

City of Wichita Falls City Council Agenda



Stephen Santellana, Mayor
Bobby Whiteley, Mayor Pro Tem/At Large
Michael Smith, District 1
Larry Nelson, District 2
Jeff Browning, District 3
Tim Brewer, District 4
Steve Jackson, District 5

Darron Leiker, City Manager
Kinley Heggland, City Attorney
Marie Balthrop, City Clerk



Notice Of Regular Meeting Of The Mayor And City Council Of The City Of Wichita Falls, Texas, To Be Held In The City Council Chambers, Memorial Auditorium, 1300 Seventh Street, Tuesday, April 19, 2022, Beginning At 8:30 A.M.

This meeting can be accessed and viewed at the following locations:

- 1. A livestream will be shown on the Spectrum/Time Warner Cable Channel 1300**
- 2. A livestream will be shown on the City's Facebook page (City of Wichita Falls, Texas Government) (<https://www.facebook.com/CityofWF>)**
- 3. A video of the meeting will be posted on the City's YouTube page (<https://www.youtube.com/cityofwf>)**

Item #

- 1. Call to Order**
- 2. (a) Invocation: Reverend Angus Thompson
New Jerusalem Baptist Church**
(b) Pledge of Allegiance
- 3. Presentations**
 - (a) Proclamation – Downtown Development Founder's Day, Downtown Development**
 - (b) Proclamation - Operation Fresh Start, New Jerusalem Baptist Church/
Angus Thompson**

CONSENT AGENDA

4. Approval of minutes of the April 5, 2022, Regular Meeting of the Mayor and City Council.
5. Receive Minutes
 - (a) Wichita Falls 4B Sales Tax Corporation, January 6, 2022
 - (b) Lake Wichita Revitalization Committee, March 8, 2022

REGULAR AGENDA

6. Ordinances
Ordinance Amending Chapter 14 – Animals In Its Entirety, and providing for codification
7. Resolutions
 - (a) Resolution authorizing the City Manager to enter into a Lease Agreement with North Texas Vision of Wichita Falls, Inc. (Downtown Wichita Falls Development) for management and operation of the Farmers Market
 - (b) Resolution authorizing the City Manager to award the Supervisory Control and Data Acquisition (SCADA) Control System Project for the water treatment system to Prime Controls, LP in the amount of \$905,000.00
 - (c) Resolution authorizing award of bid for the City's estimated annual requirement of Curb & Gutter ready mix to Diamond M Concrete in the amount of \$42,300.00; and Class S, Class A, Class C-C ready mix and Flowable Fill to Falls Redimix, LLC in the amount of \$442,400.00
 - (d) Resolution authorizing the City Manager to apply for and accept a Federal Transit Administration Section 5339 *Buses and Bus Facilities Program* Grant for the purchase of three (3) 35-foot, low-floor transit buses in an amount of \$1,539,870
 - (e) Resolution authorizing the purchase of 6105E John Deere tractor with a Tiger triple flail mower through the BuyBoard Purchasing Cooperative from Bane Machinery in the amount of \$166,300.00
 - (f) Resolution approving the programs and expenditures of the Wichita Falls 4B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$150,000 to the City of Wichita Falls to purchase additional livestock panels for use at the J.S. Bridwell Ag Center
8. Other Council Matters
 - a. Staff Reports
 - Strategic Plan Update – Paul Menzies

- ARPA Grant Update – Jessica Williams

- b. Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.
9. Comments from the public to members of the city council concerning items that are not on the city council agenda. People wishing to address the council should sign up prior to the start of the meeting. A three-minute time frame will be adhered to for those addressing their concerns. Since comments from citizens are not posted agenda items, the City Council is prohibited from deliberating or taking any action, other than a proposal to place the item on a future agenda. Staff may provide factual statements in response to inquiries or recite existing policy.
10. Executive Sessions
 - (a) Executive Session in accordance with Texas Government Code §551.071, consultation with attorney on matter involving pending or contemplated litigation or other matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act
 - (b) Executive Session in accordance with Texas Government Code § 551.087, to discuss or deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have, locate, stay, or expand in or near the territory of the City of Wichita Falls and with which the City and/or economic development corporations created by the City are conducting economic development negotiations.

11. Adjourn

Spanish language interpreters, deaf interpreters, Braille copies or any other special needs will be provided to any person requesting a special service with at least 24 hours' notice. Please call the City Clerk's Office at 761-7409.

Every item on this agenda shall be considered a public hearing. Regardless of the agenda heading under which any item is listed, any word or phrase of any item listed on this agenda shall be considered a subject for consideration for purposes of the Texas Open Meetings Act and other relevant law, and City Council may deliberate and vote upon any such subject and resolutions related thereto. Resolutions, ordinances, and other actions concerning any word, phrase, or other subject may be voted upon, regardless of any language of limitation found in this agenda or any document referring to such action. Any penal ordinance, development regulation or charter provision of the City of Wichita Falls or item which is funded by the current or next proposed City of Wichita Falls budget, including, without limitation, any street, water pipe, sewer, drainage structure, department, employee, contract or real property interest of the City of Wichita Falls, may be discussed and deliberated, and the subject is hereby defined as such without further notice. Any item on this agenda may be discussed in executive session if authorized by Texas law regardless of whether any item is listed under "Executive Sessions" of this agenda, regardless of any past or current practice of the City Council. Executive sessions described generally hereunder may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice. Executive sessions described generally hereunder are closed meetings, may include consideration of any item

otherwise listed on the agenda plus any subject specified in the executive session notice, and may include items under Texas Government Code Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.084, and/or 551.087.

CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at Memorial Auditorium, Wichita Falls, Texas on the 13th day of April, 2022 at 3:25 o'clock p.m.



City Clerk



City of Wichita Falls
City Council Meeting
Minutes
April 5, 2022



Item 1 - Call to Order

The City Council of the City of Wichita Falls, Texas met in regular session at 8:30 a.m. on the above date in the Council Chambers at Memorial Auditorium with the following members present.

Stephen Santellana	-	Mayor
Bobby Whiteley	-	Mayor Pro Tem/At-Large
Tim Brewer	-	Councilors
Jeff Browning	-	
Steve Jackson	-	
Larry Nelson	-	
Michael Smith	-	
Darron Leiker	-	City Manager
Kinley Heggland	-	City Attorney
Marie Balthrop	-	City Clerk

Mayor Santellana called the meeting to order at 8:30 a.m.

Item 2a – Invocation

Pastor Craig Lile, Faith Baptist Church, gave the invocation.

Item 2b – Pledge of Allegiance

Mayor Santellana led the Pledge of Allegiance.

Item 3a – Proclamation – City View High School Boys Basketball

8:33 a.m.

Mayor Santellana read a proclamation proclaiming April 5, 2022, as City View Boys Basketball Team Day in Wichita Falls, and recognized and heartily congratulated City View High School on their 2021-2022 basketball season.

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Item 3b – Proclamation – Hirschi High School Boys Basketball

8:38 a.m.

Mayor Santellana read a proclamation proclaiming April 5, 2022, as Hirschi High Huskies Boys Basketball Team Day for their tireless efforts and achievements at the 2022 State Championships, and wished them success in their future endeavors.

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Item 3c – Proclamation – Christ Academy Girls Basketball

8:43 a.m.

Mayor Santellana read a proclamation proclaiming April 5, 2022, as Christ Academy Lady Warriors Basketball Day in Wichita Falls, and formally recognized the 2021-2022 Lady Warriors for their historically successful season, and the great sportsmanship demonstrated across the State on and off basketball courts.

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Item 3d – Proclamation – Christ Academy Boys Basketball

8:47 a.m.

Mayor Santellana read a proclamation proclaiming April 5, 2022, as Christ Academy Boys Basketball Team Day in Wichita Falls, as we are all extremely proud of all of the students on the team, their hard work, determination and team work. Congratulations to all for an amazing season.

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Item 3e – Employee of the Month – Robert Gunville, Traffic Engineering

8:52 a.m.

John Burrus, Director of Aviation, Traffic, and Transportation, recognized Robert Gunville as the Employee of the Month for April 2022. Mayor Santellana congratulated Mr. Gunville and presented him with a plaque, letter of appreciation, dinner for two, and check, and thanked him for his service.

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Item 3f – Proclamation – Lemonade Day, Texoma Community Credit Union

8:59 a.m.

Mayor Santellana read a proclamation proclaiming April 23, 2022, as Lemonade Day in Wichita Falls and encouraged citizens to help our young entrepreneurs have successful lemonade stands.

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Item 3g – Proclamation – Child Abuse Prevention Month, Texas Child Abuse Prevention Committee

9:02 a.m.

Mayor Santellana read a proclamation proclaiming April 2022 as Child Abuse Prevention Month in Wichita Falls and urged all citizens to recognize this month by dedicating ourselves to improving the quality of life for all children and families.

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Item 3h – Proclamation – National Public Safety Telecommunicator Week, Wichita Falls Dispatchers

9:05 a.m.

Mayor Santellana read a proclamation proclaiming April 10-16, 2022, as Public Safety Telecommunicator Week in the City of Wichita Falls. This week we honor the dedicated service our Telecommunicators bring to this community and for their key role in preserving public safety during a challenging year.

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Item 3i – Presentation – Process for Grants, Wichita Falls Alliance for Arts and Culture, Ann Arnold-Ogden

9:09 a.m.

Ann Arnold-Ogden thanked Councilor Nelson and Councilor Jackson for attending the Charlye O. Farris exhibit opening at the Martin Luther King Center, and thanked all of the Council for attending various Arts and Culture events over the last couple of weeks. Ms. Arnold-Ogden discussed the process for Arts and Culture grants which are funded by the Hotel Occupancy Tax. Their goal is to support programs that grow audiences and get more people involved in supporting the arts. Grants for program or operating funding are open to Arts and Culture programs, require matching funds, and applications are due this week. Grant applications will be reviewed by an independent panel, and the budget request will be submitted to the City by May 20, 2022. All organizations that receive a

grant must credit the City of Wichita Falls on all promotional materials. Ms. Arnold-Ogden discussed the estimated economic impact these funds have on the City of Wichita Falls. They project an economic impact of approximately \$8.6 million, and approximately \$330,000 in revenues, taxes, and fees in arts and culture spending generated from the \$50,000 the City provides for these grants.

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Item 3j – Presentation of Annual Comprehensive Financial Report by Edgin, Parkman, Fleming, and Fleming, PC

9:16 a.m.

Paul Fleming with Edgin, Parkman, Fleming, & Fleming, P.C. reviewed the Comprehensive Annual Financial Report for fiscal year 2021 and stated that the financial reports were accurately stated and there were no findings.

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Item 4-6 – Consent Items

9:19 a.m.

Darron Leiker, City Manager, gave a briefing on the items listed under the Consent Agenda.

Moved by Councilor Browning to approve the consent agenda.

Motion seconded by Councilor Smith and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

Item 4 – Approval of minutes of the March 15, 2022, Regular Meeting of the Mayor and City Council

Item 5 – Resolution 42-2022

Resolution authorizing the repair of two raw water pumps for the Lake Kemp Pump Station at Headquarters Road through the BuyBoard Purchasing Cooperative to Smith Pump Co. Inc., in the amount of \$135,100.00.

Item 6 – Receive Minutes

(a) Construction Board of Adjustment, October 24, 2014

- (b) Library Advisory Board, September 9, 2021
- (c) Construction Board of Adjustment, January 6, 2022
- (d) Wichita Falls-Wichita County Public Health Board, January 14, 2022
- (e) Planning and Zoning Commission, February 9, 2022
- (f) Landmark Commission, February 22, 2022

Item 7 – Ordinance 11-2022

9:20 a.m.

Ordinance making an appropriation to the Special Revenue Fund in the amount of \$5,000.00 for reimbursement funding from the Treasury Executive Office for Asset Forfeiture (TEOAF) Reimbursement Program administered by the Office of the Secret Service Administration.

Moved by Councilor Brewer to approve Ordinance 11-2022.

Motion seconded by Councilor Browning and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

Item 8a – Resolution 43-2022

9:22 a.m.

Resolution authorizing the City Manager to award bid and contract for the Lake Wichita Revitalization (Veterans Memorial Plaza) to Marrs Patriot Construction, LLC in the amount of \$456,099.50.

Moved by Councilor Brewer to approve Resolution 43-2022.

Motion seconded by Councilor Browning.

Russell Schreiber, Director of Public Works, discussed the project and noted that it will be funded completely by private donations. David Coleman, Chairman of the Lake Wichita Revitalization Committee, discussed the memorial bricks and opportunities to purchase additional bricks.

Motion carried by the following vote.

Ayes: Mayor Santellana, Councilors Brewer, Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

Item 8b – Resolution 44-2022

9:27 a.m.

Resolution naming the new Lake Wichita Veterans Plaza the “Harry Patterson Veterans Memorial Plaza.”

No action was taken on this item, and it was referred to the Lake Wichita Revitalization Committee for further discussion.

Item 8c – Resolution 45-2022

9:28 a.m.

Resolution authorizing the sale of 0.71 acres located at 3920 Lawrence Road, also known as Lot 3, Block 214-A, Highland Addition, Wichita Falls, Wichita County, Texas.

Moved by Councilor Brewer to approve Resolution 45-2022

Motion seconded by Councilor Smith and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

Item 8d – Resolution 46-2022

9:34 a.m.

Resolution to accept the written offer as presented for 14 Trustee parcels and authorizing execution of the Quitclaim Deeds to convey titles to Ela Sonnamaker, James Grant, Michael Todaro, Samuel Majano, and Ruben Arias. Wichita County Commissioners Court and the WFISD Board have already approved the bids as required by law.

Moved by Councilor Browning to approve Resolution 46-2022

Motion seconded by Councilor Jackson and carried by the following vote:

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Ayes: Mayor Santellana, Councilors Brewer, Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

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Item 8e – Resolution 47-2022

9:37 a.m.

