

LINE ITEM 6

6. Approve Prior Minutes for Regular City Council Meeting April 1, 2025.



**Regular Council Meeting Minutes,
April 1, 2025**

1. **Call meeting to order:** Mayor Ferguson called the Regular City Council meeting for April 1, 2025 at the Presidio Activity Center into order at 6:00 p.m.
2. **Quorum Check:** City Secretary verified quorum.

Attendee Name	Title	Status	Arrived
John Ferguson	Mayor	Present	
Arian Velazquez-Ornelas	Mayor Pro Tem	Present	
Steve Alvarez	Councilman	Not Present	
Bianca Martinez-Bailon	Councilwoman	Present	
Abel "Billy" Hernandez	Councilman	Present	
Cristian Montoya	Councilman	Not Present	
Pablo Rodriguez	City Administrator	Present	
Brenda Acuña	City Secretary	Present	
Glorissel Muñiz	Deputy City Secretary	Present	

3. **Pledge of Allegiance:** Councilman Hernandez led pledge of allegiance.
4. **Recognize and Welcome Visitors – 5 minutes**

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comments with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor Ferguson welcomed public and City of Presidio staff to the regular meeting on April 1, 2025 at the Presidio Activity Center and opened floor for any visitor to address the City Council for five minutes. Mr. John Kennedy commented on filibuster. Mr. Isidro Montoya commented on his concern of drivers speeding on Stockyard Road. Mayor Ferguson stated he would let Presidio County Sheriff Deputy Nunez of the concern.

5. **Approve Prior Minutes for:**
 - a. **Regular City Council Meeting, March 4, 2025**
 - b. **Regular City Council Meeting, March 18, 2025**

DISCUSSION: No discussion.

ACTION: Councilwoman Velazquez-Ornelas moved to approve minutes for Regular City Council Meeting, March 4, 2025 and Regular City Council Meeting, March 18, 2025 as presented.

Councilman Hernandez seconded the motion.

Motion Carried Unanimously 3-0

6. **New Business**
 - a. **Discussion / action to approve the City of Presidio 4th of July event.**

DISCUSSION: Councilwoman Velazquez-Ornelas informed the City Council of the up and coming 4th of July event. Councilwoman Velazquez-Ornelas stated that Mr. Acosta needed to order fireworks early to ensure a fair price purchase.

ACTION: Councilwoman Martinez-Bailon moved to approve the City of Presidio 4th of July event and \$4000 of fireworks.

Councilman Hernandez seconded the motion.

Motion Carried Unanimously 3-0

b. Discussion / action to accept Proclamation to proclaim April as Fair Housing Month for the City of Presidio.

DISCUSSION: Mayor Ferguson stated this proclamation was needed to keep in compliance with the grants for the city.

ACTION: Councilwoman Velazquez-Ornelas moved to approve and accept Proclamation to proclaim April as Fair Housing Month for the City of Presidio.

Councilwoman Martinez-Bailon seconded the motion.

Motion Carried Unanimously 3-0

c. Discussion / action on TxCDBG Grant CDV23-0300 (Water and Drainage Improvements) project status and other grant matters.

DISCUSSION: Mrs. Becky Brewster updated on the TxCDBG Grant CDV23-0300 (Water and Drainage Improvements) project status. The water project is in the environmental assessment through the state review period that ends today. If they find no negative comments that need to be addressed, they will release the funds.

ACTION: No action.

d. Discussion / action to score and select proposal for Engineering Services for the TxCDBG Rural Economic Development (RED) grant CRC23-0523.

- a. Other grant matters** – Ms. Aubrey-Ann Gilmore, Texas Department of Agriculture Program Specialist informed the City Council on the RED Grant application process. Ms. Gilmore stated that it could be challenging to utilize the RED Grant funds for the Industrial Park. She informed that TxCDBG is requiring that the funds to be used to construct a space to recruit business for tax purposes and high quality jobs. This could be a challenge to use the grant funds for the Industrial Park and the associated company must be able to provide employment to at least 30 moderate and low-income persons. In addition, the company must be able to keep up with the payroll documentation.

DISCUSSION: City Council scored the three proposals that were submitted in a timely manner. Jacob & Martin scored 243, Wilson & Co., scored 251, and Brock & Bustillos Inc., scored 273 points.

ACTION: Councilwoman Velazquez-Ornelas moved to select Brock & Bustillo Inc. with the highest score of 273. Councilwoman Martinez-Bailon seconded the motion.

Motion Carried Unanimously 3-0

e. Discussion / action action to approve the Contract for selected Engineering Services for the TxCDBG Rural Economic Development (RED) grant CRC23-0523.

- a. Other grant matters**

DISCUSSION: Mrs. Brewster informed City Council that the contract would be part of the grant with the agreed amount for the engineering firm.

ACTION: Councilwoman Velazquez-Ornelas moved to approve the Contract for the selected Engineering Services, Brock & Bustillos Inc., for the TxCDBG Rural Economic Development (RED) grant CRC23-0523.

Councilman Hernandez seconded the motion.

Motion Carried Unanimously 3-0

- f. **Discussion / action to accept Councilmember Steve Alvarez Resignation Letter and authorize City Secretary to call out for Letters of Interest for the vacated City Council seat.**

DISCUSSION: Mayor Ferguson stated the resignation letter from Councilman Steve Alvarez was in the packet.

ACTION: Councilwoman Velazquez-Ornelas moved to accept the Resignation Letter from Councilmember Steve Alvarez and authorize City Secretary to call out for Letters of Interest for the vacated City Council seat. Councilwoman Martinez-Bailon seconded the motion.
Motion Carried Unanimously 3-0

- g. **Discussion / action to consider a variance to Mr. Rod Ponton to approve a setback to remodel the building at 500 North Gleim Street, Presidio, Texas.**

DISCUSSION: Mr. Rod Ponton approached the City Council with a request for a setback variance to remodel his building at 500 N Gleim Street.

ACTION: Councilwoman Velazquez-Ornelas moved to table line item 6g waiting for more paperwork for consideration. Councilwoman Martinez-Bailon seconded the motion.
Motion Carried Unanimously 3-0

- h. **Discussion / Action to re-advertise for the Request for Proposals on the 800 Block on O'Reilly.**

DISCUSSION: City Administrator informed the City Council no one had submitted any RFP's for hotels the 800 Block on O'Reilly.

ACTION: Councilwoman Velazquez-Ornelas moved not re-advertise the RFP's and to reach out to potential interested parties. Councilman Hernandez seconded the motion.
Motion Carried Unanimously 3-0

- i. **Discussion / Action to keep or sell the property under the Post Office land, not including the adjacent empty lot known as the grassy area.**

1. **Adjourn into executive session as Authorized by the Texas Government Code including, but not limited to sections 551.072 (Deliberations about Real Property) and 551.087 (Economic Development), regarding agenda item 6i.**
2. **Reconvene into open session and take such action as appropriate.**

ACTION: Mayor Ferguson adjourned into executive session at 7:51 p.m. and reconvened into open session at 8:18 p.m. to take appropriate action.

