



**CITY OF NEW BRAUNFELS, TEXAS
ANIMAL SERVICES ADVISORY BOARD
MEETING**



550 LANDA STREET

WEDNESDAY, OCTOBER 27, 2021 at 6:00 PM

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

Approval of Minutes from April 28, 2021

[21-1135](#)

4. CITIZENS' COMMUNICATIONS

5. INDIVIDUAL ITEMS FOR CONSIDERATION

Discussion and possible direction to staff to prepare a [21-1141](#)
draft ordinance that would regulate the sale of, and
protect the health and welfare of, dogs and cats within
commercial animal establishments.

6. STAFF REPORT

Update on City Pet Registration.

[21-1136](#)

Update on Texas Legislature, 3rd Special Session, [21-1137](#)
Senate Bill 5.

7. ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

Board Liaison

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.

10/27/2021

Agenda Item No.

PRESENTER:

Bryan Ruiz

SUBJECT:

Approval of Minutes from April 28, 2021

DEPARTMENT: Planning & Development Services

COUNCIL DISTRICTS IMPACTED: NA

BACKGROUND INFORMATION:

NA

ISSUE:

NA

FISCAL IMPACT:

NA

RECOMMENDATION:

NA

**MINUTES
OF THE NEW BRAUNFELS ANIMAL SERVICES ADVISORY BOARD
OF April 28, 2021**

The Animal Services Advisory Board of the City of New Braunfels, Texas, convened in a Regular Session on April 28, 2021 at 6:02 p.m., via zoom.

Board Members present were: Dr. Eric Trager, Bryan V. Ruiz, Sarah Hammond, Shawn Heimann, Tanya Palmer & John Velazquez.

City Staff present: Allison Scheffel and Christopher Looney

The meeting was called to order by Dr. Eric Trager at 6:02 p.m., verifying the presence of a quorum.

1. MINUTES

Chairman Dr. Eric Trager introduced the minutes of the January 27, 2021 regular session meeting for consideration of approval.

- a) Sarah Hammond motioned to approve the minutes,
- b) Dr. Eric Trager made a motion to second the approval of the minutes,
- c) Minutes were approved unanimously as amended.

2. CITIZENS COMMUNICATIONS

Citizen's communications were offered.

- a) Citizen, William Rodgers at 16 La Mesa Drive, spoke on the positivity of the hybrid model of meetings which encourages citizens to zoom in on the meetings.

3. DISCUSSION ITEMS FOR CONSIDERATION

Bryan Ruiz read the agenda caption; **"Discuss and consider resuming in-person/virtual hybrid Animal Services Advisory Board meetings."**

Mr. Ruiz commented the city has had much success with all of our boards and commissions meeting via Zoom, but we know that some boards are wanting to get back to in-person meetings.

So, we are providing the option to all boards and commissions to decide for themselves.

If you vote to go back to in-person, we'll be sure to socially distance you all while in the meeting, and we will retain the Zoom option for citizens who wish to speak at the meeting.

Zoom also provides additional government transparency as it allows for citizens who may not be able to physically attend, have less time in the evenings to attend an in person government meeting, or are concerned for their health but still want to participate.

If you decide too, we can also continue the virtual Zoom meetings.

So far: City Council, the Parks Board, 4B board, Zoning Board of Adjustment, and the Historic Landmark Commission have decided to come back to in-person meetings.

The Planning Commission voted to keep doing virtual a little longer to see if there was a post Spring Break spike, and they are going to discuss it again at their meeting next week.

Sarah Hammond asked the definition of Hybrid vs in-person. Discussion followed.

- a) Sarah Hammond made a motion to hold board meetings via hybrid zoom for approval,
- b) Shawn Heimann made a motion to second the approval,
- c) Discussion followed with unanimous approval by all members of the board.
Motion passed.

4. Adjournment:

- a) Dr. Trager adjourned the meeting at 6:15 pm.

Date Approved: _____

By: _____

Attest: _____

10/27/2021Agenda Item No.

PRESENTER:

Allison Scheffel, Senior Animal Welfare & Rescue Officer

SUBJECT:

Discussion and possible direction to staff to prepare a draft ordinance that would regulate the sale of, and protect the health and welfare of, dogs and cats within commercial animal establishments.

DEPARTMENT:

Planning & Development Services

COUNCIL DISTRICTS IMPACTED:

All

BACKGROUND INFORMATION:

There have been recent community concerns regarding where commercial animal establishments obtain the dogs and cats they sell. Concerns have also been expressed about the overall animal health and welfare at such facilities.