Resolution authorizing the sale of excess city owned property consisting of 0.01 Acres Located at 2004 Windthorst Road to Texoma's Gujarati Cultural Society Inc. in the amount of \$875.

Moved by Councilor Browning to approve Resolution 47-2022

Motion seconded by Councilor Smith and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

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Item 8f – Resolution 48-2022

9:40 a.m.

Resolution authorizing the purchase of decorative signal poles for Downtown intersections through the Houston-Galveston Area Council (H-GAC) Purchasing Cooperative from Consolidated Traffic Controls Inc. in the amount of \$255,481.

Moved by Councilor Brewer to approve Resolution 48-2022

Motion seconded by Councilor Smith and carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

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Item 8g – Resolution 49-2022

9:49 a.m.

Resolution authorizing the purchase of one (1) 35-foot low floor diesel bus for the Public Transportation Division off the State of Washington Contract to Gillig LLC in the amount of \$513,290.

Moved by Councilor Browning to approve Resolution 49-2022

Motion seconded by Councilor Smith.

Mr. Burrus noted that the bus will be paid for with Federal Transit Administration grant funds with no local match.

Motion carried by the following vote:

Ayes: Mayor Santellana, Councilors Brewer, Browning, Jackson, Nelson, Smith, and Whiteley

Nays: None

Item 9 – Announcements concerning items of community interest from members of the City Council. No action will be taken or discussed.

9:53 a.m.

Councilor Nelson discussed concerns with the loss of recreation activities, and the loss of tournaments at the sports complex, which has caused a loss of concession stand revenues and jobs. He discussed the need to look at converting two of the fields to turf since ball fields are shut down during rainy seasons. He discussed a new polling location at 201 Madison and the need for additional registered voters. Mr. Leiker stated that installing turf on the fields will be discussed at the next Council meeting, and there was brief discussion regarding that project and the need for funding.

Councilor Whiteley discussed concerns he has received regarding the scooters downtown, and concerns with scooter safety. He is not opposed to scooters, but would like to address the issues since there are additional companies applying to have scooters downtown. He gave a shout out to the MPEC staff for the Red River Wine Festival and for all of their hard work. The Art Walk returns this Thursday night and he encouraged everyone to attend. Councilor Whiteley asked if a study could be conducted regarding open cuts in streets for water and sewer line replacement, and suggested a program to replace full blocks of line as opposed to making multiple open cuts. Mr. Schreiber discussed how line replacements are prioritized.

Councilor Smith thanked everyone for attending, and stated that it was great to see the four basketball teams representing our City. He agreed with Councilor Whiteley regarding the scooters and discussed concerns that he has received regarding scooters being

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driven down the middle of Scott Street and on sidewalks, and encouraged everyone to follow the rules. He congratulated Pat Hoffman regarding the sale of trustee properties and the large reduction in the amount of City owned trustee properties.

Councilor Brewer expressed thanks for the opportunity to attend the Police Officer's Awards Ceremony, the Blood Institute ribbon cutting, the Vietnam Veterans Memorial Day service, Community Champions Day with Meals on Wheels, and the Save Jane event at Patsy's House. Mayor Santellana commented on the Save Jane event and the number of children abused in our region that were represented by pinwheels at the event.

Councilor Jackson discussed the tragedy of child abuse and expressed thanks for the Save Jane event at Patsy's House to raise awareness. He expressed the need for stricter laws and punishment for child abuse and the senselessness of the crime. He was also thankful for being able to attend the Vietnam Veterans Memorial Day event, and the Meals on Wheels event, and encouraged citizens to volunteer to serve Meals on Wheels. He thanked Hirschi, City View, and Christ Academy's teams for attending today.

Mayor Santellana thanked Councilors for their participation at all of the events during the week and Councilor Nelson for covering an event for him on Saturday. He congratulated all of the basketball teams recognized today, and noted that they are student athletes and work hard on and off the court. He recognized Lindsay Barker for the MPEC being full of events all weekend, they did a fantastic job with all of the events, and he received several compliments from citizens. He attended a couple of meetings at SAFB where they discussed positive things happening and positive things to come in Wichita Falls. He noted we knew there would be some growing pains with the scooters but he feels that we can address the concerns and keep the scooters downtown. Mayor Santellana thanked Jana Schmader for texting him a picture of the dilapidated window on Scott Street that MSU students painted.

Item 10 – Comments from the Public to Members of the City Council Concerning Items That Are Not on the City Council Agenda

10:15 a.m.

There were no comments from citizens.

Item 11 – Executive Sessions

10:15 p.m.

No executive session was held.

Item 12 –Adjourn

Mayor Santellana adjourned the meeting at 10:16 a.m.

PASSED AND APPROVED this 19th day of April 2022.

Stephen Santellana, Mayor

ATTEST:

Marie Balthrop, TRMC, MMC
City Clerk

MINUTES OF THE
WICHITA FALLS 4B SALES TAX CORPORATION (4BSTC)

January 6, 2022

Present:

Tony Fidelie, President	§	Members
Glenn Barham, Vice President	§	
Rick Hatcher, Secretary-Treasurer	§	
Dave Clark	§	
Darron Leiker	§	
Mayor Stephen Santellana	§	Mayor and Council
R. Kinley Hegglund, Jr., City Attorney	§	City Staff
Blake Jurecek, Assistant City Manager	§	
Paul Menzies, Assistant City Manager	§	
Terry Floyd, Dir of Community Development	§	
Paige Lessor, Recording Secretary	§	
Jana Schmader	§	DWFD
Syd Litteken	§	Picker's Universe
Will Kelty	§	Petroleum Building Wichita Falls LLC (The Kate)

Absent:

Nick Schreiber	§	4B Member
Michael Mills	§	4B Member

1. Call to Order.

Tony Fidelie called the meeting to order at 3:01 p.m.

2. Approval of Minutes of 11/4/2021.

Rick Hatcher moved to approve the minutes. Seconded by Glenn Barham, the motion carried 4-0.

3. Financial Report

Paul Menzies gave a quick update. Sales tax receipts are in for the first month of the year, and they are up over 12%. The bottom line of 4B's financials is \$5,000,000 in unreserved funds for new projects. This amount does consider everything related to the MPEC Conference Center & Hotel Project.

No questions were asked, and no other administrative items were addressed with the Board.

4. Public hearing regarding a funding request from Kirk Laney, dba Picker's Universe LLC, to renovate the existing building at 1000 Indiana downtown into a mixed-use retail and restaurant establishment.

Mr. Fidelie opened the public hearing at 3:03 p.m.

Mr. Barham left the room, and Mr. Hegglund noted that the quorum was lost. Mr. Barham returned, and Mr. Fidelie resumed the hearing at 3:04 p.m.

Mr. Menzies explained that this project was approved by the Board and Council in late 2019. Mr. Menzies said that he received a request for an extension shortly after the Board's last meeting, and there had been significant progress made since 2019 when the project was approved. However, the

project has been delayed due to COVID19 and supply chain issues. The initial extension request was for six months, but the agreement has expired since the request. Technically, the Board will be approving the extension, but since the first agreement has expired, there must be a new agreement.

Mr. Menzies presented a slideshow of photos exhibiting the building progress, stated that six more months would be needed to complete the project, and read the Chief Building Official's update. The update noted that construction would continue for several more months—additionally, the third-floor dining room and kitchen area are at the roughing stage. The historical window replacement is still pending, and the dining room and rooftop deck platform's rear fire escape has not started. The second-floor bar is also in the roughing stage, the first floor has progressed to finish out, but no finishes have been installed. The owners and contractors have requested that a portion of the first floor, where the water massage tables are located, be inspected and allowed to be occupied. Building inspections have provided a path that will lead to the occupancy of the space as requested.

Mr. Menzies is satisfied with the progress made. He explained that all permits and inspections are in line. He requested that if the Board approved the extension, it would just continue the \$133,000 performance agreement for another six months for the fire suppression system. The new approval would not impact the budget because this amount is already accounted for in the budget.

Mr. Fidelie closed the public hearing at 3:08 p.m.

Mr. Syd Litteken with Picker's Universe appeared after the public hearing for this item was closed, so Mr. Fidelie resumed this public hearing at 3:40 p.m.

Mr. Litteken gave an update on the progress of the construction. The elevator has been installed, and most of the upstairs restaurant is complete. The metal ceiling being made in Canada is one of the most significant items that has not been delivered. They have ordered the outdoor deck material for the outside portion of the restaurant. The flooring has been installed on the first floor, and the door to the parking lot has been opened. Mr. Litteken went on to describe the establishment. The mediating floor or "half-story" will have a wine bar and a small quiet space for people to discuss business and a special meeting room. The entire top floor will be divided into three or four different quadrants with sliding walls, making it a conference center. There will be a full restaurant with different daily menus. In addition, there will be a private room with an eating facility where people can come and plug in their computers to do their homework or work in a quiet location rather than somewhere noisy. There will be two or three water massage tables and an 8-foot by 6-foot aquarium.

Mr. Fidelie asked if the large dining room is intended to hold club meetings, such as the Rotary Club, and Mr. Litteken confirmed that thought process. He explained that it would be like a "new Luby's" with an outside restaurant. Mr. Fidelie then asked if there would be a rooftop bar, and Mr. Litteken stated that there would be a rooftop bar and outside dining on the roof. Mr. Fidelie asked if the Picker's Universe antique store would remain on the first floor, where people would walk through it to get to the restaurant. Mr. Litteken explained that it would stay that way for the time being. Mr. Litteken thanked the Board for the time extension and said that Covid had been "a killer" for them this year. Mr. Litteken described how much Downtown has grown since the Farmers Market renovation several years ago. He listed some of the newer establishments that have opened Downtown, including The Karat, the ax bar, Half Pint, and the wine bars. He explained that Wichita Falls natives that have moved away now look forward to visiting home because there are new and exciting things to do Downtown.

Mr. Leiker asked if a six-month extension would be enough time, and Mr. Litteken said yes, it sure would.

Mr. Fidelie closed the public hearing at 3:48 p.m.

5. Public hearing regarding a funding request from Will Kelty dba Petroleum Building Wichita Falls LLC to assist in fire suppression system upgrades as part of the proposed renovations at the existing building at 726 Scott Ave. downtown and consider the use of the Corporation-owned Lindemann Parking Garage at 714 Indiana Ave, downtown.

Mr. Fidelie opened the public hearing at 3:08 p.m.

Mr. Menzies reintroduced Mr. Kelty to the Board and described Mr. Kelty's request to the Board. Mr. Kelty's proposal includes renovating floors two through five and then floors six through ten in two phases turning these floors into 160 to 170 residential apartment units. To support this \$14 million project, Mr. Kelty has requested funding in the amount of \$1,000,000 to upgrade the fire suppression system in the building. Mr. Menzies explained that there were three prongs to Mr. Kelty's request. The three prongs were the \$1,000,000 assistance with the fire suppression system, the total or partial use of the parking spaces in the Lindemann Parking Garage, and city and county tax abatements. Mr. Menzies reviewed with the Board that, at their direction, he worked with Mr. Kelty and the City to clarify some things in regards to the tax abatement. Mr. Menzies explained that he had had multiple conversations with Mr. Kelty and his financing team over the last couple of months. They both understand the City's and County's perspectives on how the tax abatement agreement would work. The City Council is scheduled to start the tax abatement process in a couple of weeks. Mr. Menzies explained again that Mr. Kelty is before the Board to request funding for the fire suppression system and the parking garage.

Mr. Fidelie asked Mr. Menzies and Mr. Kelty about the structure of the tax abatement agreement. Mr. Menzies asked Mr. Heggund to clarify the structure of the agreement. Mr. Heggund explained that the agreement would be the standard stairstep over ten years.

Mr. Kelty stated his name and address to make some additional comments to the Board. The request has not changed since November. He reviewed with the Board that this project is a historic tax credit project that involves many different players. All parties are still on board. Commerce Bank will be the state tax credit purchaser, PNC Bank will be the federal tax credit purchaser, and TransPecos Bank will lead a separate bridge and construction loan. Additionally, Mr. Kelty said he has been working with the financial institutions and Kennedy Sutherland Law Firm to pull everything together.

Mr. Kelty went on to give an update on the process. He stated that the appraisals are complete and accepted by all entities, they have asked for an independent company to do the construction draws, and they've already opened escrow. This means that they are waiting for the Board's decision. In anticipation of the Board's decision, he explained he had people in the building cleaning out, getting rid of junk, and he has had a plumber trying to restore the plumbing work on the lower floors. He has also had an elevator repairperson trying to modernize one of the elevators. He explained that his goal is to complete the lower floors within the first 12 months and finish the total project by 20 months.

Mr. Fidelie asked if Mr. Kelty's idea was to construct student housing still and collaborate with the university. Mr. Kelty said yes, and after follow-up conversations with the university, he believes the student enrollment will have increased by the time the lower floors are complete, making it an appropriate time to open.

Mr. Fidelie asked for Mr. Kelty's thoughts on the time frame to complete the project. He asked if 24 months was still the magic number. Mr. Kelty stated his goal is to have the lower floors complete in 10 months and the entire project finished in 18 months, but the historic tax credits allow you to pick a period of 24 months. The project must be complete within 24 months of when the funding is in place.

Mr. Fidelie asked one more question as to whether Mr. Kelty had any conversations with the county judge or commissioners, or their staff about an abatement agreement. Mr. Kelty explained that he spoke with county officials who explained that if the City adopted the agreement, the County would follow suit. Mr. Fidelie then asked Mr. Leiker if that was historically the pattern. Mr. Leiker said that he did not recall a situation in which the County denied an abatement that a company had asked to mirror the City's. Mr. Leiker stated that the County has a formal tax abatement policy and advised Mr. Kelty to check the policy.