DISCUSSION: Mayor Ferguson stated they had very good discussion on this matter. As of now, there will be no action on this item until the city receives guidance from the city's financial advisors.

ACTION: No action.

7. Administrative Updates (NO ACTION)

- a. **City Administrator's Report** – City Administrator reported on the city having a contracted financial advisor since 2019. The financial advisors are Tejerina Financial Advisors and they are very willing to talk to whomever needs more information. Mr. Rodriguez has begun talks with Wilson & Company with infrastructure needs for the city.

- b. **City Mayor's Report** – Mayor Ferguson reported on inviting the Presidio County Chief Appraisal to have a town hall again in the city to answer questions from the public. Mayor Ferguson thanked everyone.
- c. **City Council Report** – Councilwoman Velazquez-Ornelas reported on a few events for the Texas Parks and Wildlife during the month of April.

8. Adjourn

DISCUSSION: There being no further business for the City Council Mayor Ferguson adjourned the regular City of Presidio meeting for April 1, 2025 8:34 p.m.

ACTION: Councilwoman Velazquez-Ornelas moved to adjourn the regular City of Presidio meeting for April 1, 2025 8:34 p.m.

Councilwoman Martinez-Bailon seconded the motion.

Motion Carried Unanimously 3-0

City of Presidio

John Ferguson
City of Presidio Mayor

ATTEST:

Brenda Lee Acuña
City Secretary

LINE ITEM 7

CITY OF PRESIDIO BUSINESS
(NEW/OLD)

- a. Discussion / action to accept the FY 2024 Audit Report presented by Preston Singleton, CPA & Managing Shareholder for Singleton, Clark & Co, PC.

LINE ITEM 7

CITY OF PRESIDIO BUSINESS (NEW/OLD)

- b. Discussion / action to accept and sign the City of Presidio Landscape Maintenance Agreement with TxDOT regarding the enhanced landscaping to be done on Hwy 67 from Cibolo Creek Bridge to the Port of Entry.



LANDSCAPE MAINTENANCE AGREEMENT

Form 2043
(Rev. 10/18)
Page 1 of 3

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

This AGREEMENT made this _____ day of _____, 20____, by and between the Texas Department of Transportation, hereinafter referred to as the "State," and the City of Presidio, Presidio County, Texas, acting by and through its duly authorized officers, hereinafter called the "City".

WITNESSETH

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the State and the City have entered into a Municipal Maintenance Agreement dated April 29th, 2008, **the provisions of which are incorporated herein by reference**, and wherein the City has agreed to retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the department; and

WHEREAS, the State has existing and proposed landscape improvements, such as, but not limited to, the installation of tree, shrub, and turf plantings, irrigation systems, and other aesthetic elements for areas within the right of way of state highway routes within the City as shown on Attachment "A"; and

WHEREAS, the State will provide such landscape improvements, provided that the City agrees to be responsible for all required maintenance of the landscape improvements.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, it is agreed as follows:

Contract Period

This Agreement becomes effective upon the date of final execution by the State, and shall remain in effect until terminated or modified as hereinafter provided.

Coverage

This agreement prescribes the responsibilities of the State and the City relating to the maintenance of the Landscape Development and Enhancement project which is located on US 67 non-controlled access state highway, as defined in the Municipal Maintenance Agreement. The maintenance is further described in Attachment A, the location map for this project, and limited to the portions along (IHxx, FMxx, SHxx) US 67 from FM 170 to BUS 67.

Amendment

The parties agree that this agreement may be amended. Such amendments, to be effective, must be in writing and signed by both parties.

State's Responsibilities

The State shall install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents.

City's Responsibilities

The City may install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents. Any installations shall be performed in accordance with Texas Department of Transportation specifications and standards, and must be approved by the State in writing prior to any work being performed.

The City shall maintain all landscape elements within the limits of the right of way including all median and island areas but excluding paved areas intended for vehicular travel. Landscape maintenance shall include but not be limited to plant maintenance, plant replacement, mowing and trimming, hardscape element maintenance, and irrigation system operation and maintenance. The City will be responsible for all utility costs associated with maintaining landscape elements. All landscape elements must be maintained in a functional and aesthetically pleasing condition.

TERMINATION

It is understood and agreed between the parties hereto that should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon thirty days written notice. Additionally, this agreement may be terminated by mutual agreement and consent of both parties.

Should the City terminate this agreement, as prescribed here above, the City shall, at the option of the State, reimburse any reasonable costs incurred by the State.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of Presidio on the _____ day of _____, year _____, and the Texas Department of Transportation, on the _____ day of _____, year _____.

ATTEST:

THE STATE OF TEXAS

CITY OF Presidio

By _____
(Title of Signing Official)

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and the established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____
District Engineer

El Paso-24
District

Attachments

Attachment A Project information and Location Map

FY 25 Green Ribbon - Presidio

CSJ: 0924-07-025

Highway: US 67/170 and BU 67A

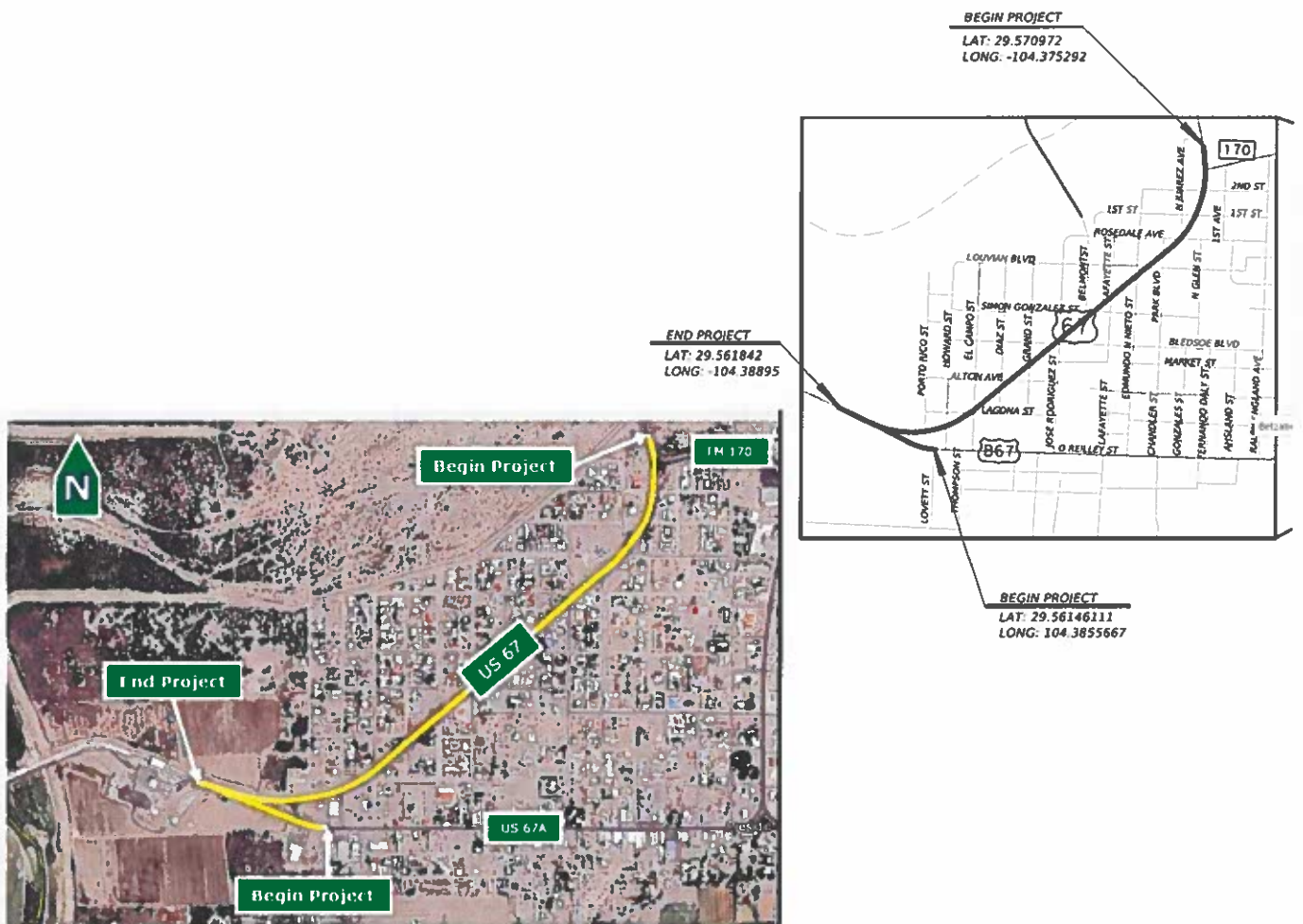
Estimated Letting Date: July 1, 2025

Engineers Estimate: \$876,000

Project Limits: From 250 ft North of US 67/FM 170 Intersection
To RM 994, and From Lovett St to RM 994

Project Length: 1.40 Miles

Project Scope: Landscape & Scenic Enhancement



Attachment A (CON'T) Scope of Work

Work Responsibilities

The Local Government will maintain the Project in accordance with State standards. The local Government shall maintain the landscape elements and site amenities within the project limits of the Right of Way between US-67 and FM-170 at Presidio Monument to near port of entry on US 67.

A. Local Government agrees to:

1. Furnish the State in writing overall clearance with all appropriate regulatory agencies prior to beginning maintenance activities.
2. Verify location of all utilities within project area. Utility considerations shall include, but not limited to, the following: gas, water, electricity, fiber optics, telephone, signals, lighting, CTMS, sanitary sewer, etc.
3. Furnish the State any revisions or modifications mutually agreed upon between the Local Government and the State.
4. Furnish all labor, equipment, materials, and incidentals to provide for maintenance activities that shall include but not be limited to the following:

Plant, Trees and Hardscape Maintenance

For the work of plant maintenance, all reasonable means shall be employed to preserve the plants and vegetative material existing within the project limits in a healthy and vigorous growing condition. This maintenance activity shall include but not be limited to:

- A. Plant bed and basin maintenance including shaping, weed control and mulch/ rock control.
- B. Dead plant removal, and replacement, if possible, within the next scheduled work period following notification to begin replacement.
- C. Insect, disease, and animal control.
- D. Fertilizing as needed during the appropriate season.
- E. Herbicide treatments as directed.
- F. Maintenance and removal of tree supports (staking, guying, bracing) and dispose as directed.
- G. Prune and shape plants, trim palms and trees to comply with visibility requirements.
- H. Litter pick-up: remove bagged litter the same day it is collected and dispose in accordance with federal, state, and local regulations

Irrigation System Operation and Maintenance

Permanent irrigation system operation and maintenance shall include, but not be limited to:

- A. Inspect and maintain an operable irrigation system to adequately irrigate the plant stock
- B. Monitor and adjust water schedules as needed during the season.
- C. Repair leaks and properly maintain the operation of the irrigation system to ensure adequate moisture to the plant material.
- D. Maintenance and repairs of the system shall be under the supervision of a person possessing an irrigator's license issued by the TCEQ.
- E. Replacement of stolen or broken parts shall be of the same type and manufacturer as originally installed. Substitute parts may be allowed with the approval of the City of Presidio prior to replacement.

- F. Maintain power to controllers to include battery replacement and adjust programs as necessary.
- G. Perform regular inspections to ensure full functionality of the irrigation system.
- H. Bear the cost of water consumption and electricity.

5. Provide inspection of all maintenance work performed to ensure that the work is accomplished in accordance with the approved plans and specifications.

6. Submit for approval a traffic control plan and provide, erect and maintain barricades, signs and traffic handling devices necessary to protect the safety of the traveling public. All placements of barricades, signs and traffic handling devices must conform to the Texas Manual on Uniform Traffic Control Devices and shall be approved by the State prior to placement.

Contact:

Eduardo Perales, P.E.
Transportation Engnr Supvr
Eduardo.Perales@txdot.gov
Office (915) 790-4488
Fax (915) 790-4330
TXDOT – ELP
13301 Gateway West
El Paso, TX 79928-5410

7. Furnish all labor, equipment, material and incidentals as may be required to repair or replace structures or surfaces damaged by Local Government or its agent(s) (contractor) during any maintenance phase of the project to the satisfaction of the State.

B. State agrees to:

1. Allow Local Government and its agent(s) or contractor(s) to utilize the right-of-way for all aspects of the Project described in this Agreement.
2. Coordinate with Local Government plans of the Project, with limits of maintenance defined, attached hereto and made a part of this agreement.
3. Coordinate with Local Government landscape maintenance operations consistent with District policy and the Roadside Vegetation Management Manual.
4. Perform review and inspections, as appropriate, of the project.
5. Coordinate with Local Government in determining the requirements for barricades, signs and traffic handling devices necessary to protect the safety of the traveling public for the project.

LINE ITEM 7

**CITY OF PRESIDIO BUSINESS
(NEW/OLD)**

- c. Discussion / action to approve and accept Ordinance 2025-3 City of Presidio Speed Limit US 67 altering the speed limit on that certain portion of US 67 that lies within the city limits of the City of Presidio.

ORDINANCE 2025-3

AN ORDINANCE OF THE CITY OF PRESIDIO, TEXAS, ALTERING THE SPEED LIMIT ON THAT CERTAIN PORTION OF U.S. 67 THAT LIES WITHIN THE CITY LIMITS OF THE CITY OF PRESIDIO; ESTABLISHING A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATIONS THEREOF; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, SEVERABILITY AND REPEALING CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Presidio, Texas is a type A General Law municipality established and operating under the laws of the State of Texas; and

WHEREAS, the Texas Department of Transportation conducted an engineering and traffic study for certain portions of U.S. 67 and determined that speeds should be reduced to forty miles per hour (40 MPH) for certain areas along the roadway as shown on Exhibit "A", attached hereto and incorporated for all purposes; and

WHEREAS, the City Council has reviewed the documentation provided by the Texas Department of Transportation and finds that it is in agreement with the recommendation to reduce the prima facie speed limit to forty miles per hour (40 MPH) as provided for in Exhibit "A"; and

WHEREAS, Texas Local Government Code, Section 51.001 and 51.012 authorizes a municipality to adopt an ordinance that is not inconsistent with state law and is reasonable and necessary to carry out the police powers of the City; and

WHEREAS, the City is authorized by the Texas Transportation Code to alter and reduce the speed limit on a street within the City limits based upon a determination that the prima facie speed limit is unreasonable or unsafe; and

WHEREAS, the City Council finds and determines that the reducing the prima facie speed limit to forty miles per hour (40 MPH) on certain portions of U.S. 67 that lies within the city limits is reasonable and necessary for the health, safety, of the City and of the motoring public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRESIDIO, TEXAS;

ARTICLE I. FINDINGS OF FACT

All of the foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated fully herein as findings of fact.

ARTICLE II. ADOPTION AND ENACTMENT

- A. The City Council hereby determines upon the basis of the engineering and traffic study conducted by the Texas Department of Transportation that the prima facie speed limit along U.S. 67, lying within the city limits of the City of Presidio shall be forty miles per hour (40 MPH) as provided for in Exhibit "A" attached hereto and incorporated for all purposes.
- B. The City Manager or the City Manager's designee is authorized to cause speed limit signs to be purchased or otherwise procured and installed designating the area as forty miles per hour (40 MPH).

ARTICLE III. PENALTY

A violation of this Ordinance is a Class C Misdemeanor offense punishable by a fine of not more than two hundred dollars (\$200.00) per offense.

**ARTICLE IV.
REPEALER**

This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Presidio, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances, are hereby repealed.

**ARTICLE V.
SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**ARTICLE VI.
PROPER NOTICE AND MEETING**

It is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**ARTICLE VII.
EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the Texas Local Government Code.

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

PASSED & APPROVED this, the 15 of April 2025 by the City Council of Presidio, Texas.

CITY OF PRESIDIO, TEXAS

By: _____
John Ferguson, Mayor

ATTEST:

By: _____
Brenda Lee Acuña, City Secretary

APPROVED AS TO FORM:

By: _____
Cynthia Trevino, City Attorney

Attachment A

Texas Department of Transportation – Pages From Engineering And Traffic Study



LINE ITEM 7

CITY OF PRESIDIO BUSINESS
(NEW/OLD)

- d. Discussion / action to review for the City of Presidio Animal Control Ordinance 2024-13.

**CITY OF PRESIDIO
ANIMAL CONTROL ORDINANCE
ARTICLE I. IN GENERAL.**

Sec. 1-1. Definitions.

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

Adequate shelter means a sturdy structure that provides an animal protection from inclement weather and of a size that allows the animal to stand erect, sit, turn around and lie down in a normal position while in the shelter.

Aggressive animal means any animal that:

- (1) Makes an unprovoked attack on domestic animal that causes injury to that animal and occurs in a place other than an enclosure in which the animal was being kept;
- (2) On more than one (1) occasion, when unprovoked, bites or scratches one (1) or more persons in a place other than an enclosure in which the animal was being kept, and those acts cause a person with normal sensibilities to reasonably believe that the animal will attack and cause bodily injury to a person.

Altered animal means an animal having been spayed or neutered.

Animal means every living nonhuman creature, vertebrate or invertebrate, domestic or wild with the exclusion of fish, amphibians, reptiles, caged birds and small rodents when kept as pets in a private residence, or enclosed in a commercial enclosure. The word "animal" shall mean only a mammal when referring specifically to the control of rabies. .

Animal at large means any animal not under the control of its owner by a leash, chain or suitable material of sufficient strength to control the action of such animal while off the owner's property or animal not confined to the owner's property by a substantial fence or other enclosure to prevent the animal from escaping from the property.

Animal control officer, animal services officer, or ACO means a duly authorized person responsible for the enforcement of this ordinance.

Animal shelter means any premises designated or operated by the city for the purpose of impounding and caring for animals under the authority of this chapter.

Animal Services Fees means the official animal services fee schedule, established by city council resolution and available during normal business hours at city hall or online by visiting www.cityofPresidio.com/fees.

Commented [CT1]: Added definition for animal on animal attacks or attacks on people that do not rise to the level of serious bodily injury.

Commented [CT2]: Added definition & included in the nuisance section as a violation.

Attack means definite vigorous, aggressive action by a dog directly against a person or other animal which results in the infliction of bodily injury, or the threat of bodily injury, by such dog to a person or other animal.

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

City or City of Presidio means officials of the City of Presidio including, but not limited to, the city manager, the animal control officer, and any City of Presidio peace officer.

Collar means a band, chain, harness or other suitable device worn about the neck of an animal to which a current rabies vaccination registration tag can be affixed.

Continual noise or frequent or long continued noise means unwanted or excessive sound, a nuisance that interferes with activities, for example owning an animal that causes frequent or long-continued noise, by barking or howling, that disturbs the comfort of any person or results in two or more noise complaints or distinct episodes within a twenty-four (24) hour period.

Current vaccination means vaccinated against rabies and satisfying the following:

- (1) The animal must have been at least three months of age at the time of vaccination or other minimum age requirement as determined a licensed veterinarian.
- (2) At least 30 days have elapsed since the initial vaccine.
- (3) Note more than 12 months have elapsed since the most recent vaccination.

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 and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and such acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dilapidated means a building, structure or material that has fallen into partial ruin by neglect or misuse or into a condition of partial decay.

Dog means any member of the *canis familiaris* species.

Domestic animals means animal species which generally have their breeding controlled by people and which by their long association with people have been developed into breeds or types for specific uses by people.

Domesticated means a tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.

Dwelling means any building or portion thereof which is designed and used for residential purposes. An attached garage shall be deemed to be part of a dwelling.

Enclosure means a building or other similar structure that is fully enclosed with a roof and sides to provide a degree of protection as well as preventing the ability of escape.

Euthanasia means putting to death of an animal in a manner and method which causes no pain or distress to the animal, and is in compliance with the provisions of V.T.C.A., Health and Safety Code ch. 821, subch. C.

Euthanize means to kill in a humane manner.

Exotic animal means any animal that is not livestock or a domesticated animal and includes animals not commonly domesticated or native to the United States.

Exposed to rabies means an animal which has been exposed to rabies either by being bitten by another animal or has been in contact with any animal known to be or suspected of being infected with rabies.

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

Keep or harbor means to have charge, custody or control of an animal or fowl, or permitting the animal or fowl to habitually remain or be lodged or fed within the property of the owner or occupant of the premises.

License, registration or permit means a printed authorization issued by the city allowing the holder to keep the animal described within the city limits.

Livestock means domestic animals of the equine, bovine, ovine, caprine or porcine genera.

Nuisance means disturbing the peace, emitting noxious or offensive odors or otherwise endangering or being offensive to the environment of the city or conditions that results in two or more complaints to the City within a thirty (30) day period.

Own means to keep, harbor or have charge, custody or control of an animal or fowl.

Owner means any person who owns, harbors, keeps, causes or permits to be harbored or kept, or has in their care, an animal or bird on or about their premises; or any person keeping, harboring, having charge or control of, or permitting to habitually be or remain on such person's premises any animal for a period of three consecutive days or more.

Provoke, provoking, or provocation means that:

- (1) A situation or action that encourages or incites a dog to bite someone. It can also be actions that excite a dog or cause it to feel defensive, regardless of a person's intent.

Quarantine means to place an animal in a secure enclosure which precludes physical contact with any other animal.

Rabies means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Restrained or confined means an animal restricted to the property of the owner or under the direct physical control of a competent person.

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

Retail sale means the business of selling pet animals directly to consumers of the public.

Run at large means free of physical restraint beyond an enclosed or fenced area; includes any animal that is not under the actual control of its owner or a person physically capable of controlling the animal which is not restrained by means of a leash, rope or chain of sufficient strength and length to control the actions of such animal or not confined within any vehicle or cage.

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.

Stray means any animal running free with no physical restraint beyond the premises of the owner.

Swine means any member of the Suidae species.

Unaltered animal means an animal that has not been spayed or neutered.

Vaccination means the inoculation of an animal with a vaccine that is licensed by the United States Department of Agriculture, and which is administered by a veterinarian for the purpose of immunizing the animal against rabies or other diseases.

Veterinarian means a veterinarian holding a current and valid license to practice veterinary medicine in the state.

Wild animal means any non-domestic animal.

Wildlife means any undomesticated animals living in the wild. This shall include, but not limited to lions, tigers, bears, skunks, foxes, coyotes, raccoons, alligators, monkeys, apes and all forms of poisonous animals.

Sec. 1-2. Penalty for violations. Any person upon whom a duty is placed by the provisions of this chapter who, after due process of law, shall be found to fail, neglect or refuse to perform such duty, or who shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed \$500.00. The penalties provided in this section shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this Ordinance.

Sec. 1-3. Enforcement.

- (a) The enforcement of the provisions of this chapter shall be the responsibility of the duly authorized animal control officer (ACO) or any peace officer.
- (b) The animal control officer or any peace officer shall be authorized to issue warnings and citations upon forms prescribed by the city to persons and to owners of animals found to be in violation of the provisions of this Ordinance.
- (c) Upon presentation of the appropriate credentials, the animal control officer shall be authorized to enter upon private property for the purposes of enforcing the provisions of this chapter at all reasonable times. Such entry shall not include entry into a private residence and its fully enclosed and fenced yard or a secure building, unless authorized by to inspect such residence by a magistrate or by order of a court of competent jurisdiction upon showing of a probable violation of this Ordinance.
- (d) When the animal control officer has commenced pursuit of a stray animal, he may follow the animal onto any unenclosed private property for the purpose of apprehending the animal as soon as possible. The officer shall not enter a private residence for the purpose of enforcing the provisions of this chapter without first receiving permission from a lawful adult occupant of the residence or being authorized to inspect such residence by a magistrate or by order of a court of competent jurisdiction upon showing of a probable violation of this Ordinance.
- (e) The animal control officer shall receive, investigate and take proper action on all animal bite reports, reports of suspected rabid animals; reports of rabid animals; unrestrained, unvaccinated or unlicensed animals; animals impounded, animals released, animals euthanized, applications for kennel registrations and all such other duties as may be assigned, and shall keep accurate detailed records of all such activities for a period of not less than one year.
- (f) It shall be unlawful for an unauthorized person to enter by any means or make an opening into any animal control vehicle, animal facility or animal trap set by the City.

Sec. 1-4. Interference with capture of animals or fowl.

It shall be unlawful for any person to hinder, delay, interfere with or obstruct any duly authorized animal control officer or assistants of the city while engaged in capturing, securing or taking to the animal shelter any animals or fowl subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal shelter, ambulance, wagon or other vehicle used for the collecting or conveying of animals or fowl to the shelter.

Sec. 1-5. Records required. It shall be the duty of the animal control officer to keep, or cause to be kept, accurate records pertaining to bite incidents and investigations thereof, impoundments and dispositions thereof, and any other information as deemed necessary.

Sec. 1-6. Abandoning. It shall be unlawful for any person to abandon or dump any animal within the incorporated limits of the city. Abandonment shall mean leaving an animal for a period in excess of 24 hours without appropriate provisions having been made for the feeding, watering and care of such animal. If an animal is restrained or confined without food, water or proper care, the city may enter upon any property where the animal is restrained or confined and supply it the necessary food, water and care so long as it remains there.

Sec. 1-7. Report of animals at large. It shall be the duty of every person to report immediately to the animal control officer the location and description of any animal in violation of this Ordinance.

Sec. 1-8. City-sponsored clinics authorized. The animal services supervisor, chief of police, or city manager is authorized to arrange for city sponsored rabies vaccination-registration clinics as deemed necessary.

Sec. 1-9. Service animals.

- (a) Under the Americans with Disabilities Act, state and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is allowed to go.
- (b) A service animal must be under the control of its handler. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks.
- (c) When it is not obvious what service an animal provides, only limited inquiries are allowed. An ACO may ask two questions:
 - (1) Is the dog a service animal required because of a disability; and
 - (2) What work or task has the dog been trained to perform.
- (d) An ACO is prohibited from asking about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Commented [CT3]: Updated to the current state of the law.

ARTICLE II. KEEPING ANIMALS

DIVISION 1. GENERALLY

Sec. 2.1.1. Standards.

Commented [CT4]: Moved all the standards for keeping of animals to this section.

- (a) Every person owning or having charge, care, custody or control of any domestic animal or bird shall keep such animal or bird under his control by means of physical restraint as follows:
 - 1. Confined on the premises of the owner within a fence or enclosure;
 - 2. Fastened or picketed by a lead, rope or chain so as to keep the animal on the premises;
 - 3. Under the control of a person by a leash.
- (b) If any animal is restrained by a chain leash, wire cable or similar restraint, such restraint shall be designed and placed to prevent choking or strangulation or entanglement with other objects. Such restraint shall not be less than ten feet in length.
- (c) If any animal is kept in an enclosure, the enclosure shall be constructed of material, and in a manner to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition.
- (d) No owner shall fail to provide their animal with sufficient and wholesome food and water, adequate shelter and protection from the weather, veterinary care and treatment.
- (e) No owner or person having charge or custody of an animal shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle or trailer under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or water, or other such circumstances as may be reasonably expected to cause suffering, disability or death of such animal.
- (f) Owners of animals shall keep such animals restrained at all times within the city. An animal shall be deemed restrained when it is confined on the premises of the owner within a secure fence or enclosure of the owner and off of public right-of-way (sidewalks, alleys and streets), within a vehicle being driven or parked, or under the direct physical control of a competent person by means of a secure leash not over six feet in length or similar secure device.
- (g) The owner shall keep the pen or enclosure in such a manner as follows as not to give off odors offensive to persons residing in the vicinity, or to breed or attract flies, mosquitoes or other obnoxious insects, or in any manner to endanger the public health or safety, or create a public nuisance.

