection 7.15.140.A.2.d. to read as follows:

**7.15.140 - Denial.**

- A. 2. The permit official finds any of the following:
- 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.

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

**7.28.050 - Quorum and procedures.**

- 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 \_\_\_\_\_, 2022.


**CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser  
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 \_\_\_\_\_**

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**Section 2.** That Title 7 (Animals), Chapter 7.08 (Animals Generally) Section 7.08.050 (Standards for animal care), Subsection H.1.c. be amended to read as follows:

H.1. 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
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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. 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. **A**

veterinarian may exchange or return up to 100, unused, expired from the previous year tags for current year tags annually. This section does not apply to lost tags. 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. 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), Subsections 7.15.030.B.3., and 7.15.030.B.4., and 7.15.030B.5. be amended to read as follows:

**7.15.030 - Groomer license application.**

- B. 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;

**Section 5.** That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.070 (Denial), Subsection 7.15.070.A.2.f. be amended to read as follows:

**7.15.070 - Denial.**

- A. 2. The permit official finds any of the following:
  - 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;

**Section 6.** That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.080 (Groomer license suspension or revocation), Subsections 7.15.080.A.1. and 7.15.080.A.2., Subsections 7.15.080.C.4. and 7.15.080.C.6., Subsections 7.15.080.E.3. and 7.15.080.E.4., Subsection 7.15.080.G.7. be amended to read as follows:

**ORDINANCE NO.** \_\_\_\_\_

**7.15.080 - Groomer license suspension or revocation.**

- A. 1. The license holder is under ~~eriminal~~ 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 ~~eriminal~~ investigation or has pending criminal charges for having been intoxicated or under the influence of a mind-altering substance while providing grooming services;
- C. 4. ~~Ten calendar day Reasonable~~ time limit for the completion of the corrective measures;
- 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. ~~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.~~
- E. 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;
- G. 7. Order that the groomer license be surrendered in-person or by certified mail to the director at ~~A~~animal ~~S~~services within seven calendar days of receipt of notice of suspension or revocation;

**Section 7.** That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.090 (Shop registration required), Subsections 7.15.090.D.2. and 7.15.090.D.3. be amended and adding Subsection 7.15.090.M., to read as follows:

**7.15.090 - Shop registration required.**

- D. 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;
- M. ~~All documents relevant to each groomer's application, criminal background check, and supporting documents shall be available on site for inspection.~~

**ORDINANCE NO.** \_\_\_\_\_

**Section 8.** That Title 7 (Animals), Chapter 7.15 (Grooming Services), Section 7.15.100 (Shop registration application), Subsection 7.15.100.A.5. be amended to read as follows:

**7.15.100 - Shop registration application.**

- A. 5. Copies of **all** groomers' current animal grooming licenses issued by the department; **shops will not be issued shop registration without licensed groomers;**

**Section 9.** That Title 7 (Animals), Chapter 7.08 (Animals Generally), Section 7.15.140 (Denial), to add Subsection 7.15.140.A.2.d. to read as follows:

**7.15.140 - Denial.**

- A. 2. The permit official finds any of the following:
- 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.

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

**7.28.050 - Quorum and procedures.**

- 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 ~~d~~Department 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

**ORDINANCE NO. \_\_\_\_\_**