

*THIS IS A DRAFT ORDINANCE AND SUBJECT TO REVISION UNTIL A FINAL ORDINANCE IS APPROVED BY THE CITY COUNCIL
FOR THE CITY OF SAN ANTONIO*

AN ORDINANCE

AMENDING CHAPTER 5 OF THE CITY CODE ENTITLED "ANIMALS" TO REQUIRE THAT ANIMALS BE PROVIDED ACCSS TO SHADE.

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WHEREAS, Animal Care Services' (ACS) mission is to encourage responsible pet ownership by promoting and protecting the health, safety, and welfare of the residents and pets of San Antonio through education, enforcement, and community partnership; and

WHEREAS, since 2005, the City of San Antonio has taken progressive steps towards implementing more humane practices for the care and treatment of all animals; and

WHEREAS, to ensure and promote the humane treatment of animals in San Antonio, San Antonio is governed by Chapter 5 of the City Code which provides a framework of humane laws and policies to ensure the protection of both animals and people; and

WHEREAS, Chapter 5 of the City Code establishes minimum standards of care to safeguard humane care and treatment of animals; and

WHEREAS, Animal Care Services increases the prioritization of calls when a pet is lacking one of the standards of care described in section 5-6 and temperatures are below 32° or the City of San Antonio Health Department issues a heat advisory; and

WHEREAS, Animal Care Services has the authority to require a pet owner to seek veterinarian care when a pet is found in distress or to seize any pet found in exigent condition;

WHEREAS, violation of this ordinance can result in the issuance of a civil citation and criminal citation with a penalty in the amount of up to \$2,000.00 per occurrence; and

WHEREAS, after review of the issues ACS is proposing a recommended revision to Chapter 5 of the City Code by requiring all owned or kept animals have access to shade, whether natural or artificial at all times; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 5 of the City Code of San Antonio, Texas entitled "Animals", is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance. Chapter 5 of the City Code of San Antonio, Texas is hereby amended as follows:

Sec. 5-6. - Standard of care.

An owner, keeper or temporary owner of an animal is required to provide his animals with humane care and treatment as follows:

- (1) Access to an adequate supply of fresh air;
- (2) Species-specific food;
- (3) Fresh water;
- (4) Exercise;
- (5) Shelter, as defined by this Code; ~~and~~
- (6) Access to adequate natural or artificial shade from direct sunlight at all times that is large enough to contain all outdoor pets at one time and is separate from any shade created from the designated shelter; and
- (7) ~~(6)~~ Veterinary care when needed to prevent suffering.

SECTION 2. All other provisions of Chapter 5 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this Ordinance.

SECTION 3. Violations occurring after the effective date of this Ordinance shall be punished as provided in the revised Chapter 5. Violations prior to the effective date shall be punished under the former applicable Sections which shall remain in effect for that purpose.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 5. The City Clerk is directed to promptly publish public notice of this Ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 7. This Ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

SECTION 8. Penalties provided for in this revised Chapter 5 shall be effective five days after publication by the City Clerk.

PASSED AND APPROVED this _____ day of _____, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

DRAFT