Sec. 2.1.2. Seizure and impoundment. Any domestic animal, livestock or bird kept in violation of this section may be seized and impounded by the animal control officer as provided for in subsequent sections of this Ordinance.

Sec. 2.1.3. Running at large prohibited. No person keeping or harboring any animal, fowl or livestock (including goats and horses) shall permit such animal or fowl, except pigeons, to go loose or run at large in any of the public ways of the city or upon the property of another, except in enclosures on the private property owned or leased by the person keeping or harboring such animal

or fowl. Any unidentifiable or unidentified animal required under this ordinance to be vaccinated and not wearing a collar displaying a rabies vaccination tag will be considered at large, stray or feral, and shall be subject to the animal control authority of the city.

DIVISION 2. PUBLIC NUISANCE

Sec. 2.2.1 Public nuisances designated. The following shall be considered a public nuisance and unlawful:

- (a) The keeping of any animal which causes frequent or long continued noise, unwanted or excessive sound, for example barking, howling, or crowing, which disturbs the comfort and repose of any person of ordinary sensibilities in the vicinity of such animal or resulting in two or more complaints or distinct episodes within a twenty-four (24) hour period.
- (b) The keeping of an animal in such a manner gives off offensive odors due to the accumulation of animal waste in the animal's shelter, pens, or enclosures, coops or in any manner that is conducive to the breeding or attraction of flies, mosquitoes or other noxious insects which disturbs persons residing in the vicinity of such shelter, pen, or enclosure or resulting in two or more complaints or distinct episodes within a twenty-four (24) hour period.
- (c) Failure or refusal to correct a nuisance or take action to prevent a recurrence of a nuisance conditions after receiving notification from an Animal Control Officer or a Peace Officer of such nuisance conditions.
- (d) It shall be unlawful for any owner or walker of an animal to permit an animal to discharge its feces upon any public or private property (other than the property of the owner or walker) within the City unless said person immediately removes and cleans up such animal feces.
- (e) It shall be unlawful for any person to maintain an animal which constitutes a nuisance by reason of repeated incidents of being at-large or repeated trespasses on public or private property.

DIVISION 3. LIVESTOCK

Sec. 2.3.1. Keeping Swine Prohibited.

- (a) No person shall keep within the City and hog, sow or pig.
- (b) This section does not apply to any person engaged in the business of buying, selling or transferring livestock at the time of this ordinance's original enactment on March 8, 2001, providing however that no individual animal shall remain on the premises for more than thirty (30) days.

Sec. 2.3.2 Restrictions on keeping horses and other large animals inside city limits.

- (a) No livestock other than horses shall be kept inside the city limits with the following exceptions. Chickens and goats may be kept so long as:

- i. the area is clean;
 - ii. animals are not running loose or otherwise considered at large; and
 - iii. there are not two (2) or more complaints regarding noise, odor or trespassing.
- (b) All horses must be registered with the city on an application created by the city and approved by City Council. The owner of the horse must pay a fee, which is determined by the city council and provided for in listed on Article 4, Permits and Fees. City staff are authorized to request additional paperwork that may be necessary to approve the registration.
- (c) No more than two (2) horses shall be kept in an area less than one (1) lot in size.
- (a) The stable shall be constructed securely with enough room for the horse(s) to walk and turn around with no difficulty.
- (b) Any stable may be inspected at any reasonable time or the issuance of being authorized to inspect such residence by a magistrate or by court order to inspect for odor, cleanliness, availability of water, food and adequate shelter.
- (c) Up to two written warnings may be given to the owner to address all violations regarding clean water, fresh food, shade and treatment for illness and injury. If the owner fails to comply, the animal may be impounded, and charges may be filed in the municipal or district court and fines assessed upon a finding of guilt.
- (d) Horses determined to be mistreated, inhumanely or cruelly treated may be seized by the Animal Control Officer or Peace Officer pursuant to Texas Health and Safety Code, Chapter 821.

Commented [CT5]: Revised this section to have city staff draft application for city council review.

Commented [CT6]: Revised for compliance with state law.

Sec. 2.3.3. Exceptions. This section does not apply to a person who is keeping no more than two (2) of any cattle, horses, swine, sheep or goats as a project animal and who is less than twenty (20) years of age and a member of a bona fide agricultural organization, including but not limited to 4H, FFA, or similar organization.

DIVISION 4. LIMITATION ON ANIMALS AND PROHIBITED ANIMALS

Sec. 2.4.1. Limitation on number of animals.

- (a) Animals are limited based on the number of animals registered pursuant to section 4.1.1.(c) of this Ordinance. Animals kept in numbers above the numbers that are registered are subject to impound.
- (b) This section shall not apply to any business involved in transferring of livestock at the time of this ordinance's original enactment on March 8, 2001, provided however, that no one individual animal shall remain on the premises for more than thirty (30) days.

Sec. 2.4.2 Keeping of wild animals prohibited. It shall be unlawful to harbor or keep any wild animal excluding such animals in the possession of a publicly or privately owned zoo maintained or operated by a nonprofit organization or governmental entity, publicly or privately maintained circus, traveling show or rodeo which does not remain in the city longer than 30 days in each calendar year, or excluding hospitals or clinics operated by licensed veterinarians, and wildlife

rehabilitators and falconers holding current licenses issued by the state parks and wildlife department and the United States Fish and Wildlife Service.

Sec. 2.4.3. Animals excluded as domestic pets.

- (a) The following animals, because they have a high probability of carrying rabies and constitute a danger to public health if brought into Texas, will be excluded from importation as domestic pets and may not be kept as pets in the city:
- i. Skunk (*Mephitis mephitis*, *Spilogale putorius*, *Spilogale gracilis*, *Mephitis macroura*, *Conepatus mesoleucus*, *Conepatus leuconotus*).
 - ii. Fox (*Vulpes fulva*).
 - iii. Raccoon (*Procyon lotor*).
 - iv. Ringtail (*Bassariscus astutus*).
 - v. Bobcat (*Lynx rufus*).
 - vi. Coyote (*Canis latrans*).
 - vii. Marten (*Martes Martes*).

Commented [CT7]: Revised to make it clear that animals cannot be kept as pets.

- (b) These animals may be imported if they are destined for a research institute or public display as in zoos or organized entertainment units (circus).

DIVISION 5. DOGS AND CATS.

Sec. 2.5.1. Dogs and cats to be vaccinated.

- (a) Rabies vaccination. No person shall own, keep or harbor within the city limits any dog or cat four months of age or older unless such dog or cat has a current vaccination. The dog or cat must be revaccinated before the expiration of the first and each subsequent current vaccination period. Official rabies vaccination certificates issued by the vaccinating veterinarian shall contain certain standard information as designated by the state department of health. information required is as follows:
- (1) Owner's name and telephone number.
 - (2) Animal identification: Species, sex, age (three months to 12 months or older), size (pounds), predominant breed and colors.
 - (3) Date vaccinated.
 - (4) Rabies tag number.
 - (5) Veterinarian's signature and license number.
- (b) Vaccination will not be required for any dog or cat upon the presentation of a certification from a licensed veterinarian that such dog or cat should not be inoculated with the rabies vaccine and the valid medical reasons thereof.

Sec. 2.5.2 Finders of lost dogs and cats; responsibility to report.

- (a) Any person who finds and harbors a dog or cat without knowing the dog or cat owner's identity shall notify the animal control officer and furnish a description of the dog or cat.

- (b) The finder of the dog or cat may surrender the animal to the animal control officer or keep the animal in his or her possession, subject to surrender upon demand of the animal control officer when the correct owner is identified or for reasons of public health and safety.

ARTICLE III. IMPOUNDMENT; VIOLATIONS; MISCELLANEOUS PROVISIONS

DIVISION 1. VIOLATIONS AND VACCINATION VOUCHERS.

Sec. 3.1.1. Animal control violation; citation. Whenever a police officer or animal control officer of the city shall observe any violation of this chapter, it shall be such officer's duty to investigate and issue an animal control citation, if appropriate. An at-large complaint may be filed with the municipal court alleging a violation of this Ordinance.

Sec. 3.1.2. Vaccination vouchers required. The owner or keeper of an animal that is in violation of no rabies vaccination is required to purchase a vaccination voucher for \$12.50 from the City of Presidio. This voucher can be used for thirty days with any participating veterinarian in the area. The vouchers can also be used at any vaccination clinic within thirty days in the City of Presidio. The \$12.50 fee will be paid to the veterinarian that provides the vaccination.

DIVISION 2. IMPOUNDMENT AND DESTRUCTION.

Sec. 3.2.1. Impoundment and disposition.

- (a) Any animal found to be in noncompliance with the provisions of this chapter shall be impounded by the city. In lieu of impoundment, the known owner(s) of such animals may be issued a citation by the city that shall require the owner to appear in a municipal court within ten days to answer a charge of a violation of the provisions of this chapter.
- (b) Reasonable efforts shall be made by the city to promptly notify by telephone or personal contact the owner of any animal impounded or identify by microchip.
- (c) Animals impounded by the city may be redeemed by the owner upon correction of the reason for such impoundment and the payment of all fees and penalties or upon order of the municipal court unless such animals are being held in quarantine or observation for a bite incident, have been or are under suspicion of having been exposed to rabies, or are being held on a complaint filed against the owner for violation of this chapter in the municipal court of the city. Animals eligible for redemption not redeemed within the following hold periods shall be deemed abandoned to the City and eligible for adoption, transport to other rescues, sold at auction or euthanized, if necessary:

- (1) any dog or cat not claimed within seventy-two (72) hours of impoundment;

- (2) any animal voluntarily surrendered to the city;
- (3) any livestock surrendered or not claimed by owner within 10 days.
- (d) Any animal impounded and suffering from serious injuries, in apparent great pain or having a disease which would endanger the public health, as verified by a certified veterinarian or that veterinarian's designee, may be euthanized prior to the hold times listed in subsections (c)(1)—(3) above after reasonable efforts to locate the owner have failed and there is no apparent reason for allowing the continued suffering of the animal. Animals may be euthanized prior to 72 hours from the time of impoundment, if upon notification of impoundment, the owner states they do not wish to redeem the animal and releases the animal in writing to the sole jurisdiction of the city animal services department.
- (e) No person shall leave any animal at the animal shelter except when an animal services staff member is available to accept the animal.
- (f) Any animal removed from a home or vehicle due to search and seizure, arrest or medical emergency of owner shall be reclaimed by said owner or approved family member/friend no later than the tenth day of the removal of animal and all impound fees are paid in full. If not reclaimed, after the tenth day of impoundment, the animal becomes the property of the city and is subject to adoption or euthanasia if the animal is found not to be adoptable. It is the duty of the arresting agency to provide owner information to the animal services officer and to notify animal services if the owner is being transferred to another facility. Notice will be sent by certified mail during that ten-day period to the last known address with notice that the animal will be deemed abandoned and will become the property of the city and is subject to adoption or euthanasia, if applicable.

Sec. 3.2.2. Redemption of impounded animals.

- (a) The owner shall be entitled to resume possession of any impounded animal upon payment of the impoundment and daily boarding fees and compliance with vaccination and registration requirements; provided application for such possession, with payment of all required fees, is made within seventy-two hours after impoundment, or within such time after impoundment as may be agreed to by the animal control officer and such owner, if such agreement is made within the seventy-two-hour period and such additional time does not exceed ten days' total impoundment time.
- (b) The owner of any animal over the age of four months which has not been vaccinated as required by this chapter, upon satisfactory proof of ownership, shall pay to the City of Presidio the sum of \$12.50 for a rabies vaccination-voucher plus any other charges set forth in this ordinance.
- (c) Upon payment of the rabies vaccination fee a voucher for the shot shall be given to the owner to be honored by the veterinarian at city vaccination clinics or other participating veterinarians in the area. The owner of the animal shall have thirty days from the date of issuance of the receipt. If the animal is not vaccinated by the designated veterinarian, the

\$12.50 portion of the fee specifically collected for rabies vaccination shall be forfeited to the city.

- (d) If the ACO finds that the animal has not been vaccinated for rabies after the thirty (30) day voucher period, the ACO may impound the animal. The ACO may not release the animal until full vaccinations are given to the animal. The ACO may euthanize the animal after seventy-two hours of impoundment.
- (e) The owner shall not be entitled to possession of any animal held under quarantine or observation for rabies until a written release is obtained by the observing veterinarian and until all fees have been paid. The payment of any fees may be deferred until the animal is eligible for release.
- (f) Any dog or cat impounded and not reclaimed by the owner within three days may be humanely destroyed. If the animal control officer determines that any unclaimed dog or cat is reasonably healthy, currently vaccinated against rabies, and does not constitute a threat to public or animal health of the community, the animal control officer may offer such dog or cat for adoption. If not adopted, the animal may be euthanized.
- (g) Adoption of an animal from the shelter will follow the same procedure with rabies vaccinations that have been set forth in this Ordinance.

Section 3.2.3 Dead animals; duty to remove.