ISSUE:

New Braunfels' ordinances currently require commercial animal establishments obtain:

1. A Certificate of Occupancy from the City's Building Safety Division, after meeting all International Building Codes and the local development ordinances; and
2. A Commercial Animal Permit from the City's Animal Welfare & Rescue Division, after meeting local and state requirements for the health and welfare of the animals (see attached).

The current ordinance does not include limitations regarding where a commercial animal establishment may obtain their animals.

FISCAL IMPACT:

NA

ATTACHMENTS:

- A. Current ordinance
- B. Commercial Animal Permit checklist

Sec. 6-27. Commercial animal establishment permits.

- (a) No person shall operate a commercial animal establishment, kennel or cattery unless the establishment is located in a properly zoned area and unless a permit has first been obtained in compliance with this section.
- (b) The city shall promulgate regulations for the issuance of permits for commercial animal establishments and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The city may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.
- (c) When an applicant for a permit under this section has shown that he is willing and able to comply with the regulations promulgated by the city, a permit shall be issued upon payment of the applicable fee.
- (d) The permit period for commercial animal establishments shall begin with the calendar year and shall run for one year. Renewal applications for permits may be made 30 days prior to, and are due at, the start of the calendar year. Application for a permit to establish a new commercial animal establishment under the provisions of this chapter may be made at any time. The fees for a new establishment shall be prorated per the number of months left in the calendar year.
- (e) If there is a change in ownership of a commercial animal establishment, the new owner must apply for a new permit. Permits are not transferable.
- (f) No person shall train any dog to be used as a guard or sentry dog without possessing a valid state license and a valid city license. This section shall not apply to the city/county government or any of its agencies. The application for a guard or sentry dog training license shall state the name, address, and phone number of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility.
- (g) Annual permits for commercial animal establishments shall be issued upon payment of the applicable fee as listed in the fee schedule in section 6-4.
- (h) Every facility regulated by this chapter shall be considered a separate enterprise requiring an individual permit.
- (i) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.
- (j) No fee may be required of any veterinary hospital, animal shelter, government operated zoological park, school district, civic or charitable organization, or Comal County Fair Association (except for lease stables), but all other applicable regulations of this chapter shall apply.
- (k) Failure to obtain a permit before opening any facility covered in this section shall result in a fine as provided in section 6-5.
- (l) Any person who has a change in the category under which a permit was issued shall be subject to a reclassification of the permit fee.

(Code 1961, § 3-4)

Sec. 6-28. License and permit issuance and revocation.

- (a) After an application for a permit or license under this article is filed, the city shall inspect the facility prior to issuing the permit. The city may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the city, or any law governing the protection and keeping of animals.

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- (b) Any person whose permit or license under this article is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the permit or license fee shall be refunded.
 - (c) It shall be a condition of the issuance of any permit or license under this article that the city shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.
 - (d) If the applicant for a permit or license under this article has withheld or falsified any information on the application, the city shall refuse to issue such permit or license.
 - (e) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
 - (f) Any person having been denied a license or permit under this article may not reapply for a period of 30 days. Each reapplication shall be accompanied by a 50 percent of full year fee.
 - (g) At least once every six months, the city or its designee shall inspect every commercial animal establishment located within the city.
 - (h) The city or its designee shall, after the determination that a commercial animal establishment is in violation of city ordinances, regulations or any applicable state or federal law governing the protection or keeping of animals, re-inspect the establishment as necessary to determine compliance with the applicable ordinance, regulation, statute or rule. A reinspection fee shall be assessed as indicated in section 6-4.

(Code 1961, § 3-5; Ord. No. 2006-51, § III, 6-12-06)



Animal Welfare & Rescue Division Plan Review Facility Requirements for Commercial Animal Establishments

DATE:
NAME OF BUSINESS:
ADDRESS:
SUPPLEMENTAL APPLICATION NUMBER: CP2021-XXX
REVIEWER:
DATE RECEIVED:

1. Physical Facility Requirements - Commercial Animal Establishments

a.) All animals shall be contained in appropriate animal enclosures and shall not be permitted to be at large in the facility.

b.) All cages and animal enclosures shall be constructed in such a way they can be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.

c.) Heating, Cooling and Temperature

i.) Indoor housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from cold and hot temperatures and to provide for their health, comfort and well-being.

ii.) When animals are present, the ambient temperature in the facility must not fall below 50 degrees F. for animals not acclimated to lower temperatures. Such animals would include short-haired breeds, sick, aged, young, infirm dogs and cats, and small domestic animals.

iii.) The ambient temperature must not fall below 50 degrees F. or must not rise above 85 degrees F. at any time.

d.) Ventilation

i.) Indoor housing facilities for animals must be sufficiently ventilated at all times when animals are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.

ii.) Air, preferably fresh air, must be provided through windows, vents, fans (exterior) or air conditioning.

iii.) Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is 85 degrees F. or higher.

e.) Cages/Animal Enclosures

i.) Animal enclosures must be designed and constructed of durable materials, so they are structurally sound, smooth, non-absorbent, and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface. Animal enclosures must be maintained in good repair.

ii.) Animal enclosures must be constructed and maintained so that they:

1. Have no sharp points or edges that could injure animals;
2. Protect animals from injury;
3. Keep predators and unauthorized individuals from accessing the enclosure(s);
4. Provide animals with easy and convenient access to clean food and water;
5. Enable all surface in contact with animals to be readily cleaned and disinfected;
6. Have floors which are constructed in a manner that protects the animals' appendages from injury, and that if of mesh or slatted construction, will not allow the animals' appendages to pass through any openings in the floor.

f.) Space Requirements for Dogs

- i.) The primary enclosure shall provide sufficient space to allow each animal to turn around fully, stand, sit, and lie in a comfortable position.
 1. The guideline for minimum size for an animal enclosure for a dog ten (10) pounds and under shall be three and one half (3.5) square feet.
 2. The guideline for minimum size for an animal enclosure for a dog from eleven (11) to twenty (20) pounds shall be six (6) square feet.
 3. The guideline minimum size for an animal enclosure for a dog from twenty-one (21) to thirty-five (35) pounds shall be eight (8) square feet.
 4. The guideline for minimum size for an animal enclosure for a dog from thirty-six (36) to fifty (50) pounds shall be twenty (20) square feet.
 5. The guideline for minimum size for an animal enclosure for a dog over fifty (50) pounds shall be twenty-four (24) square feet.
 6. The interior height of each animal enclosure for a dog must be at least six (6) inches higher than the highest point of the body (normally the ears) of the dog in the enclosure when it is in a normal standing position.

g.) Space and Other Requirements for Cats

- i.) Each cat that is housed in any animal enclosure must be provided minimum vertical space and floor space as follows:
 1. Each animal enclosure housing cats must be at least twenty-two (22) inches in interior height.
 2. Cats up to and including nine (9) pounds must be provided with at least three (3) square feet.
 3. Cats over nine (9) pounds must be provided with at least four (4) square feet.

2. Food and Water Requirements

- a.) Food shall be stored in rodent, pest and moisture proof containers with lids.

3. Outdoor Facilities

- a.) When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to allow all dog and cats kept outdoors to protect themselves from the direct rays of the sun.
- b.) Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry and comfortable during inclement weather.
- c.) A suitable method shall be provided to rapidly eliminate excess water.
- d.) Premises (building and grounds) shall be constructed to keep outdoor areas clean and in good repair in order to protect the animals from injury.

4. Additional Facility Requirements for Grooming Parlors

- a.) All cages and animal enclosures shall be constructed in such a way that they can be maintained in a clean, dry and sanitary manner.
 - b.) All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.
 - c.) Every grooming facility must use tepid water for the purpose of washing dogs and cats.
 - d.) Cold water is not acceptable.
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- The contractor of record, as a condition of permit application and authorization for construction, agrees and obligates himself to comply with the rules and regulations as presented by the City of New Braunfels Health Office and the Texas Department of State Health Services.
 - The Neighborhood Services - Animal Welfare & Rescue Division must be contacted directly for final inspections in order to schedule a date & time for final review.
 - [PHONE - \(830\) 221-4070 OR](tel:(830)221-4070)
 - [EMAIL - ANIMALSERVICES@NBTEXAS.ORG](mailto:ANIMALSERVICES@NBTEXAS.ORG)

APPLICANT (Contractor) SIGNATURE

DATE

10/27/2021

Agenda Item No.

PRESENTER:

Allison Scheffel, Senior Animal Welfare & Rescue Officer

SUBJECT:

Update on City Pet Registration.

DEPARTMENT:

Planning & Development Services

COUNCIL DISTRICTS IMPACTED:

All

BACKGROUND INFORMATION:

NA

ISSUE:

NA

FISCAL IMPACT:

NA

RECOMMENDATION:

NA

10/27/2021

Agenda Item No.

PRESENTER:

Allison Scheffel, Senior Animal Welfare & Rescue Officer

SUBJECT:

Update on Texas Legislature, 3rd Special Session, Senate Bill 5.

DEPARTMENT:

Planning & Development Services

COUNCIL DISTRICTS IMPACTED:

All

BACKGROUND INFORMATION:

NA

ISSUE:

NA

FISCAL IMPACT:

NA

RECOMMENDATION:

NA