Mr. Menzies spoke up to explain the process. If the Board approves the project, the funding must then be ratified by the City Council, and then the Council would initiate the tax abatement, which is a four to six-week process. Therefore, when the Council considers the tax abatement, they would also consider ratifying this piece of the project.

Mr. Hatcher asked Mr. Kelty if he had any backup plan if the Board or City did not approve 100% of what he was asking. He wondered if there was any way to make the financing work if the tax abatement or funding were not 100%. Mr. Kelty explained that there had been some unforeseen challenges that he was able to work out with the bank, but it involved him bringing more money to the table. He explained that it all comes down to the project's viability, and it would not be happening without the historic tax credits. He said that it is incredibly challenging to make the project happen without the concessions that he is asking of the Board and City. He explained that he tried many different ways to make it happen, including conventional financing, and the creditors got cold feet. They did not want to be in this market. He explained that he has adapted in the past but feels like this is the end of the line.

Mr. Barham asked if the \$1,000,000 loan for the fire suppression system was for the entire building or just for the first construction phase. Mr. Kelty explained that it would need to be for the whole building, but his goal is to have the suppression system on the lower levels in place first to get a certificate of occupancy on those levels to start renting space. Mr. Kelty explained that the project includes the complete fire suppression system and the booster pump replacement.

Dave Clark entered the meeting at 3:27 p.m.

Mr. Fidelie asked Mr. Kelty to talk about the many successes he has had Downtown. Mr. Kelty explained that his background is in finding distressed properties, typically apartment complexes, throughout Texas and restoring them. He described a project he completed in Houston, a 542 unit building on 27 acres that was restored and had up to 95% occupancy within 18 months. Then he spoke about a 242 unit building that he restored in Houston. He discussed his work on the Big Blue building in Wichita Falls. He then discussed the City Center project located where the Eight Street Coffee House was previously located. He turned the upper floor vacant offices into loft apartments, typically 100% occupied. These projects have been quite successful in bringing people downtown. He discussed how the Wichita Falls Brewing Company started. The first night he visited Wichita Falls, he went into Iron Horse Pub and asked for a local beer. They told him there was no local beer in Wichita Falls. He met with a person on Craigslist who sold brewing equipment, and then he connected with Matt, who is now the brewer of Wichita Falls Brewing Company. Mr. Kelty bought the building that is now the brewing company to have the brewer move into it. Now they make great beer, and they were voted best interior commercial design in all of Texas in a recent publication. Mr. Fidelie talked about the successes and explained that Mr. Kelty had brought many things to Downtown. Mr. Menzies mentioned the significant progress at 713 Indiana.

Mr. Heggland asked Mr. Kelty to explain how bringing people downtown will help expand business opportunities in the downtown area. He explained that he thinks what drives people to come to an area is whether they have a thriving downtown. He explained that he met with a

software developer choosing to open a business in either Wichita Falls or Amarillo. He ultimately did not select Wichita Falls because its Downtown was not thriving. He also explained that he plans to continue reaching out to MSU to collaborate on how to keep MSU students here once they have graduated. His idea is to foster growth and community alongside the university and give MSU graduates a career path locally. He believes bringing students, and more people Downtown will help create a more vibrant downtown, attracting more businesses Downtown.

Mr. Fidelie closed the public hearing at 3:40 p.m.

6. Executive Session.

Mr. Fidelie adjourned the meeting into executive session at 3:48 p.m. pursuant to Texas Government Code section 551.087. He announced the meeting back into regular session at 4:19 p.m. The subjects posted in the Notice of Meeting were deliberated, and no votes or further action were taken on these items in executive session.

7. Consider a funding request from Kirk Laney, dba Picker's Universe LLC, to renovate the existing building at 1000 Indiana downtown into a mixed-use retail and restaurant establishment.

Mr. Leiker motioned to approve the funding request from Kirk Laney dba Picker's Universe LLC, to renovate the existing building at 1000 Indiana downtown into a mixed-use retail and restaurant establishment under the same terms as the prior agreement approved by this Board with an expiration period of six months. Seconded by Mr. Clark, the motion carried 5-0.

8. Consider a funding request from Will Kelty dba Petroleum Building Wichita Falls LLC to assist in fire suppression system upgrades as part of the proposed renovations at the existing building at 726 Scott Ave. downtown and consider the use of the Corporation-owned Lindemann Parking Garage at 714 Indiana Ave, downtown.

Mr. Heggland asked that if the Board decides to go forward, they adopt the following finding: 726 Scott Avenue, also known as The Petroleum Building, is located in the core area of Downtown Wichita Falls, and that the redevelopment of Downtown and specifically this project is likely to promote or develop new or expanded business enterprises in the City, Downtown and the City as a whole.

Mr. Fidelie motioned to, first, adopt the finding Mr. Heggland read into the record, and second, that the Board approve funding of up to \$1,017,192 for fire suppression system upgrades. Subject to the following:

- The first stipulation is that 60% of those funds will be released when floors two through five are complete, and the Certificate of Occupancy (CO) is issued.
- Second, the remaining 40% of those funds will be released when floors six through ten are complete, a CO is issued, and the floors are comprised of at least 150 apartment units.

Once the aforementioned projects are complete, and COs are issued prior to April 1, 2024, the WF4BSTC will convey what is known as the Lindemann Parking Garage, located at 714 Indiana, to Mr. Kelty, or a corporation owned by him, with the following stipulations:

- First, if Mr. Kelty, or his corporation, sells the garage, WF4BSTC will have the right of first refusal in that transaction, and the purchase price to buy back the garage from Mr. Kelty, or his corporation, will be \$10,000.
- Second, the garage will be conveyed to him upon the CO issued for at least 150 apartment units in the building located at 726 Scott Avenue, also known as the Petroleum Building.

- Substantive details will be worked out between Mr. Kelty, the Board's legal counsel, Mr. Heggland, and Mr. Menzies.


Mr. Heggland clarified that the transfer of the Lindemann Parking Garage would not be a sale but instead be a no-cost transfer.

Mr. Hatcher asked if the parking garage would immediately go on the tax rolls. Mr. Heggland explained only at the point that the garage was deeded over to Mr. Kelty. Mr. Fidelie explained that the issue would be subject to the appraisal district and Texas Property Tax Code. So it would be either immediate or the following January 1st.

Seconded by Mr. Barham, the motion carried 4-1.

9. Adjourn.

Mr. Fidelie adjourned the meeting at 4:27 p.m.


Guy A. "Tony" Fidelie, Jr., President
Glenn Barham, V.P.

**WICHITA FALLS 4B SALES TAX CORPORATION
BOARD OF DIRECTORS**

**CERTIFIED AGENDA
OF THE EXECUTIVE SESSION**

January 6, 2022

At the beginning of the session, I announced a closed meeting began on January 6, 2022, at 3:48 o'clock p.m., and the sections of Chapter 551 under which this meeting was held were as follows and as otherwise described in the agenda of the Wichita Falls 4B Sales Tax Corporation.

Executive Session in accordance with TEXAS GOVERNMENT CODE §551.087, to discuss or deliberate the offer of a financial or other incentive, including modification to an existing agreement, for a business prospect that the 4BSTC seeks to have, locate, stay, or expand in or near the territory of the City of Wichita Falls and with which the 4BSTC is conducting economic development negotiations for creation and retention of primary jobs (as defined by TEX. LOCAL GOV'T. CODE §501.002).

At the end of the session, I announced the date and time were January 6, 2022, at 4:19 o'clock p.m.

The subjects described above were deliberated, and no further action or votes were taken on these subjects in executive session.

I, Tony Fidelie, President of the Wichita Falls 4B Sales Tax Corporation Board of Directors, certify that the above is a certified agenda of the proceedings of the executive session of the Wichita Falls 4B Sales Tax Corporation Board of Directors.



GUY A. "TONY" FIDELIE, VICE PRESIDENT
WICHITA FALLS 4B SALES TAX CORPORATION

MINUTES
LAKE WICHITA REVITALIZATION COMMITTEE

March 8, 2022

PRESENT:

David Coleman, Chair
Tim Brewer, City Council Rep
Alicia Castillo, Gold Star Family
Matt Marrs
Sharon Roach
Alison Sanders
Rick Hernandez
Steve Garner

■ Members

Blake Jurecek; Asst City Manager

■ Staff

Robert Mauk, TP&W
Kathie Forehand-Chaddick

■ Guests

ABSENT: Eve Montgomery, John Strenski, Kendrick Jones, Ford Swanson

1. **Call to Order:** David called the meeting to order at 10:04 am and declared a quorum. He informed the group that Crystal Byrd did not reply to him, so she is terminated from the Committee. Also, Eve Montgomery submitted her resignation since she is moving to Washington State. Replacement candidates will be on the March 15 City Council agenda, for them to consider appointing two new Members, one of which will be the designated Park Board representative.
2. **Approval of Minutes:** February meeting minutes were approved unanimously.
3. **Project Updates:**
 - 3.a. **Veteran's Plaza Project:** David summarized the project funding status. The revised construction cost estimate is \$525,000 which makes the total estimate to complete the project \$618,750. Our total funds available is \$708,000 so we are comfortable the project can move forward, even in this climate of inflation.

A Pre-Bid meeting was held last week, it was well attended, and David passed out the attendance roster. Bids will be opened on March 15, and David will attend, and initiate the documents for the Community Foundation to cut a check for the low bid plus 10%, plus \$30,000 for the re-design. The April 5 City Council agenda will include two items: One for City Council to consider awarding the construction contract, and the second for them to consider formally naming the Veterans Plaza after Harry Patterson.

Regarding the design of the Plaza, Steve Garner will determine the wording on the brass plaque to recognize donors. Up to three more brass plaques can be placed along the walkway, and David asked the group to consider what (if anything) will be on the other three plaques. David explained that we need to decide what artwork to include on the back side of the four Gold Star Family monument panels, and after much discussion this was decided unanimously:

March 8, 2022

- Panel one: Alamo and Texas Flag (like sample #3)
- Panel two: Four silhouettes (like sample #6)
- Panel three: Iwo Jima Flag raising (standard design)
- Panel four: Folded Flag, POW/MIA, Cemetery (from samples 3 & 4)

David informed the group that Congressman Ronny Jackson has accepted our invitation to be our guest speaker on November 11, to dedicate the Memorial and honor Veteran's Day. Also, David stated that the members of American Legion Post 169 have asked if we would be interested in moving the Eternal Flame monument from City Hall to the Veteran's Plaza. The Committee had a generally positive response, but there are many questions that must be answered, and the issue was tabled for possible future consideration.

- 3.b. Lake Deepening:** Rick asked whether a phased project could be considered, and David replied that if an ACOE Section 1135 project was pursued, it would have to be phased since the maximum project value is \$12 million.
- 3.c. Kayak Launch Grant:** Robert Mauk stated the contract is complete and is under review at Texas Parks & Wildlife, and should be signed soon by both the City and TP&W.
- 4. Discussion of Brick Sales and Fundraising Initiatives:** David stated that we must get all the paper brick orders entered into the Polar Engraving website system, and he will set up a work session to get that done.
- 5. Other Business Matters:** Kathie asked if we have considered dedicating a highway to Gold Star Families. She will do some research into this, and David will contact Davis Powell to find out how this is done.
- 5.a. Website Changes:** On hold.
- 6. Adjournment:** The meeting adjourned at 10:58 am.



David Coleman, Chair

Apr 12, 2022
Date

March 8, 2022

CITY COUNCIL AGENDA
April 19, 2022

ITEM/SUBJECT: Ordinance Amending Chapter 14 – Animals in Its Entirety, and providing for codification.

INITIATING DEPT: Health

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY:

The City's animal ordinance regulates the health, safety, and treatment of animals within the City limits and was last revised by the City Council three years ago. Since that time, staff has identified several issues related to state law and local preference that have initiated the proposed changes to the ordinance. Both the Animal Shelter Advisory Committee and the Board of Health reviewed and recommend to the City Council the proposed revisions, as follows:

Sec 14-1 Definitions

- **Enclosure** - means an area sectioned off by a fence or wall *secured on all sides to prevent escape*. This was in response to a recent court issue and the need to ensure it was clear the enclosure was intended to prevent the escape of an animal. Pg. (7)
- **Owner** - changed the days you may keep a stray animal from three to seven days. Most citizens will hold onto a stray animal in an effort to find its owner rather to bring it into the shelter. This gives them seven days to do so without being considered the owner of an animal. Pg. (8)
- **Performing animal** and **Performing animal exhibition** - added a definition of a performing animals and clarified the definition of a performing animal exhibition. Pg. (8)

Sec 14-10 Owner Surrendered animals

- Added language that would require a valid government ID to be able to owner surrender an animal. This is a current policy however there is a need for the requirement to be in the ordinance to assist with better compliance. Pg. (13)
- Added language that would prevent an owner which surrenders an animal to the shelter from adopting from the shelter for one year after the owner surrender. The exceptions to this are if the animal is sick, elderly, or aggressive. Pg. (13)

Sec 14-14 Animal Adoption policies

- Removed the requirement that all current animals in the home be microchipped prior to adopting an animal. This has been a barrier to adoptions in the past three years and, while it is ideal to have all animals microchipped, it shouldn't be a barrier to adoptions. Pg. (14)

Section 14-17 (d) (2) Fees and Penalties

- Added language which clarifies that an individual who receives reduced or waived fees is to complete the responsible owner program, and will be billed for the reduced or waived fees and will be subject to receiving citations for failure to attend the class. Pg. (16)

Section 14-71 License Required

- Language was added to require that owners provide proof of an animals current city license when requested by an Animal Care Officer, and that the City license would be renewed concurrent with a rabies vaccination. Pg. (17)

Section 14-154 Kennel Permit (b)

- Removed the requirement of kennels to ensure animals are microchipped prior to boarding an animal. Pg. (25)

Section 14-157 Private Animal Shelter Permit (q)

- Added language which requires the shelter to require any person bringing in an animal to provide a valid government ID and maintain that information. Pg. (27)

Section 14-333 (a) Dangerous dog license required

- Removed the requirement to register the dog with a National Registry for dangerous dogs. This registry no longer exists. Pg. (40)
- Reduced the insurance requirement from \$750,000 to \$500,000. Individuals have been unable to find the higher limits of insurance and this became a seemingly impossible requirement to meet. Pg. (40)

Section 14-335 Declaration of a dangerous dog

- Added (d) to define a time limit in which an individual must obtain a license for a dangerous dog. Pg. (41)

Section 14-370 Records required number (6)

- Added clarifying language to ensure we have a comprehensive list of the information that will be gathered and stored. Pg. (43)

Section 14-373 The right of owner to reclaim; fee (a1) (e) (f) (g)

- Added language to agree with 14-7 in regards to individuals who received reduce fees. Pg. (43)
- Added language which states the requirement to sterilize an animal will be waived if they provide a note from the veterinarian that the procedure would jeopardize the animal's health. Pg. (44)
- Added language which states if an animal is impounded for the second time and has not been sterilized the owner will be required to prepay for the sterilization and the animal will be held at the shelter and delivered to the vet for its appointment. The owner will then pick the animal up from the veterinarian. Pg. (44)
- Removed spay and neuter from (g) as a 10-day requirement. Most veterinarians have a longer than 10-day wait for a spay or neuter appointment. Pg. (44)

Sec 14-452 Food, water, shelter, shade. (1-a-1,2,3)

- Added language to strengthen this section by better defining what constitutes a shelter, and appropriate bedding. Pg. (51)

An Animal Shelter Advisory Committee meeting was held on December 10, 2021. They voted unanimously to approve the ordinance revision and to present them to Board of Health.

A Board of Health meeting was held on January 14, 2022. They voted unanimously to recommend the ordinance to Council for approval.

City staff as well as the Animal Shelter Advisory Committee and the Board of Health recommend the attached ordinance to the City Council for approval.

☒ **Director of Health**

ASSOCIATED INFORMATION: Ordinance

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Ordinance No. _____

**Ordinance Amending Chapter 14 – Animals In Its Entirety, And
Providing For Codification.**

WHEREAS, the Health District is the Regulatory Authority for the City of Wichita Falls; and

WHEREAS, the Health District recommends revision of the existing Animal ordinance to promote and protect the health and safety of all animals and citizens; and

WHEREAS, the City Council of the City of Wichita Falls desires to adopt an Animal ordinance that promotes and protects the health and safety of all animals in the community;

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

1. Chapter 14 –Animals of the Code of Ordinances of the City of Wichita Falls is hereby amended to read as follows:

Chapter 14 - ANIMALS^[1]

Footnotes:

--- (1) ---

State Law reference— Health and safety of animals, Texas Health and Safety Code § 821.001 et seq.; regulation of animals, Texas Health and Safety Code § 822.001 et seq.; rabies control, Texas Health and Safety Code § 826.001 et seq.; dog and cat sterilization, Texas Health and Safety Code § 828.001 et seq.; animal control officer training, Texas Health and Safety Code § 829.001 et seq.; cruelty to animals, Texas Penal Code §§ 42.09, 42.092; attack on assistance animals, Texas Penal Code § 42.091; dogfighting, Texas Penal Code § 42.10.

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abuse means to mistreat through intent or neglect any animal, fowl, livestock, or wildlife in a manner that causes or is likely to cause stress or physical injury, as provided in Texas Penal Code §42.092, or as otherwise stated in this chapter.

Animal means any living organism of the Kingdom Animalia that breathes and feeds on organic material. When used in this chapter the term "animal" includes, but is not limited to, dogs, cats, livestock, fowl, vertebrates, fish, and hermit crabs.

Animal Care Officer (ACO) means an employee of the City of Wichita Falls, Texas, who is authorized to enforce all State laws and City ordinances as they pertain to animals.

Animal Clinic means any private or public facility, either non-profit or for hire, that provides veterinary services such as vaccinations and spay/neuter services for dogs and cats.

Animal foster home means any residence that is registered with a rescue for the purpose of temporarily housing domestic animals in need of adoption into a permanent household. The foster home must be inspected and approved by the rescue group and may be subject to inspection by Animal Services Center staff at any time.

Animal foster home caregiver means a person who harbors fostered animals through an ASC approved rescue group.

Animal Services Center (ASC) means the Wichita Falls Animal Services Center or other facility designated by the city council as the municipal animal shelter to be used for the housing of any animal impounded by an Animal Care Officer or any employee of the ASC.

At large means any animal, including fowl or livestock, not restrained by some physical means to the premises of its owner or harborer/caretaker. An animal shall not be considered at large when held and controlled by some person by means of a leash or chain of proper strength and length to control the actions of the animal, fowl or livestock. An animal shall not be considered at large when participating in a show, competition, or training program. A licensed cat meeting the requirements in Sec 14-297 or a cat harbored as a member cat of a registered cat colony or a non-member feral cat shall not be considered at large unless they are creating a public nuisance or unaltered.

Authorized veterinary clinic means a clinic that has been pre-approved by the health district to offer for sale animal license tags to their clients.

Cat colony location means the location at which a feral cat caregiver provides food, water, or shelter to feral cats in compliance with the cat colony guidelines herein.

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

Commercial animal establishment means any pet store, petting zoo, grooming business, riding school, stable, zoological park, circus, performing animal exhibition, or kennel.

Cruelly treated includes tortured; seriously overworked; abandoned; deprived of adequate food water, care, or shelter; cruelly confined; or caused to fight with another animal.

Curtilage means any land or building immediately adjacent to a dwelling that is directly and intimately connected with the habitation.

Dangerous animal ~~means~~ means an animal, other than a dog that the director determines to be a danger to human life, health, or safety.

Dangerous dog means a dog that makes an unprovoked attack on a person or animal that causes bodily injury and occurs in a place other than the enclosure in which the dog is normally kept or was being kept or commits unprovoked acts in a place other than the enclosure in which the dog is normally kept or was being kept, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person or to another animal.

Director means the Health Director of the Wichita Falls-Wichita County Health District or his or her designee.

Distance between structures means a straight line from the nearest point of the shed, stable, barn, pen, enclosure, fence, or area in which the animal is contained to the nearest point of such actual residence or building used for human habitation.

Ear tipping means the surgical removal of a quarter-inch from the top of a feral cat's left (or occasionally right) ear by a licensed veterinarian while the cat is anesthetized for spaying/neutering for the purpose of identifying a feral cat as having been evaluated, vaccinated, and spayed/neutered.

Enclosure means an area sectioned off by a fence or wall secured on all sides to prevent escape.

Equine means any animal ~~found~~ in the horse family, including but not limited to horses, donkeys, and zebras.

Feral cat means any cat that is not socialized towards humans, is born in the wild, or is a formerly owned cat that has been abandoned, or a cat that lives in the community that is not owned by humans, and is sometimes referred to as a free-roaming or street cat.

Feral cat caregiver means a person who harbors feral cats in compliance with the permitted feral cat management guidelines contained herein.

First offender means a person that has received a citation for an animal related offense occurring in the city limits of Wichita Falls for the first time.

Fostered animal means an animal residing in a foster home registered and approved by an ASC approved rescue group until its adoption into a permanent household.

Fowl includes chickens, turkeys, pheasants, quail, guineas, geese, ducks, peafowl, and other domestic feathered creatures regardless of age or sex, except parakeets, canaries, or similar small-size birds, or any exotic birds, such as parrots, provided they are continuously confined within the residence or business of the owner/harbinger.

Grooming means the hygienic care and cleaning of an animal, which includes but is not limited to keeping a dog or cat's nails trimmed to an appropriate length and keeping hair and fur free of mats and burrs. Hair shall be maintained in a manner allowing the animal to have a clear line of sight.

Grooming business means a commercial business establishment including a mobile grooming unit where animals, for a fee, are bathed, clipped, or combed to enhance their aesthetic value, health, or both.

Harbor means to provide any animal, fowl, livestock, or wildlife with food, water, or shelter.

Health district means the Wichita Falls-Wichita County Public Health District.

Impoundment means to take an animal into custody by a City of Wichita Falls ACO or other employee of the ASC. Impoundment begins at the time any ACO or employee of the ASC takes control of the animal.

In season means during the stage of estrus or heat.

Kennel means any lot, building, structure, enclosure, or premises used for commercial purposes wherein one or more dogs and/or cats, 16 weeks of age or older, are kept or maintained for profit, including animal daycare facilities and veterinary clinics/hospitals.

Livestock means a domestic animal generally used or raised on a farm for profit or use, including but not limited to bovine, equine, sheep, goats, swine, or any other animal defined as livestock by the State Agriculture Code, whether commonly domesticated or not.

Livestock production area means any parcel of land within the city limits in excess of 25 acres that is used to raise livestock.

LRCA means local rabies control authority.

Member cat means a feral cat that is part of a permitted feral cat colony.

Microchip means an identifying integrated circuit device placed under the skin of an animal and containing information regarding that animal, including the identity and address of the owner, which can be read with a scanner capable of reading information from identifying integrated circuit devices.

Neutered means any male animal rendered incapable of breeding by castration.

Official notice means written notice delivered in person by an ACO or sent by certified mail, return receipt requested, addressed to the last known address of the recipient by either an ACO or an ASC designee.

Owner means a person who owns, keeps, shelters, maintains, feeds, harbors, or has temporary or permanent custody of a domestic or prohibited animal, or who knowingly permits a domestic or prohibited animal to remain on or about any premises over which that person has control. The term shall include a person who harbored, fed, or sheltered the animal for seven ~~three~~ (7~~3~~) consecutive days or more.

Performing animal means any animal which is used at, or for the purpose of any entertainment to which the public are admitted.

Performing animal exhibition means any spectacle, display, act, or event~~s~~ other than rodeos in which animals, fowl, livestock, or wildlife perform.

Permitted feral cat colony means five or more feral cats that live together in one territory, often near food sources and shelter, under the supervision of a particular feral cat caregiver in compliance with the permitted feral cat management guidelines contained herein.

Pet store means any person, partnership, company, or corporation, whether operated separately or in connection with another business enterprise, that buys or sells any species of animal.

Petting Zoo means a collection of animals for people to pet and feed.

Pot-bellied Pig means a Vietnamese pot-bellied pig. Under no circumstances shall any swine be considered a pot-bellied pig if its weight exceeds 125 lbs.

Private Animal Shelter means an establishment that provides a temporary home for dogs, cats, and other animals that are offered for adoption or rescue. Municipal Shelters are excluded from this definition.

Prohibited Animal means:

- (1) Any wild or exotic animal or any animal not normally born and raised in captivity including, but not limited to the following:
 - a. Reptiles: venomous lizards, venomous snakes, crocodiles, alligators, caimans, and gharial;
 - b. Mammals:
 1. Felines (such as lions, tigers, bobcats, jaguars, leopards, and cougars), except commonly domesticated cats;
 2. Canines (such as wolves, dingoes, coyotes, foxes, and jackals, and any hybrid of a canine), except commonly domesticated dogs;
 3. Mustelids (such as weasels, skunks, martins, minks, badgers, and otters) except ferrets;
 4. Procyonids (such as raccoons and coati);
 5. Bears;
 6. Marsupials (such as kangaroos, opossums, koala bears, wallabies, bandicoots, and wombats);
 7. Bats;
 8. Sloths, anteaters, armadillo, and related species;
 9. Elephants;
 10. Primates (such as monkeys, chimpanzees, orangutans, and gorillas);
 11. Rodents (such as beavers and porcupines), except commonly domesticated rodents kept as pets including hamsters, gerbils, guinea pigs, rats, mice, and chinchillas;
 - c. Amphibians: poisonous frogs.
- (2) Does not include nonpoisonous reptiles or nonpoisonous amphibians.
- (3) Does not include livestock, fowl, or normal household pets, such as, but not limited to dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small nonpoisonous reptiles, snakes, or amphibians.

Public nuisance means any action or condition that has the potential to affect the health, safety, or welfare of the public, including the following:

- (1) Any animal, fowl, or livestock that molests, chases, or attacks passersby or passing vehicles;
- (2) Any animal, fowl, or livestock that molests, chases, or attacks other animals;
- (3) Any animal, fowl, or livestock that trespasses on school grounds;
- (4) —Any animal, fowl, or livestock that is repeatedly at large (ie.eg., two (2) or more times per 36-month period) while being owned/harbored by the same person;
- (5) Any animal, fowl, or livestock that damages or defiles private or public property;

- (6) —Any animal, fowl, or livestock that barks, whines, howls, crows, or makes other noise in an excessive or continuous fashion;
- (7) Any dog or cat that is unconfined in season;
- (8) —Any animal, fowl, or livestock that has been deemed a dangerous animal and not confined as required by this chapter;
- (9) —Fecal matter, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission;
- (10) A condition or place that is a breeding ground for flies;
- (11) A collection of water in which mosquitoes are breeding;
- (12) A place or condition harboring rats;
- (13) An object, place, or condition that is a potential medium of disease transmission to humans;
- (14) Any animal, fowl, or livestock which damages, soils, defiles, urinates, or defecates on private property other than the owners;
- (15) Providing food or water to a feral cat that is not associated with a permitted cat colony or a nonmember feral cat;
- (16) A place or condition that has the potential to produce obnoxious or foul odors.

Rabies means an acute viral disease of dogs, humans, and other mammals~~humans and animals~~ affecting the central nervous system ~~and~~ usually transmitted ~~throughby~~ the saliva of an infected animal by a ~~bite~~scratch or scratch~~bite~~.

Rescue group means an organization approved by the director or his or her designee whose mission is to take unwanted, abandoned, abused, or stray animals and attempt to find them suitable homes.

Residence means any place of human habitation at any time, day, or night, including but not limited to any residence, church, school, convalescent center, or nursing home.

Responsible pet owner program means the program conducted by ASC staff to provide education on animal-related ~~c~~City ordinances and ~~s~~State laws.

Restrained means any animal secured by a leash or lead held by the owner or responsible party or physically confined within the property limits of its owner. Physical confinement must be appropriate in height and strength to confine the animal(s) on the property. Invisible fencing, remote control collars, and voice commands are not recognized as proper restraints for animals.

Riding school and stable means any place that has horses, ponies, donkeys, mules, or burros available for hire, boarding, and/or riding instruction ~~horses, ponies, donkeys, mules, or burros~~.

Sanitary means any condition of good order and cleanliness that discourages and limits disease transmission.

Spayed means any female animal rendered incapable of being bred by removal of the ovaries.

Vaccination means an injection of a vaccine, including but not limited to rabies, which is approved by the U.S. Department of Agriculture, Veterinary Biologics Division, State Veterinarian, and administered as required by state law.

Veterinarian means any person duly licensed to practice veterinary medicine by the State Board of Veterinary Examiners.

Veterinary clinic/hospital means any establishment maintained and operated by a licensed veterinarian for surgery and/or diagnosis and treatment of diseases and injuries of animals, fowl, livestock, or wildlife including but not limited to a mobile or outpatient clinic.

Wild animal (wildlife) means any nondomestic creature (mammal, amphibian, reptile, or fowl) that is of a species that is wild by nature and that can normally be found in the wild state and that is not naturally tame or gentle but is of a wild nature or disposition; or that, because of its size, vicious nature and other characteristics, would constitute a danger to human life or property, if not kept or maintained in a safe and secure manner. Such creatures include, but are not limited to, all nonhuman primates and all forms of venomous reptiles and nonvenomous snakes that will exceed a length of six feet when mature. Excluded from this definition are hamsters, gerbils, ferrets, domesticated breeds of rabbits, guinea pigs, rats, mice, newts, and salamanders.

Zoological park means any facility, other than a pet store or kennel, displaying or exhibiting one or more species of animals, fowl, livestock, and wildlife, operated by a person or under the auspices of a government agency or possessing an unrevoked municipal zoological park permit.

(Code 2001, § 14-1; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-2. - Incorporation by Reference.

Any reference made in this chapter to any other law, statute, code, ordinance, rule or regulation is intended to incorporate such material as it presently exists and also any future amendments, changes, revisions, repeals or recodifications of such material, unless otherwise expressly provided.

Sec. 14-3. - Violations; Penalties.

- (a) Any violation, disobedience, omission, neglect, failure, or refusal to comply with the enforcement of any of the provisions of this chapter shall be punishable by a fine not to exceed \$2,000 for each violation. Unless otherwise specifically stated in this chapter, any violation of this chapter that is punishable by a fine that does not exceed \$500 does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense. Unless otherwise specifically stated in this chapter, any violation of this chapter that is punishable by a fine that exceeds \$500 shall require a culpable mental state as specified by § 6.02(c) of the Texas Penal Code. Each day that a violation is permitted to exist shall constitute a separate offense.
- (b) If any person is found guilty of having violated any provision of this chapter, any permit held by such person may be revoked as provided in this chapter.

Sec. 14-4. - Responsibility for enforcement; police powers.

The local rabies control authority, local health authority, the animal care officers and other authorized employees of the health district shall have all of the powers and authority of peace officers to the extent only, and no further, of enforcing state statutes and regulations, this chapter of the city ordinance and other city ordinances relating to animals, fowl, livestock and wildlife. No person shall interfere in any manner or give false information to the above-stated employees in the performance of their duties.

(Code 2001, § 14-2; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-5. - Interference with duties.

- (a) A person commits an offense if he prevents, interferes with, obstructs, or gives false information to the above-stated individuals in the performance of their duties.
- (b) A person commits an offense if he fails to comply with any lawful order of the above-stated individuals during the enforcement of this chapter or federal or state laws.
- (c) A person commits an offense if he makes a claim of ownership for an animal that he knows is false.
- (d) A person commits an offense if he makes a report of a violation of this chapter, or federal, or state law that he knows to be false.
- (e) A person commits an offense if he physically constrains the movement of any above-stated person or their equipment or vehicle by placing any part of the person or person's property in the way of the above-stated person's progress in the performance of their duties.
- (f) A person commits an offense if he releases or causes an animal to be released after an Animal Care Officer has impounded the animal.

Sec. 14-6. - Entry of private premises.

- (a) If persons keeping animals, fowl, livestock or wildlife within the city, after request of the health district or an ACO, refuse to permit access to the areas or places where such animals, fowl, livestock or wildlife are kept, the ACO shall seek the necessary court authorization to enter the premises.
- (b) If the ACO has reasonable suspicion to believe that the life of the animal may be in imminent danger, the ACO may enter the curtilage of the premises to correct the threat to the animal's life so long as damage to property can be avoided.
- (c) An ACO who has probable cause to believe an animal is in immediate danger may remove the animal from the situation by the quickest and most reasonable means available.
- (d) For purposes of discharging the duties imposed by the provisions of this chapter or other applicable laws, an ACO who has probable cause to believe an animal is in immediate danger may enter upon private property to the full extent permitted by law.

(Code 2001, § 14-3; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-7. - Additional enforcement methods.

If any person is found guilty of cruelty to any animal, wildlife, fowl, or livestock under municipal, state or federal law, his permit to own, keep, harbor, or have custody of such animal, fowl, wildlife, or livestock shall be deemed automatically revoked and no new permit or license may be issued.

(Code 2001, § 14-4; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-8. - Keeping venomous reptiles.

It shall be unlawful for any person to breed, raise, keep, or have in his possession any venomous reptile within the corporate city limits, except a venomous reptile kept by a permitted educational or scientific institution. These institutions will be subject to initial approval and periodic inspections by the director of health or his or her designee.

(Code 2001, § 14-5; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-9. - Disposal of deceased animals and livestock.

- (a) Deceased livestock shall be lawfully disposed of within 24 hours of discovery by or notification of the responsible party. All costs associated with disposal shall be borne by the responsible party. The responsible party will be determined by the health director or his or her designee.
- (b) A reasonable disposal fee will be charged for the requested collection and disposal of each small deceased animal, including dogs and cats. This fee shall be paid to the ASC.

(Code 2001, § 14-6; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-10. Owner surrendered animals.

- (a) Individuals must show proof of ownership and valid government issued ID showing they live within the Wichita Falls' city limits.
- (b) Any owner wishing to relinquish an unwanted animal to an ACO or other authorized employee of the ASC must schedule an appointment for an intake interview prior to bringing the animal to the shelter.
- (c) Any owner wishing to relinquish an unwanted animal to an ACO or other employee of the ASC will be charged a fee.
- ~~(e)~~(d) Any owner who surrenders an animal to Animal Services will be unable to adopt an animal from the shelter for one year. Exceptions to this would include animals who are sick (not thriving), elderly, and or aggressive.

Sec. 14-11. - Noise.

No person shall harbor any noisy animal, fowl, livestock, or wildlife of any kind that makes an unreasonable disturbance to the peace of the occupants of an adjacent premises or the vicinity thereof, including the making of unusual noises by howling, barking, or bawling.

(Code 2001, § 14-7; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-12. - Removal of waste.

The owner, caretaker, harbinger, or possessor of every animal shall be responsible and required to immediately and properly dispose of excreta deposited by the animal on public walks, recreation areas, public, or private property.

- (a) It shall be the responsibility of the owner or their appropriate representative of any multi-family living complex to enforce or remove waste deposited by any animal being housed/harbored on such property.
- (b) An owner commits an offense if they:
 - (1) Knowingly allow the animal to enter or be present on private property or on property located in a public place and fails to have in their possession materials or implements that, either alone or in combination with each other, can be used to immediately and in a sanitary and lawful manner both remove and dispose of any excreta the animal may deposit on the property.
 - (2) Do not dispose of any excreta deposited on any property owned or possessed by that person, caretaker, or possessor of any animal at a frequency of at least weekly or more often as needed to prevent a public health nuisance.

(Code 2001, § 14-8; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-13. - Shooting or catching wild birds.

- (a) It shall be unlawful for any person to shoot, attempt to shoot, or kill with an air rifle, bow and arrow, slingshot, firearm, or other means any wild bird within the city limits.
- (b) It shall be unlawful for any person to or catch or attempt to or catch, by any means whatsoever, any wild bird within the city unless such catching is first approved by the health director.

(Code 2001, § 14-9; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-14. - Animal adoption policies.

- (a) An individual seeking to adopt an animal through the city's ASC must comply with the following requirements:
 - (1) Applicants may not have a history of complaints of cruelty or neglect.
 - (2) Applicants may not have reclaimed their current animals, if any, from ASC more than once in the previous 12-month period.
 - (3) All animals in the home must be spayed/neutered, ~~microchipped~~, and current on vaccinations and city licenses prior to the applicant being approved for adoption.
 - (4) Once an applicant has been approved by the ASC to adopt an animal, the applicant must make and pre-pay for an appointment with the veterinarian of their choice to have the animal spayed/neutered. Proof of the paid appointment must be submitted to the ASC prior to the adoption of the animal.
- (b) Once all of the requirements for adoption have been met, ASC staff will deliver the adopted animal to the chosen veterinary clinic the morning of the spay/neuter appointment. ASC staff will microchip the animal prior to the animal leaving the building and enter that information into the electronic records system. While the animal is at the veterinary clinic being spayed/neutered, the animal will receive a rabies vaccination administered by the veterinarian and paid for by the approved applicant. The applicant may pick up the animal from the veterinary clinic after the animal has been spayed or neutered, and all additional actions have been undertaken by ASC and the designated veterinarian.
 - (1) Proof of spay/neuter must be provided to the ASC no later than ten (10) days from the date of the animal being spayed/neutered.
 - (2) Proof of rabies vaccination and city license must be returned to the ASC no later than ten (10) days after the animal has been adopted.
 - (3) If the animal is deemed too young to be spayed/neutered, the adopter shall schedule and prepay for a spay/neuter appointment at the veterinarian of their choice and bring in proof of the appointment and paid services to the ASC prior to the animal leaving the shelter. It shall be unlawful for a person who has adopted an animal from the city to fail to provide proof of spay/neuter to the ASC within ninety (90) days after adoption.
 - (4) If the animal is under four months of age at the time of adoption, the puppy or kitten must receive a rabies vaccination at approximately four months of age. ASC staff will approximate age and timeline for rabies vaccine to be given. The adopter shall return the proof of vaccination to ASC no later than ten days from the date that the animal receives the vaccination. It shall be unlawful for a person who has adopted an animal from the city to fail to provide proof of rabies vaccination to ASC within ninety (90) days after adoption.
 - (5) If a licensed veterinarian determines spay/neuter and/or vaccination would be detrimental to the health of the adopted animal, documentation from the licensed veterinarian must be submitted, and requirements will be waived.

- (6) If an animal is determined by a veterinarian to have a short-term medical issue detrimental to the health of the animal and requires a delay in spay/neuter the adoption supervisor or their designee shall communicate with potential adopter an agreement for care to include a treatment plan from a veterinarian.
- (7) If the adopter chooses to utilize a veterinarian located outside the City limits but within 30 miles of the ASC they will be assessed an additional fee to cover the cost of delivery of the animal to the veterinarian.
- (c) The Director of Health has the authority to waive or reduce adoption fees for special events or promotions.
- (d) Pets and Vets Program. Adoption fees for any animal available at the City of Wichita Falls Animal Services Center will be waived for any U.S. Veteran who meets the following requirements:
 - (1) Veterans shall meet all other requirements for adoption, including the spay/neuter surgery at the veterinarian of their choice, and
 - (2) Veterans shall present one of the following documents that pertain to their military service:
 - i. Veteran Identification Card;
 - ii. State Issued License with a Veteran Designation;
 - iii. Form DD214 Military Discharge Certificate;
 - iv. Honorable Discharge Certificate;
 - v. Letter from the U.S. Military Center; or
 - vi. Letter from the Department of Veterans Affairs Services and Benefits Program.
- (3) If at any time, an adopter is unable to keep their animal, they can return the animal to the ASC without penalty. If they chose to rehome the animal on their own, they must provide the ASC the new owner's information within 14 days of the transfer of ownership and update the microchip and license information.

(Ord. No. 10-2014, § 1, 3-18-2014; Ord. No. 23-2016, § 1, 6-19-2016)

Sec. 14-15. - Barn cat adoption program.

An individual seeking to adopt barn cats through the city's Animal Services Barn Cat Adoption Program must comply with the following requirements in addition to the requirements of section 14-12:

- (a) Barn cats must be adopted in pairs.
- (b) Applicants must agree to provide a safe, permanent outdoor home with one or more areas of weatherproof shelter, daily food, and water, and provide for any ongoing veterinary costs associated with ownership prior to being permitted to adopt any barn cat.
- (c) Applicants must provide an escape-proof room or enclosure for each cat for a minimum of a two-week period after adoption to allow the barn cat to acclimate to its new location. This enclosure can be a tack room, garage, coop, or XXL dog crate. Applicants must relocate each barn cat to the enclosure immediately following pick up of the animal from the veterinarian in accordance with the requirements of Sec.14-12 and keep the animal in the enclosure for the designated period.

(Ord. No. 10-2014, § 1, 3-18-2014)

Sec. 14-16. - Animal ownership.

No person shall own, keep, maintain, or harbor five or more dogs and/or cats in aggregate per property address, including any dwelling that is an extension of the address, without a ~~special~~ permit as set forth in Article III - Permits.

Sec. 14-17. - Responsible pet owner, the purpose of the program.

