

**ORDINANCE NO. 2019-
AMENDING THE CITY OF NEW BRAUNFELS, TEXAS, CODE OF
ORDINANCES CHAPTER 6 RELATED TO PERFORMING ANIMAL
EXHIBITIONS; PROHIBITING THE USE OF BULLHOOKS; INCREASING
MINIMUM FINE TO \$500.00; REPEALING ALL ORDINANCES IN
CONFLICT; CONTAINING A SAVINGS CLAUSE AND ESTABLISHING
AN EFFECTIVE DATE.**

WHEREAS, the City Council is concerned with the use of bullhooks on elephants that perform in circuses for the purpose of training and controlling these performing animals; and

WHEREAS, City Council referred this matter to the Animal Services Advisory Board for their discussion and recommendation at its meeting on July 23rd; and

WHEREAS, the Animal Services Advisory Board recommends a prohibition on the use of bullhooks in connection with training and controlling circus elephants as it is cruel and inhumane.

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

Section 1

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2

That Chapter 6 is amended by adding a definition to section 6-1 and addition section 6-80 as follows:

Sec. 6-1. – Definitions.

Bullhook means a tool or device, also known as an elephant goad or an ankus, used in handling and training elephants, consisting of a spike, hook or combination thereof, attached to a shaft or handle.

Circus means a commercial variety show featuring animal acts for public entertainment.

Performing animal exhibition means any spectacle, display, act, or event, ~~other than circuses,~~ in which performing animals are used. This shall include animal amusement vendors such as, but not limited to, pony-go-round rides, commercial horseback pictures, etc.

Sec. 6-5. - Penalty for violation of chapter; schedule of fines.

- (a) Any person who shall violate any of the provisions of this chapter, or fail to comply there with or with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than \$25.00 and not more than \$500.00, unless specifically listed on the minimum penalty schedule in subsection (b), and each and every day's violation shall constitute a separate and distinct offense. Subsequent convictions for any violation of this chapter within a 12-month period shall double the minimum applicable fine listed in subsection (b), up to and including the maximum allowed by law. If any person is found guilty of violating section 6-76, pertaining to animal care, such person's permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.
- (b) Upon conviction of the specific ordinance violation listed, the minimum fine imposed shall be as follows:
 - (12) Failure to comply with Section 6-79.....500.00

Sec. 6-79. - Performing animal exhibitions.

- (a) No person may sponsor, promote, train an animal to participate in, contribute to the involvement of an animal in, or attend as a spectator any activity or event in which any animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically, or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition includes the use of bullhooks to train or control an elephant. It is also prohibited to brandish, exhibit, or display a bullhook in the presence of an elephant. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event, whether for free or for a fee to entrants or spectators.
- (b) All equipment used on a performing animal shall fit properly and be in good working condition.
- (c) Animals used within the city must be provided with all the necessities of life including fresh air, food, water, veterinary care, exercise, and protection from the sun and other natural elements.

Section 3. Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 4. Repealer

All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect and all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 5. Effective Date

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this _____ day of _____, 2019

PASSED AND APPROVED: Second reading this _____ day of _____, 2019.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney