

ORDINANCE NO. 2023-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 18 (ANIMALS), ARTICLE 1 (GENERAL), TO ADD SECTION 18-16 TO ADOPT A TRAP-NEUTER-RELEASE FERAL CAT PROGRAM; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to amend Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals), Article 1 (General), to add Section 18-16 (Trap-Neuter-Release Feral Cat Program);

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

SECTION 1: Trap-Neuter-Release Feral Cat Program. The findings set forth above are incorporated into the body of this Ordinance as is fully set forth herein.

SECTION 2: Amendment to Chapter 18 (Animals) of the Wylie Code of Ordinances. Chapter 18 (Animals), Article 1 (General), Section 18-16 (Trap-Neuter-Release Feral Cat Program) of the Wylie Code of Ordinances, is hereby amended to read as follows:

“SECTION 18-16 TRAP-NEUTER-RELEASE FERAL CAT PROGRAM

In order to effectively and humanely control feral cat populations within its jurisdiction boundaries, Wylie shall sponsor a trap-neuter-release program (TNR) in an effort to reduce the feral cat population over time without the necessity of wholesale capture and euthanasia. Wylie may establish and or provide services to offset the costs of trapping, neutering, and vaccinating captured feral cats that can be released to an appropriate site. Caregivers for colonies, whether one (1) or several feral cats, may be aided by the city in providing traps, transportation to a spay/neuter facility, and off-setting costs, to the extent that funding is available.

Caregivers of feral cat colonies shall implement proper management and sterilization practices and may seek the assistance of animal services personnel in order to:

- 1) Sterilize (spay or neuter) feral cats that can be captured. Ear-tipping will be used as a means of visually identifying sterilized feral cats.
- 2) Vaccinate, as required by law, against rabies, and against any other infectious disease as may be mandated by law.
- 3) Assist with the removal of sick or injured feral cats from the colony.

Caregivers assuming responsibility for feeding feral cats will be responsible for adhering to the following regulations:

- 1) Feral cat colonies shall not be fed on city-owned or public property, to include, roadways, alleys, easements, and right-of-way.
- 2) Feral cat colonies shall only be fed on private property with authorization from the property owner or an authorized agent.

- 3) Feral cat colonies shall be fed using bowls, plates, pans, or a similar utensil to contain the food; food shall not be poured on the ground for the purpose of providing food.
- 4) Follow all trapping requirements and restrictions set forth in this Chapter, Sec. 18-13.

Animal Services personnel shall maintain all records of their activities relating to the city TNR to include proof of sterilization, vaccination, relocation, adoption, and medical care records. Other responsibilities include:

- 1) Help to resolve complaints related to feral cat colonies.
- 2) Maintain records on the following:
 - a. Number of feral cats spayed and neutered; and
 - b. Number of feral cats placed in permanent homes.

Enforcement: The city shall retain the following rights:

- 1) The right to trap and impound feral cat(s) from a colony that may be sick or injured.
- 2) The right to trap and impound feral cat(s) when a caregiver is unable to provide care and or properly manage the colony and has not been able to obtain a replacement or substitute caregiver.

...”

SECTION 3: Savings/Repealing. All provisions of the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 5: Effective Date. This Ordinance shall become effective from and after its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 22nd day of August, 2023.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

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