

ORDINANCE 14-18

AN ORDINANCE OF THE CITY OF COMMERCE, AMENDING CHAPTER 10, ARTICLE II OF THE CITY OF COMMERCE CODE OF ORDINANCES BY ADDING SECTION 10-35, TITLED STERILIZATION; FIXING PENALTIES FOR VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SAVINGS CLAUSE.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

SECTION 1. AMENDMENT.

The Code of Ordinance for the City of Commerce is hereby amended to include the following section:

SEC. 10-35 Sterilization

A non-refundable sterilization fee shall be collected at the time of adoption.

- (a) In the event an adopted dog or cat is not sterilized, the animal control officer shall cause the animal to be sterilized. The services for sterilization shall be administered at the time of adoption unless the animal control officer determines it is not medically safe to sterilize the dog or cat at the time of adoption. Each animal shall be sterilized prior to being release to the adopting person unless:
 - 1. The dog or cat is under two (2) months of age; or
 - 2. The animal control officer determines that the dog or cat should not be sterilized for health reasons or the animal control officer has determined the animal has been previously sterilized; or
 - 3. The adopting person has signed a written agreement that the person will have the animal sterilized by animal services in accordance with the written agreement, which will provide notice of the date and time for the person to return with the adopted animal for sterilization. The notice date of return will be specified by the animal control officer and shall be on or near the date the animal control officer estimates to be the date the dog or cat comes two (2) months of age or as soon as medically safe.
 - 4. The dog or cat is rescued by a non-profit rescue organization. The organization must present proof of non-profit status and sign an agreement with the City to have the animal sterilized within a date set by the animal control officer. The animal control officer shall be authorized to reclaim any rescued animal after the expiration of the seventh day after the sterilization completion date, if the animal control officer has not received proof that the organization is in compliance with the sterilization agreement.
- (b) The animal control officer may extend the sterilization deadline upon presentation of a written veterinary report, stating that the life or health of the adopted animal

may be jeopardized by surgery. There is no limit to the number of extensions that may be granted under this subsection.

- (c) A person who signs a sterilization agreement commits an offense if he/she fails to have the animal sterilized on or before the sterilization completion date stated in the agreement.
- (d) If the adopted animal dies (health condition) on or before the sterilization completion date, the adopting person shall deliver to the animal control officer a signed letter stating that the animal is dead. The letter shall be delivered not later than the seventh day after the date of the animal's death, and shall describe the cause of death if known and provide the date of death. A person commits an offense if the animal control officer does not receive the letter before the expiration of the seventh day after the sterilization completion date.
- (e) The animal control officer shall be authorized to reclaim any adopted animal after the expiration of the seventh day after the sterilization completion date, if the animal control officer has not received proof that the person is in compliance with the sterilization agreement. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the city.

SECTION 2. All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

SECTION 3. If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not affect the validity of this ordinance.

SECTION 4. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding TWO HUNDRED AND NO/100 (\$200.00) DOLLARS.

PASSED AND APPROVED on the **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 18th day of November 2014.

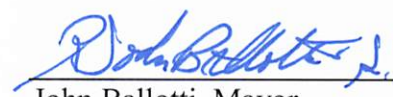
PASSED AND APPROVED on the **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 16th day of December 2014.

ATTEST:



Marty Cunningham, City Secretary

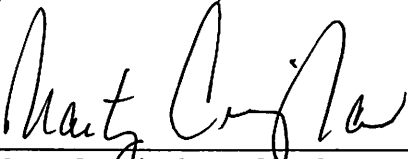
CITY OF COMMERCE:



John Ballotti, Mayor

(seal)

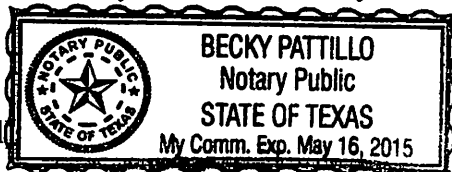
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.

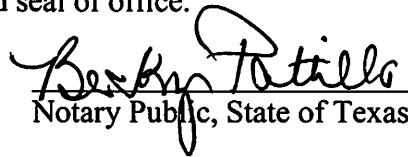


Marty Cunningham, City Secretary

(seal)

Sworn to and subscribed before me, on this the 17th day of December 2014 to certify which witness my hand and seal of office.




Notary Public, State of Texas