

ORDINANCE NO. 2025-36

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 14 (ENTITLED "ANIMALS") BY AMENDING SECTIONS 14-1 (ENTITLED "DEFINITIONS") AND 14-31 (ENTITLED "IDENTIFICATION FOR ANIMALS") AND DELETING SECTIONS 14-164 (ENTITLED "LICENSE REQUIRED") AND 14-165 (ENTITLED "REVOCATION OF LICENSE, NOTICE OF HEARING AND APPEALS"); PROVIDING FOR PENALTY NOT TO EXCEED \$500.00 PER VIOLATION; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The City of Burnet is responsible for animal control including locating lost or stray dogs and cats; and

WHEREAS, many residents are not aware of the requirement to register their animals or fail to do so; and

WHEREAS, a significant number of animals recovered or brought to the shelter lack readily identifiable information to reunite them with their owners; and

WHEREAS, implementing a requirement to have a microchip placed in all dogs and cats within the city will provide effective reunification tools when an animal is located; and

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section One. Code Amendment. Section 14-1 of the Code of Ordinances of the City of Burnet, is hereby amended by adding the language that is underlined (underlined) follows:

Sec. 14-1 Definitions.

Microchip means a permanent method of electronic identification that is implanted subcutaneously (just under the skin) between the shoulder blades at the back of an animal's neck. A microchip has a unique number that is detected using a microchip scanning device.

Microchipped means an animal that has a microchip implanted and registered through a national microchip registry with the current owner's name and contact information.

Microchip reader or scanner device means an electronic scanner with an operating frequency that is able to detect a microchip that has been implanted in an animal and display the number of the microchip to its operator. The microchip reader shall be of a type that activates and displays the number of a microchip manufactured by multiple vendors.

Editor's Note: All other existing definitions contained in Section 14-1 shall remain in full force and effect and are not amended by this Ordinance.

Section Two. Code Amendment. Section 14-31 of the Code of Ordinances of the City of Burnet, is hereby amended by replacing the existing language in its entirety with text that follows:

Sec. 14-31. Identification for animals.

- (a) *Canines and felines.* No person shall own, possess or have control over any dog or cat that is four months of age or older unless the dog or cat has been implanted with a microchip. This requirement shall not apply to community cats that have been ear-tipped in accordance with an approved trap-neuter-return (TNR) program.
- (b) *Registration required.* It is the duty of the owner or custodian of the animal to ensure that the animal's implanted microchip identification number is registered with a nationally registered pet recovery database.
- (c) *Changing status.* If there is a change in ownership or contact information for the owner or custodian of the microchipped animal, the owner or custodian shall update the contact information with the appropriate nationally registered pet recovery database within 30 days after the date of the change in information.
- (d) *Other Animals.* Identity requirements for animals, other than dogs and cats, are as follows:
 - (1) *Requirement.* All animals, other than dogs and cats, within the city shall be implanted with a microchip or marked by some type of identifying license, tag, band, tattoo or brand by which the animal's owner can be identified. All Livestock shall be tagged or tattooed.
 - (2) *Exception.* The requirement stated in subsection (d)(1), immediately above, does not apply to domestic mice, rats, rabbits, guineas, hamsters, gerbils, ferrets, fowl, amphibious and aquatic animals or reptiles.
- (e) *Defenses.* It is a defense to prosecution under this section that:
 - (1) The animal owner is a nonresident of this city and is keeping the subject animal in the city for fewer than 30 days;
 - (2) The animal owner has been a resident of this city for fewer than 30 days; or

- (3) The animal had been abandoned or lost and the temporary owner has had the dog or cat for fewer than 30 days.
- (f) *Administrative rules.* The city manager may promulgate forms and administrative rules as required for the orderly administration of this section.
- (g) *Penalty.* A violation of any provision is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “*general penalty*”).

Section Three. Code Amendment. Sections 14-164 and 14-165 of the Code of Ordinances of the City of Burnet, are hereby deleted in their entirety.

Section Four. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section Five. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section Six. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5 (entitled “Repealer”) shall be controlling.

Section Seven. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section Eight. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section Nine. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section Ten. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

PASSED, APPROVED, AND ADOPTED on this 26th day of August 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary