

## ORDINANCE NO. 2023-70

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 6.030 OF THE SAN MARCOS CITY CODE TO ELIMINATE THE FIVE-DAY HOLDING PERIOD EXCEPTION FOR IMPOUNDED STRAY CATS HAVING NO TRACEABLE IDENTIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND DECLARING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Section 6.030(a)(1) of the San Marcos City Code is hereby amended to read as set forth below. Underlining indicates added text. Strikeouts indicate deleted text.

(a) *Impoundment.*

- (1) It is the duty of an animal control officer to capture and impound such animals as are running at large or which are required to be impounded pursuant to other laws or ordinances or to protect public health or safety. Any officer or citizen of the city is authorized to take up and deliver in a humane manner to the animal services facility any animal that may be found running at large in the city, with the exception of visually healthy cats which pose no apparent danger to public health or safety. A cat without an ear tip or means of identification may be considered a community cat and impounded for the purposes of trap, neuter, and return (TNR).

**SECTION 2.** Section 6.030(c)(1) of the San Marcos City Code is hereby amended to read as set forth below.

(c) *Retention of impounded animals.*

- (1) Impounded animals ~~(except cats)~~ three months of age or older with no means of traceable identification shall be kept for not less than three days that the shelter is open for reclaim, unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by this chapter. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim a lost pet. The exception for cats is that they must be kept for not less than five days.

**SECTION 3.** Section 6.030(c)(4) of the San Marcos City Code is hereby amended to read as set forth below.

(4) The following animals are not subject to a stray hold period, become the property of the city immediately upon impoundment, and may be dispositioned according to section 6.031:

- a. Animals less than three months of age with or without traceable identification.
- b. Animals voluntarily surrendered by their owner to the shelter or an animal control officer.

c. Community cats without an ear tip or means of identification, for purposes of trap, neuter, and return (TNR).

**SECTION 4.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 5.** All ordinances or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 6.** In codifying this ordinance into the City Code, Municode Corporation may renumber or reformat any parts hereof as deemed necessary to be consistent with the numbering and formatting of the City Code and may correct spelling and grammatical errors that do not change the meaning or substance hereof.

**SECTION 7.** This ordinance shall become effective upon adoption on second reading.

**PASSED AND APPROVED** on first reading on September 5, 2023.

**PASSED, APPROVED, AND ADOPTED** on second reading on September 19, 2023.

Jane Hughson  
Mayor

Attest:

Approved:

Elizabeth Trevino  
City Clerk

Samuel J. Aguirre  
City Attorney