- (a) If any animals or fowl shall die in the possession of any person in this city, it shall be the duty of such person to cause the same to be at once removed to a site approved by the city and buried or otherwise disposed of. In case the owner or person having charge of such animal or fowl shall neglect or refuse to remove such dead animal or fowl within 24 hours after the death, the agency provided by the city for the removal of dead animals, or if no such agency exists, then the city or the department of health shall cause the dead animal or fowl to be removed at the expense of such owner or person having charge of the dead animal or fowl.
- (b) Fees for removal of deceased pets and deceased livestock shall be assessed in accordance with Article 4. Permits and Fees.
- (c) Whenever the owner or other person having charge of the dead animal or fowl cannot be found, it shall be the duty of the agency provided by the city for the removal of dead animals, or if no such agency exists then the city or the department of health, to cause such animal to be removed and the expense will be invoice to the owner.

ARTICLE 4. PERMITS AND FEES

Division 1. Permits Required.

Sec. 4.1.1. Livestock - animal permit requirements.

- (a) It shall be unlawful to keep any livestock animals within the limits of the city without having registered and procured a permit for the animal(s) and without adhering to the requirements described in this Ordinance.
- (b) Permits are valid from January 1 through December 31 of each year. Permit fees are not prorated and permits expire on December 1 regardless of the initial month of registration.
- (c) Fee for Registration:
 - 1. \$30 per horse or cow;
 - 2. \$30 per 1-10 chickens; each additional 1-10 chickens is an additional \$30 fee;
 - 3. \$30 per 1-10 goats; each additional 1-10 goats is an additional \$30 fee.
- (d) Registrations may be revoked based upon the number of complaints reported to the City and determined to be valid complaints or fall within the nuisance categories as provided for in this Ordinance.

Sec. 4.1.2 Application for permit (excluding cats, dogs and household pets).

Application for a permit to keep any large or small livestock animals or fowl shall be made to the city, in writing, upon forms provided for that purpose by the animal control officer or city manager for the city. Such application shall contain the following information in addition to such other information as the animal control officer or city manager may desire:

- (1) Name and residence of the applicant;
- (2) Location of premises where large or small livestock animals or fowl are to be kept;
- (3) Species of large or small livestock animals or fowl to be kept;
- (4) Number of large or small livestock animals or fowl to be kept;
- (5) Statement of method in which all manure and waste material accumulating from such large or small livestock animals or fowl will be sanitarily disposed of;
- (6) An attached diagram or plat of the premises, showing dimensions of the premises, the location and dimensions of the enclosure, corral, pen or shelter, and the distance from residence buildings and property lot line, either on the same lot or on adjacent property.
- (7) Describe or show proof of adequate shelter for animal(s) and ability to provide adequate food and care for the animal(s).
- (8) The Animal Control Officer may investigate as necessary to determine adequate food, care and shelter is available prior to issuing any permit and may issue or refuse issuance of the permit, as necessary.

Sec. 4.1.3. Revocation and suspension of permit.

Any permit issued under this division shall be subject to revocation or suspension by the city for violation by the permittee of any of the provisions of this ordinances of the city with respect to the keeping of large or small animals or fowl. A permittee whose permit has been suspended must cure the violations within 72 hours in order to prevent revocation of the permit. Any animal

determined to be a nuisance or if nuisance conditions exist on the property based on two complaints received by the City, the City may impound and dispose of the animal pursuant to this Ordinance.

DIVISION 2. FEES.

Sec. 4.2.1. Fees.

- (a) Impoundment fees. Impoundment animals will be charged at the rate of boarding fees established below:
 - (1) Fees:
 - a. Shelter fee - First offense (animal at large): \$30
 - b. Shelter fee - Second offense: \$60
 - c. Shelter fee - Third offense: \$85
 - d. Animal food/care fee per day: \$10
 - e. Quarantine fee per day: \$10 until the animal is cleared.
 - f. Adoption fee: \$30
 - g. Surrender fee: \$30
 - (2) If an animal is quarantined by a facility other than the city, the fee assessed for the quarantine of the animal will be charged at the rate of boarding fees established by the location where the subject animal is quarantined. Mileage based on current city mileage rate and personnel costs will be assessed and other fees that may be incurred related to the quarantine of an animal.
 - (3) Removal of dead animals from property: \$20 per animal.
 - (4) Fees shall be assessed for any portion of any day that an animal is impounded or quarantined.

ARTICLE 5. RABIES CONTROL

Sec. 5.1.1.

- (a) The City shall comply with any county or state rabies control authority.
- (b) Any person having knowledge of an animal suspected of being infected with rabies shall immediately notify the city for coordination with the appropriate rabies control authority.
- (c) Any person having knowledge of a dog or cat bite inflicted upon an individual, or any animal bite inflicted upon an individual that the person could reasonably foresee as capable of transmitting rabies shall immediately report the incident to the city for the coordination with the appropriate rabies control authority.

ARTICLE 6. DANGEROUS ANIMALS

Sec. 6.1.1. Dangerous dogs and animals deemed hazardous to public health and safety.

- (a) It shall be unlawful for any person to own, keep or harbor any dangerous animal within the city provided this section shall not apply to animals under the control of a law enforcement or military agency.
- (b) For the purpose of this chapter, a dog may be declared dangerous by an animal control officer or his or her designee (hereinafter referred to as "animal control officer"), after the occurrence of an "incident" defined by Texas Health and Safety Code Chapter 822.
- (c) Dangerous dog determination shall be made in accordance with state law provisions provided for in Texas Health and Safety Code Chapter 822.

LINE ITEM 7

**CITY OF PRESIDIO BUSINESS
(NEW/OLD)**

- e. Discussion on downtown City of Presidio parking.

LINE ITEM 7

CITY OF PRESIDIO BUSINESS (NEW/OLD)

- f. Discussion / action to approve a Resolution 2025-02R supporting access to small business in the City of Presidio.

LINE ITEM 7

CITY OF PRESIDIO BUSINESS
(NEW/OLD)

- g. Discussion / action to advertise RFP's for the Convention and Visitor's Bureau tourism on the remodeling of the Slack Building.

LINE ITEM 7

CITY OF PRESIDIO BUSINESS
(NEW/OLD)

- h. Discussion / action on opening the Convention and Visitor's Bureau information center at the Slack Building.

LINE ITEM 7

CITY OF PRESIDIO BUSINESS
(NEW/OLD)

- i. Discussion / action on the TxCDBG Rural Economic Development (RED) Fund Grant CRC23-0523 In-Kind match commitment.

LINE ITEM 7

CITY OF PRESIDIO BUSINESS
(NEW/OLD)

- j. Discussion / action on the TxCDBG Rural Economic Development (RED) Fund Grant CRC23-0523 Resolution on submission of Grant Application.
 - 1. Other grant matters

LINE ITEM 7

CITY OF PRESIDIO BUSINESS (NEW/OLD)

- k. Discussion / action on the TxCDBG Grant CDV23-0300 (Water and Drainage Improvements) project status and Rebid of Well Improvements.
 - 1. Other grant matters

LINE ITEM 7

CITY OF PRESIDIO BUSINESS (NEW/OLD)

- m. Discussion / action on the TDEM TX 5161-4 (ARPA Funds) project status and annual report.
 - 1. Other grant matters