- (a) The responsible pet owner program ~~for pet owners~~ established in this article is designed to reduce the incidence of repeat offenders and educate participants about the responsibilities entailed in owning a pet in an urban environment. The program stresses the "good neighbor" concept of responsible pet ownership and gives participants information on the role of the ACO in the community.
- (b) Program established; availability to pet owners.
 - (1) Established. The responsible pet owner program shall be established by the Health District and the ASC.
 - (2) Availability. The responsible pet owner program may be made available to all pet owners residing within the territorial limits of the City of Wichita Falls, and shall be offered at the discretion of the ASC based on availability.
- (c) Eligibility.
 - (1) Any citizen residing within the city limits of Wichita Falls is eligible to participate in the program based on space availability.
 - (2) ~~Owners~~~~Offenders~~ may be mandated to participate in the responsible pet owner program at the discretion of the health director or their designee.
- (d) Fees and penalties.
 - (1) The fee for a first impoundment may be waived or reduced for ~~owners~~~~persons~~ demonstrating financial need who sign up and successfully complete this class.
 - (2) Failure of an ~~owner~~~~offender or citizen~~ who received reduced or waived fees to complete the responsible pet program within 30 days ~~may will~~ result in the issuance of a citations. Said owner -will also be responsible for paying the difference between the impound fee and any waived or reduced fee.

Sec 14-18. Duty to locate owners of loose dogs or cats.

A person commits an offense if he takes possession of an at large dog or cat within the city and knowingly fails to make within 72 hours after taking possession, a reasonable effort to locate the owner by:

- (1) Calling the telephone number listed on the animal's tags.
- (2) Taking the animal to ASC, a licensed veterinarian or other animal agency with a microchip scanner to be scanned for a microchip, checked for a tattoo or other identification screening and attempting to contact the owner if identified through the screening.
- (3) Making a found report to ASC including contact information, description of the animal, and location of where the animal was found.

Secs. 14-19—14-40. - Reserved.

ARTICLE II. - DOG AND CAT VACCINATION AND LICENSING^[2]

Footnotes:

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State Law reference — Registration of dogs and cats, Texas Health and Safety Code §826.031 et seq.; rabies control, Texas Health and Safety Code §826.001 et seq.

DIVISION 1. - GENERALLY

Sec. 14-41. - Vaccination required.

- (a) No person shall own, possess, or harbor any dog or cat 16 weeks of age or older unless it has been vaccinated against rabies in accordance with this section and state law.
- (b) Rabies vaccination shall be repeated in accordance with state laws and regulations.
- (c) The owner of any unvaccinated dog, cat, or ferret reclaimed from the ASC must purchase a rabies voucher from the ASC before leaving the center. The owner will be required to have the animal vaccinated within ten (10) days and proof of vaccination should be immediately returned to the ASC. Failure to vaccinate the animal or provide a valid rabies vaccination certificate is a violation of the local ordinance and State law and will result in a citation.
- (d) Pet owners are required to provide proof of an animal's current rabies vaccination when requested by an Animal Care Officer. Proof shall be shown by providing a valid copy of the animal's rabies certificate provided by a licensed veterinarian. A rabies tag is not valid proof of a rabies vaccination.

(Code 2001, § 14-36; Ord. No. 21-2009, § 1, 3-3-2009)

State Law reference— Vaccination required Texas Health and Safety Code § 826.021, 826.022.

Secs. 14-42—14-70. - Reserved.

DIVISION 2. - DOG OR CAT LICENSE

Footnotes:

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State Law reference— Registration of dogs and cats, Texas Health and Safety Code § 826.031 et seq.

Sec. 14-71. - License required.

No person shall own, possess, or harbor a dog or cat 16 weeks of age or over without obtaining a license for each animal.

(a) Pet owners shall provide proof of an animal's current city license when requested by an Animal Care Officer. Proof shall be provided by showing a current city license to the officer, or providing a receipt from the veterinarian or authorized location where the license was purchased.

† (b) City license must be renewed and shall run concurrently with rabies vaccination.

(Code 2001, §14-66; Ord. No. 21-2009, §1, 3-3-2009)

Sec. 14-72. - License defenses.

It is a defense to prosecution under section 14-71 that:

- (a) The owner of the dog or cat resides outside the city limits of Wichita Falls;
- (b) The cat is a member of a permitted feral cat colony or a permitted non-colony member;
- (c) The dog or cat is a fostered animal; or
- (d) The dog is a governmental agency police/fire dog.

(Code 2001, § 14-67; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 19-2010, 4-6-2010)

Sec. 14-73. - Certificate of rabies vaccination required for license.

A valid certificate of rabies vaccination and license fee must be presented to obtain a license for a dog or cat.

(Code 2001, § 14-68; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-74. - Right to inspect.

Animal Services Staff, upon presentation of proper credentials, may inspect the dog or cat and the premises of the dog or cat to ensure compliance with this chapter as a condition for issuing and maintaining a dog or cat license.

(Code 2001, § 14-69; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-75. - Certificate tag and fee for the license.

~~(a)~~ The fee for the license shall be set by the health district and approved by the city council, and the fee schedule will be posted at the ASC. Animal license tags are not transferable from one animal to another. It shall be unlawful to alter a tag or to issue one without current rabies vaccination. If a tag is lost, a duplicate tag may be issued by the health district, and a replacement fee charged.

~~(b)~~(a) The health district will monetarily compensate authorized veterinary clinics that participate in selling animal licenses. Each authorized veterinary clinic shall submit the rabies certificate and tag number monthly to the ASC. The ASC will invoice the veterinarian clinics monthly for each certificate sold minus the set aside amount for selling the license.

(Code 2001, § 14-70; Ord. No. 21-2009, §1, 3-3-2009)

Sec. 14-76. - Denial of license.

- (a) No dog or cat license shall be issued if the applicant falsifies information or fails to comply with any section of this chapter.
- (b) No dog or cat license shall be issued if the applicant has been convicted of inhumane or cruel treatment to animals or has three or more convictions for violating any section of this chapter.

(Code 2001, § 14-71; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-77. - Issuance of license.

Upon approval of the application for a dog or cat license, a certificate and license tag will be issued. The tag shall be of durable material, designed to be easily fastened or riveted to the animal's collar or harness, and shall bear a number corresponding to the number on the certificate, showing the month and year of expiration. The ASC shall maintain a record of identifying tag numbers.

(Code 2001, § 14-72; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-78. - Wearing of tag.

Failure of a dog or cat to wear the license tag at all times shall be prima facie evidence that no animal license has been issued and constitutes a violation of this section by the dog's owner, possessor, or harbinger and subjects the dog to impoundment by ASC.

(Code 2001, § 14-73; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-79 - Wearing of a Collar or Harness.

- (a) It shall be unlawful for any dog owner to fail to provide the dog with a strong and serviceable collar or harness to which a city license and rabies tag described under this section are securely attached. The collar or harness with the city license must be worn at all times, except during the time the dog is:
 - (1) Performing at shows, obedience trials, tracking tests, field trials, schools, or other events sanctioned and supervised by a recognized organization; or
 - (2) Is engaged in hunting or some other activity in which a collar might endanger the safety of the dog.
- (b) It shall be unlawful for any cat owner to fail to provide the cat with a collar or harness to which a current city license and rabies tag described under this section are securely attached. The collar provided for a cat may be a breakaway collar to prevent the strangulation of the animal. The collar with the city license must be worn at all times. It is a defense to prosecution that a cat is permitted as a member of a feral cat colony, a feral nonmember cat or a designated barn cat.

Sec. 14-80. - Suspension or revocation of license.

- (a) If the person holding the dog or cat license refuses or fails to comply with this chapter or any law governing the protection of animals, official notice shall be given of the intention to suspend the license. The license shall be revoked if evidence shows the person is not in compliance within (7) seven days after official notice is given.
- (b) A dog or cat license is automatically revoked upon receipt of official notice for any one or more of the following reasons:
 - (1) Impoundment by the city two or more times during a 36-month period.
 - (2) Two or more convictions of a person for violating any section of this chapter.
 - (3) Any combination of impoundments and convictions totaling two incidents.
- (c) Notice as required in this section is properly served when it is delivered to the owner, caregiver, harbinger, or possessor of the animal; or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner, caregiver, harbinger, or possessor of the animal. A copy of the notice shall be filed in the records of the regulatory authority.

(Code 2001, § 14-74; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-81. – Removal of unlicensed animal.

If a dog or cat is unlicensed due to non-issuance or revocation of the license after official notice, the owner/harbinger must either immediately rehome the animal or transfer possession of the animal to the ASC, or it will be seized by and become the property of the ASC.

(Code 2001, § 14-75; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-82. - Reapplication.

Persons with a denied or revoked dog or cat license shall wait at least 60 days before making reapplication. The application will not be accepted unless the health director or his or her designee is satisfied that there will be compliance with this chapter. The fee for reapplication shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.

(Code 2001, § 14-76; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-83 —14-105. - Reserved.

ARTICLE III. - PERMITS

DIVISION 1. - GENERALLY

Sec. 14-106. - Enforcement.

This article shall be enforced by the Animal Services Division of the Wichita Falls – Wichita County Public Health District. All permitted/registered parties are subject to annual inspections of animals, facilities, or dwellings. Additional inspections may occur more frequently based on concerns or complaints received by an ACO or other authorized employee of the health district.

(Code 2001, § 14-106; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-107. - Permit exemptions.

- (a) *Veterinary clinics, veterinary hospitals, and animal clinics.* Veterinary clinics, veterinary hospitals, animal clinics, and related practices of veterinary medicine shall be exempt from this article.
- (b) *Certain other facilities.* Stock shows; sanctioned animal shows; slaughterhouses; rodeo arenas; governmental agencies including public schools, laboratories, animal reclaim centers, and research facilities approved by the ASC may be exempt from this article.

(Code 2001, § 14-107; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-108. - Keeping of permitted animals.

An owner, harborer, or caretaker of an animal is required to provide any animal in their care with humane care and treatment as follows:

- (a) Access to an adequate supply of fresh air.
- (b) Access to fresh, clean, potable water.
- (c) Access to species-specific food.
- (d) Physical activity.
- (e) Access to shelter and shade as defined in this chapter.
- (f) Access to veterinary care as needed to prevent suffering.
- (g) Access to grooming.

Sec. 14-109. Sanitation, odor, and vector control.

Every owner, possessor, or harbinger of animals, fowl, and livestock, shall comply with the following regulations and sanitation requirements:

- (a) *Animal waste.* Approved procedures for disposing of animal waste shall be provided. Animal excreta should be disposed of at least weekly or more often as needed to prevent a public health nuisance.
- (b) *Odor and vector control required.* All persons keeping animals within the city limits shall keep all premises, pens, or enclosures in such a manner as not to give off offensive odors or as to breed or attract flies and other insects. All persons shall use some form of chemical control at reasonable intervals to keep such premises free from flies, mosquitoes, ticks, fleas, and other vectors.

Sec 14-110. - Cage sizes.

Every owner of an animal shall confine the animal in an enclosure sufficient to prevent it from running at large. Such enclosure shall be of sufficient size to maintain the animal comfortably and in good health. The animal must be able to stand, turn around, sit, and lie down in a natural position.

Sec. 14-111. - Inspection prerequisite to issuance of permit.

- (a) An ACO shall be required to inspect the premises prior to issuing a permit required by this article. ASC has the right to inspect the premises, including animals, livestock, and fowl at any time during normal business hours. Inspection shall occur annually or more often based on any complaint or concern received by the health director or his/her designee.
- (b) All dogs, cats, and ferrets owned by the permit holder or residing at the permitted property must ~~be microchipped,~~ have a current city license, and a current rabies vaccination certificate.
- (c) If the person requesting a permit is not the owner of the property, written and notarized permission must be obtained from the property owner, and a copy provided to the ASC with the initial application, and annually thereafter with renewal.

(Code 2001, § 14-111; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-112. – Issuance, term, and application for renewal of permits.

- (a) A permit required by this article shall be issued after approval of the application, inspection of premises, and receipt of the fee. The permit shall be displayed in a prominent place on the premises. The permit shall remain in effect for one calendar year from the date of issuance unless suspended or revoked.
- (b) Application for renewal of a permit and payment of the fee may be made one month prior to expiration, but the effective date of the permit shall coincide with the expiring permit date, and the fee will be for a full year from that date.
- (c) Any reapplication fee that is not submitted by the due date will be subject to a late fee, and citations may be issued for operating without a permit.

(Code 2001, § 14-112; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-113. - Reclassification and fee adjustment of permits.

Any person who has a change of category under which a permit was issued pursuant to this article shall be subject to reclassification, and appropriate adjustment of the permit fee will be made.

(Code 2001, § 14-113; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-114. - Denial of permit.

- (a) No permit required by this article shall be issued if the applicant has:
 - (1) Withheld or falsified information on the application.
 - (2) Failed to comply with any section of this article.
- (b) No permit required by this article shall be issued if the applicant has been:
 - (1) Convicted two or more times for violating any section or combination of sections of this chapter.
 - (2) Been convicted of inhumane or cruel treatment to animals.

(Code 2001, § 14-114; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-115. - Reapplication period upon denial of the permit.

If a permit required by this article is denied, reapplication cannot be made for at least sixty (60) days. Each reapplication shall be accompanied by a fee in addition to the permit fee. The reapplication fee is nonrefundable.

(Code 2001, § 14-115; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-116. - Suspension of the permit.

- (a) The health district may, upon official notice, suspend a permit issued pursuant to this article for the following reasons:
 - (1) Animals are being deprived of necessary food, water, care, or shelter, as outlined in this chapter.
 - (2) Animals are cruelly confined or treated inhumanely.
 - (3) Unsanitary conditions exist that create a medium for the transmission of disease to animals or humans.
 - (4) Noncompliance with any section of this chapter.
- (b) The health director or his or her designee has the right to take photographs and gather evidence on the premises to document any of the reasons for suspension.
- (c) No animal covered by the suspended permit shall be accepted or placed on the property after suspension of the permit.

(Code 2001, § 14-116; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-117. - Lifting of suspension and reinstatement of permit.

If all violations and unsatisfactory conditions have been corrected within ten (10) days, the health district may reinstate a suspended permit issued pursuant to this article after reinspection. A reinspection

shall be made as soon as practical but not more than five (5) working days after receiving a written request for such inspection by the person to whom the permit was issued.

(Code 2001, § 14-117; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-118. - Revocation of permit.

If no written request for reinspection has been received after ten (10) days from suspension of a permit issued pursuant to this article, or if satisfactory corrections have not been made, the health district shall give official notice that the permit shall be revoked after the expiration of five (5) calendar days. The city is not liable to refund any part of the permit fee. No animal covered by the permit shall be on the property during the time of suspension/revocation.

(Code 2001, § 14-118; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-119. - Reinstatement of the permit after revocation.

- (a) No person who has had a permit pursuant to this article revoked may apply for a new permit for a period of one (1) calendar year from the date of revocation. No permit shall be issued if the person has been convicted of abuse to animals.
- (b) If less than one (1) year after revocation, another owner applies for a permit at the same location where a permit was revoked, the person whose name appears on the revoked permit may in no way be associated with the new operation, including any financial interest, or the permit will be revoked and legal action may be taken against both parties.
- (c) If a permit is issued, the applying individual will be placed on a compliance plan with an increased inspection schedule. A fee will be charged for each inspection.

(Code 2001, § 14-119; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-120. - Right to hearing

A person who has had a permit denied, suspended, or revoked shall be entitled to appeal the decision as set forth in Article VIII of this chapter.

Sec. 14-121. Seizure warrant.

Failure to comply with any of these regulations or failure to obtain a permit may result in a seizure warrant being obtained and all animals being removed from the property.

Secs. 14-122 - 14-149. - Reserved.

DIVISION 2. - COMMERCIAL ANIMAL ESTABLISHMENTS

Subdivision I. - In General

Sec. 14-150. - Permit required.

- (a) No person shall operate a commercial animal establishment without first obtaining the necessary permit in compliance with this article.

- (b) Commercial animal establishments seeking a permit and commercial permit holders are required to meet all applicable general permit requirements as set out in this chapter, as well as any additional requirements for their specific permit.
- (c) The annual fee for these permits shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.

(Code 2001, § 14-146; Ord. No. 21-2009, § 1, 3-3-2009)

(Code 2001, § 14-147; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 11-2014, § 2, 4-1-2014)

Sec. 14-151. - Separate enterprises.

Each commercial animal establishment, even though owned by the same person or group, is considered a separate enterprise, and each must possess a permit. If the establishment moves to another location or if there is a change of ownership, another application and fee for the permit are required.

(Code 2001, § 14-148; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-152. - Fowl, rabbits, guinea pigs, or ferrets for commercial purposes.

- (a) Where such fowl or animals are kept for sale or for any purpose other than domestic use or home consumption, the owner, possessor, or harbinger of any domestic fowl, rabbits, guinea pigs, or ferrets shall meet the following requirements:
 - (1) Animals must be kept in batteries or coops arranged inside of buildings. Animals or fowl may not roam in open pens on the ground.
 - (2) Sanitary conditions in the housing area must be maintained by removing all droppings from such buildings, batteries, or coops at least once daily.
 - (3) Buildings, batteries, or coops must be disinfected and deodorized at least once each day.
- (b) Any such building must be at least 50 feet from any residence other than the harbinger's.

(Code 2001, § 14-419; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-153. Grooming Business Permit.

A grooming business permit shall be required for every person operating a business, including a mobile business that provides grooming.

- (a) Standard of care
 - (1) No animal shall be left unattended, whether restrained or unrestrained, while on a grooming table, in a bathing area, or in the drying area.
 - (2) No animal shall be groomed without a valid rabies vaccination certificate.
 - (3) Animals shall be cared for and maintained to the minimum standards of Sec. 14-108
 - (4) There must be a process in place to sanitize and disinfect all equipment and cages. A copy of this process must be made available to the ACO at the time of permit inspection and anytime thereafter.
- (b) Record keeping
 - (1) Each grooming business, including mobile businesses, shall keep and maintain records regarding the animals cared for and the owner thereof. Such records shall include name,

contact number, and address of the owner, as well as rabies vaccination certificate, services provided, and the date such services were provided.

- (2) Records for each animal shall be maintained for a minimum period of one (1) year from the date of service.
- (3) Records shall be made available to persons authorized by law to enforce the provisions of this article.

(Code 2001, § 14-150; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-154. – Kennel permit.

A kennel permit shall be required for a commercial operation wherein one or more dogs and/or one or more cats, 16 weeks of age or older, are kept or maintained for profit including animal daycare facilities. Permit holders must meet the following requirements:

- (a) A person permitted as a kennel operator may not accept any animal for boarding without first confirming that the animal has a current rabies vaccination.
- (b) If the owner of the kenneled animal resides within the city limits of Wichita Falls, the animal must ~~be microchipped and~~ have a valid city license.
- (c) Facilities/premises shall be of sufficient size with an adequate number of enclosures to accommodate the number of animals being harbored. Each enclosure shall be of adequate type and size as defined in Sec. 14-110.
- (d) Food and potable water must be provided to each animal sufficient to maintain each in good health and free of malnutrition and/or dehydration.
- (e) The premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects, and flies that could be harmful to the animal's health and/or to the health of the public.
- (f) The premises shall be adequate to keep the animals from running at large and disturbing adjoining, adjacent, or neighboring premises.
- (g) The animals and the facility must be kept free of any odor that is offensive to a person of ordinary sensibilities.
- (h) The animals must be maintained in a manner that does not pose a danger to the health of any animal or their caregiver.
- (i) The animals must not cause noise that is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent, or neighboring premises.
- (j) The premises must comply with all zoning, code, and health regulations.
- (k) No person shall keep, possess, or maintain within the city limits a kennel within 300 feet of any residence or habitation for human beings, other than the residence of the keeper, possessor, or owner of such kennel.
- (l) A kennel in existence and in operation on June 8, 1985, shall be allowed to remain in existence within 300 feet of any residence only so long as the place of business is continuously in operation from that date, whether or not under the same permit.

(Code 2001, § 14-176; Ord. No. 21-2009, § 1, 3-3-2009) (Code 2001, § 14-178; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-155. - Performing animals, petting zoos, circuses.

A permit shall be required for any establishment wishing to have any spectacle, display, act, or event in which animals, fowl, livestock, or wildlife perform and/or interact with people who are allowed to pet and feed the animals.

(a) The owner of such commercial business shall meet the following requirements:

- (1) Petting zoos and performing animal establishments must call and schedule a permit inspection to be held within normal operating hours of the ASC. These permits will be valid for one (1) year.
- (2) Circuses must call the ASC no later than ten (10) days prior to the event and schedule a permit inspection to be held within normal operating hours of the ASC. The permit will only be valid for the current show dates scheduled.
- (3) Must provide to the ASC a copy of a Certificate of Health for each qualifying animal from a licensed veterinarian. The certificate must be dated within thirty (30) days for all animals requiring a certificate.
- (4) Must provide to the ASC a copy of an official report of a negative Equine Infectious Anemia test (EIA or Coggins test) dated within the past twelve (12) months for any equine present.
- (5) Must provide to the ASC a copy of the current rabies vaccination certificate for every animal mandated by the state to be vaccinated against rabies.
- (6) Must provide a copy of any required State or Federal permits needed for any animal on site.
- (7) Failure to provide all required documentation will result in a permit not being issued.
- (8) No performing animal exhibition or circus shall be permitted in which performing animals are induced or encouraged to perform for entertainment through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or is likely to cause stress, physical injury, or suffering to the performing animal.
- (9) All equipment used on a performing animal shall fit properly and shall be in good working condition.

(b) Additional requirements for petting zoos, performing animals, and animal rides:

- (1) Must have sanitization stations at both the entrance and exits.
- (2) Must provide adequate shade for all animals.
- (3) All animals must have fresh, potable water available at all times.
- (4) Animals may not be overworked and shall have a designated shaded area to rest.

(Code 2001, § 14-387; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-156. - Pet store permit.

Any person, partnership, company, or corporation, whether operated separately or in connection with another business enterprise, that buys or sells any species of animal is required to have a pet store permit.

- (a) Dogs and/or cats offered for sale or adoption must be from an approved rescue or shelter and accompanied by a current rabies vaccination certificate. A pet store shall not be in possession of a dog or cat that is less than eight (8) weeks old.
- (b) A pet store shall not sell or offer for sale any animal that is un-weaned.
- (c) A pet store shall not adopt or offer to adopt, sell or offer for sale any animal that is younger than the minimum age listed below:
 - (1) 8 weeks for dogs and cats, or
 - (2) 10 weeks for rabbits, or
 - (3) 4 weeks for guinea pigs and hamsters, or
 - (4) 3 weeks for mice.
- (d) Animals shall be cared for and maintained to the minimum standards of Sec. 14-452.

- (e) Must comply with all zoning, code compliance, and health regulations.
- (f) Pet stores located in shopping centers or malls are subject to the following requirements:
 - (1) The pet store shall be in an enclosed area separated by walls from adjoining stores.
 - (2) The pet store shall not be located closer than 50 feet to any eating or drinking establishment.
 - (3) Air conditioner ducts removing air from the pet store must be directed outward and not directly into another shop or the shopping center or mall.
 - (4) Any animal sold in the pet store must be carried from the shopping center or mall in a box, crate, or appropriate container.

(Code 2001, § 14-150; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-157. - Private animal shelter permit.

- (a) The facility/premises must be an adequate size for the number and type of animals to be kept.
- (b) ~~Enclosures~~~~The facilities/premises~~ shall be of sufficient size as to allow animals to move about freely.
This shall apply to each animal kept.
- (c) Cage size shall be in proportion to the size of the individual animal's height and weight.
- (d) Shelters must check for ID, including microchips, tattoos, etc., at the time of intake and at points throughout the stay including before adoption, transfer to another facility, and euthanasia.
- (e) Shelters shall serve notice to identified owners of stray animals.
- (f) Shelters shall provide public notice, appropriate to the community of stray animals entering the shelter.
- (g) Shelters shall be accessible to the public during business hours for the reclamation process.
- (h) Records and data concerning key processes, information, and outcomes must be maintained by all shelters and made available to the public upon request.
- (i) Adequate food and potable water must be provided so that all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.
- (j) The shelter premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects, and flies that could be harmful to the animal's health and/or to the health of the public.
- (k) The shelter premises shall be adequate to keep the animals from running at large and disturbing adjoining, adjacent, or neighboring premises.
- (l) The animals and the facility must be kept free of odor that is offensive to a person of ordinary sensibilities.
- (m) ~~A~~~~The~~ animals must be maintained in a manner that does not pose a danger to the health of any animal or their caregiver.
- (n) All animals should either be spayed/neutered prior to adoption, or the shelter shall have a lawful process in place to ensure the spay/neuter occurs when the animal is of an appropriate age.
- (o) The animals must not cause noise that is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent, or neighboring premises.
- (p) The shelter must comply with all zoning, code, and health regulations.
- ~~(p)(g)~~ People bringing in animals must provide valid government ID, and the shelter shall maintain this information in their designated system.

Sec. 14-158. - Stable/riding school permit.

- (a) Stables/riding schools must meet all requirements of the livestock permit in Sec. 14-198.
- (b) ~~Livestock~~ kept for the purpose of a riding school or stable will be classified as such.

- (c) Stables/riding schools must maintain and provide records of a negative Equine Infectious Anemia test (EIA or Coggins test) dated within twelve (12) months for each equine on the property.

Secs. 14-159 - 14-195. - Reserved.

DIVISION 3. - RESIDENTIAL PERMITS

Subdivision 1. In General

Sec.14 – 196. – Permit required.

- (a) No person shall own or harbor any of the following categories of animals that require a permit, without first obtaining the necessary permit in compliance with this article.
- (b) Persons seeking a permit and permit holders are required to meet all applicable general permit requirements as set out in this chapter, as well as any additional requirements for each specific permit.
- (c) The annual fee for these permits shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.

Sec. 14-197. - Fowl permit.

- (a) A fowl permit shall be required for any person owning, possessing, or harboring any fowl within the city limits. An annual permit fee shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.
- (b) Permit holders:
 - (1) Must ensure a 75-foot setback for any coop, pen, or housing utilized for fowl from any residence excluding the residence of the owner or harbinger of the fowl.
 - (2) Must maintain a minimum of 12 square feet of floor or ground area for each fowl.
 - (3) Must maintain any structure housing fowl by thoroughly cleaning the area at least weekly to ensure there are no noxious and unpleasant odors emitted from the structure.
 - (4) Must ensure any structure used to house fowl is treated with an approved disinfectant at least once every six (6) months to discourage insects, flies, ticks, mites, mosquitoes, and flies.
- (c) No person shall:
 - (1) Keep any fowl within the city who does not possess a valid permit from the ASC.
 - (2) Own, possess, or harbor guineas, peafowl, or roosters.
 - (3) Keep any fowl in violation of any other section of this chapter.

(Code 2001, § 14-109; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-198. - Livestock permit.

- (a) A livestock permit shall be required for any person keeping livestock within the city limits as allowed by this chapter. The annual fee for the permit shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.
- (b) ~~All~~ livestock permits shall be renewed on an annual basis. The annual fee for the permit shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.
- (c) No person shall keep any livestock within the city who does not possess a valid permit from the ASC.

- (d) It shall be unlawful for any person owning or having control over any livestock to keep livestock, regardless of whether livestock is kept for personal use or for commercial purposes unless a livestock permit has been obtained from the ASC.
- (e) *Setback required; minimum space required.* No livestock shall be kept or maintained at a distance closer than 200 feet from any residence located on property owned by another person. All such livestock shall be maintained on a properly fenced parcel of land, providing a minimum of 600 square feet of area for each head of livestock. Livestock shall have shelter and shade of reasonable size for the number of livestock to be protected as provided in Sec. 14-452(1)(b).
- (f) *Odor, vector, and pest control required.* Property housing livestock shall be kept free of offensive odor, flies, rodents, and other pests.
- (g) *Manure container required.* Each and every enclosure in or on which any livestock are kept shall have a suitable manure container into which all manure shall be placed at least weekly or more often as necessary. Each container shall be securely screened or otherwise protected from flies, rodents, and other vermin and shall be cleaned out and disinfected at least weekly. Manure from containers shall not be left in open stacks but shall be removed or buried in a manner so as not to create a public health nuisance.
- (h) It shall be unlawful for any person owning or having control over livestock to allow livestock to be at large on public property, the property of another, or on harborer's own property with no physical means of confinement.
- (i) Livestock permits may be denied or revoked for the following reasons:
 - (1) Health or safety violations.
 - (2) Animal cruelty or neglect as defined in Sec. 42.09 Texas Penal Code.
 - (3) More than one citation for livestock-at-large within a permit year.
 - (4) Failure to obtain a livestock permit within ten (10) business days of placing livestock on property within the city limits.
- (j) If a livestock permit is denied or revoked, the applicant or permit holder will have ten (10) calendar days from the date of denial, suspension, or revocation to remove all livestock from the city limits before the livestock is subject to impoundment. Failure to renew the permit in accordance with this ordinance shall presumptively be considered a revocation.

Sec 14-199. - Livestock production area.

Livestock production areas shall be exempt from the following requirements of this section: setback; minimum space requirements; odor, vector, and pest control; and manure container requirements. All other requirements of the ordinance shall be met.

Sec. 14-200. - Nonconforming use.

Any property issued a nonconforming use permit in operation on July 4, 1999, shall be allowed to renew their permit annually only as long as the following conditions are met:

- (a) The nonconforming use is not expanded by increasing the number and/or types of animals.
- (b) The property does not change owners.
- (c) The nonconforming use is continuous and not stopped for a period in excess of six (6) months.
- (d) Existing structures are not extensively modified, changed, or relocated unless there is a need to provide for the health and safety of the animals and/or the public, and remain in sound condition except for routine maintenance and repair.

(e) Local and State cleanliness and sanitation requirements are perpetually in compliance.

(Code 2001, § 14-110; Ord. No. 21-2009, § 1, 3-3-2009) (Code 2001, § 14-426; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-201. - Pet fancier permit.

- (a) A pet fancier permit shall be required for any person owning or harboring five or more animals unless the animals are covered by another permit under this chapter.
- (b) All animals must be spayed/neutered, current on rabies vaccination, licensed, and microchipped.
 - (1) An animal may be exempt from spay and neuter requirements upon proof of current proof of registration with a recognized national show organization.
- (c) The annual fee for the permit shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.
- (d) A pet fancier permit may be denied for the following reasons:
 - (1) If the director or his or her designee makes a determination that the prospective pet fancier does not have adequate property or facilities to ensure the animals do not disturb any neighbors.
 - (2) Sanitation for the number of animals permitted is not appropriately and safely addressed.
 - (3) The owner has received two or more documented violations in the past twelve (12) months.
 - (4) The number of animals allowed will be based on adequate housing space as determined by the size of animals being housed.

(Code 2001, § 14-206; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-202. - Project animal permit.

- (a) School-age children enrolled in a public or private school which offers programs in which class participants are required or allowed to raise project animals, livestock, or fowl for show or profit purposes may apply for a permit to keep certain prohibited animals, livestock, or fowl for the school project, even though the property may not be fully in compliance with the setback requirements of this article. Those students are required to:
 - (1) Apply for an annual project animal permit. Permits will run concurrently with the school year.
 - (2) Pay the annual permit fee.
 - (3) Show proof of enrollment in one of the listed school programs.
 - (4) Agree to comply with cleanliness and sanitation requirements of this article and the State Health and Safety code.
 - (5) Obtain the approval, in writing, of all property owners located within 200 feet of the property.
 - (6) Allow inspection of the animal, livestock, or fowl, as well as pens, facilities, and property before issuance of the permit by ASC staff.
- (b) Failure to comply with any of the requirements of this section will result in denial of the necessary permit. Permits are nontransferable and are revoked upon either the student's graduation from high school, dropping the class, or nonattendance by the student.

(Code 2001, § 14-425; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14- 203. - Rabbit permit.

- (a) A rabbit permit shall be required for any person owning, possessing, or harboring any rabbit kept outside within the city limits.
- (b) Permit holders:
 - (1) Must ensure a 50-foot setback for any cage or enclosure utilized for housing rabbits from any residence excluding the residence of the owner or harborer of the rabbit.
 - (2) Must maintain cages and enclosures by cleaning weekly to ensure the area is free of waste matter, insects, and odor.
 - (3) Must collect droppings at least weekly as necessary to prevent a public nuisance.
 - (4) Must ensure droppings are stored in an airtight container for disposal at least every seven (7) days.
 - (5) Must ensure cages are constructed in such a manner as to provide adequate protection from the environment and meet the requirements of Sec. 14-452.

(Code 2001, § 14-417; Ord. No. 21-2009, § 1, 3-3-2009)

Sec 14-204. - Swine permit.

- (a) *Definition.* For the purposes of this section, the term "pot~~bellied~~ pig" shall mean a Vietnamese pot~~bellied~~ pig. ~~Under~~ no circumstances shall any swine be considered a pot~~bellied~~ pig if its weight exceeds 125 pounds. The owner must provide proof of weight obtained at a licensed veterinary clinic and provide paperwork during any inspection.
- (b) *Restrictions.* It shall be unlawful for any person to keep swine, pigs, pot~~bellied~~ pigs, or hogs in the corporate city limits.
 - (1) *Grandfather clause.* Any person holding a valid swine permit on November 15, 2019, may continue to own/harbor a pot~~bellied~~ pig until which time the animal either dies or ownership is transferred out of the city limits of Wichita Falls. They must continue to meet all the requirements as set out in this chapter.
 - (2) The following conditions must be met for any permit holder having a valid permit as of November 15, 2019:
 - i. It shall be unlawful for any person to keep, harbor, or raise more than two pot~~bellied~~ pigs in any one location within the city limits.
 - ii. All pot~~bellied~~ pigs shall be kept indoors at all times, other than times for evacuation of waste material or during exercise periods. During the time the pig is permitted outdoors, it shall be confined within the property limits of the owner, and the owner shall be physically present outside with the pig.
 - iii. All pot~~bellied~~ pigs shall be spayed or neutered on or before the age of 12 weeks. No adult ~~pot-bellied~~ pig may be kept within the corporate city limits unless its tusks have been surgically removed and the pig has been spayed or neutered.
 - iv. All pot~~bellied~~ pigs shall receive annual vaccinations for erysipelas. It shall be the responsibility of the owner of the pig or the property owner to provide proof of vaccination at the initial permit inspection and then annually at each permit inspection. The vaccination certificate must be from a licensed veterinarian and include the following information:
 - (a) Name and address of the owner.
 - (b) Description of the pig.
 - (c) Date of vaccination.
 - (d) Weight of the pig.

- (3) The annual permit fee shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.
 - (4) Landlord permission, as evidenced by a signed and notarized statement of the property owner, must be obtained annually prior to the inspection in order to receive a permit for a pot-bellied pig.
- (c) Exceptions to this section shall be as follows:
- (1) *Veterinary facilities.* Veterinary hospitals, clinics, and related practices of veterinary medicine shall be exempt from this section.
 - (2) *Other facilities.* Stock shows; livestock auctions; slaughterhouses; public zoos; governmental agencies including public schools, laboratories, certain school project animals, and research facilities approved by the director of health may be exempt from this section.

(Code 2001, § 14-421; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-205 - 14-217. - Reserved.

DIVISION 4. – FERAL CAT MANAGEMENT

Sec. 14-218. - License or feral cat permit required for cats.

No person shall harbor any cat that is not either a licensed cat, is not covered by a feral cat permit or which is not a non-member feral cat.

(Code 2001, § 14-207; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-219. - Application for permit to act as a feral cat caregiver.

- (a) Application for a permit to act as a feral cat caregiver must be made to the health director or his or her designee.
- (b) Upon a determination by the health director or his or her designee that the prospective feral cat caregiver and prospective cat colony location will meet the requirements in this division, the health director will issue a permit to create and maintain a cat colony. Permits issued under this section are valid for a period of one (1) year. The feral cat caregiver must either apply for renewal of the permit or disband the colony upon expiration of the permit.
- (c) The health director or his or her designee may deny a permit for a cat colony if the director deems that the colony would be detrimental to the prospective member cats or the neighborhood in which the colony is to be located.
- (d) The health director is authorized to require an annual permit fee to accompany each application for a permit.
- (e) Permits are specific as to the individual permitted as the feral cat caregiver and the location of the colony. Individuals wishing to transfer a cat colony to another caregiver or another location must make an application for a new permit and pay a permit fee.

(Code 2001, § 14-208; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-220. - Required permissions for permitted cat colony.

- (a) No permit shall be issued for a cat colony location until the prospective feral cat caregiver presents to the health director written permission for a cat colony signed by every property owner, where a

shared property line ~~existsexist~~ for the proposed location of the cat colony. Such permission is valid for three (3) years or until the property is transferred to another party. Written permission must be obtained any time permission expires due to length of time or transfer of property.

- (b) In lieu of written permission from the property owner of a location, a prospective feral cat caregiver may document an inability to determine or contact the property owner of that location. This documentation shall include a copy of the property owner's contact information on file with the county appraisal district and a sworn affidavit detailing the manner and frequency of the attempts to locate or contact the property owner by the prospective feral cat caregiver. The affidavit shall also swear that the prospective feral cat caregiver has no reason to believe that the property owner in question is opposed to the presence of a cat colony at the prospective cat colony location.
- (c) A colony shall not be located on a sidewalk. Feral cat feeding locations may be in an alleyway, but may not be placed in a manner as to obstruct the alleyway.
- (d) The feral cat caregiver either must be the property owner of the cat colony location or have written permission from the property owner of the location in order to obtain a permit for the desired location.

(Code 2001, § 14-209; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 26-2009, § 1, 4-21-2009)

Sec. 14-221. - Creation of a cat colony.

It shall be the caregiver's responsibility to ensure every member cat will be trapped and inspected by a veterinarian for illness or injury within 120 days of granting of the cat colony permit. Any adult cat determined to be in good health at the time of the initial trapping will be microchipped, vaccinated, spayed/neutered, and subjected to ear tipping prior to its being returned to the cat colony. Any adult cat determined to be injured or in poor health at the time of the initial trapping will be provided with veterinary care sufficient to return it to good health, and then microchipped, vaccinated, spayed/neutered, and subjected to ear tipping prior to its being returned to the cat colony. In the alternative, any adult cat determined to be injured or in poor health at the time of the initial trapping may be fostered, ~~or~~ adopted with the acknowledgement, of any health condition and needed treatment, ~~or~~ euthanized.

(Code 2001, § 14-210; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-222. - Maintenance of a cat colony.

- (a) Feral cat caregivers are expected to follow the TVARM (trap, vaccinate, alter, return, and manage) form of feral cat colony management guidelines.
- (b) Member cats are to be provided with adequate food and potable water as defined by Sec. 14-452.
- (c) Kittens found to be at a cat colony location will be trapped and removed from the colony by the feral cat caregiver when the kittens are between eight (8) and sixteen (16) weeks of age. Removed kittens are to be either domesticated and fostered in a foster home for adoption into permanent homes or euthanized.
- (d) A feral cat caregiver shall immediately trap and remove from the colony any sick or injured member cat found to be at the colony location. A sick or injured member cat shall either be ~~either~~ provided with veterinary care sufficient to return it to good health prior to its being returned to the registered cat colony, fostered, adopted, or euthanized.
- (e) All member cats shall be vaccinated against rabies when trapped for any reason.
- (f) A feral cat caregiver shall keep records for the registered cat colony, including a photograph, documentation of sterilization, and rabies certificates for each member cat. These records will be provided to the health director or his/her designee upon request.

- (g) A feral cat caregiver must use feeding strategies that do not attract wildlife (e.g., designated feeding stations, distributing only the amount of food to be consumed by member cats.) All unfinished food and trash shall be removed on a daily basis so as not to create a nuisance.
- (h) The caregiver permit shall be posted and visible at all times.

(Code 2001, § 14-211; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-223. - Revocation of a permit to act as a feral cat caregiver to a cat colony.

- (a) The health director may revoke the permit to act as a feral cat caregiver to a cat colony if there is probable cause to believe that a cat colony does not comply with this division. The director shall send written notice of revocation to the feral cat caregiver. Upon written notice of revocation by the director, a feral cat caregiver shall have seven (7) calendar days from the date of the issuance of the notice to file written appeal under Sec. 14-519 or disband the colony by trapping and relocating, adopting out, or euthanizing the member cats. If a feral cat caregiver fails to disband the colony or file written appeal within seven (7) days under Sec. 14-519, the director or his or her designee may authorize the ASC to trap and impound the member cats, and the caregiver may be subject to citation.
- (b) Notice as required in this section is properly served when it is delivered by hand to the feral cat caregiver, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the feral cat caregiver. A copy of the notice shall be filed in the records of the health director or his/her designee.

Sec 14-224. Feral non-colony member cat management.

- (a) Must be comprised of 4 or fewer cats
- (b) Must meet all above requirements with the exception of Sec. 14-220 (a) and (b).

(Code 2001, § 14-212; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-225. - Other laws to apply.

Nothing in this division shall be construed as excusing a cat colony location or a feral cat caregiver from all other pertinent laws, including those prohibiting nuisances or disturbances.

(Code 2001, § 14-213; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-226 - 14-241. - Reserved.

DIVISION 5. - ANIMAL RESCUE GROUPS

Sec. 14-242. – Rescue group registration.

Any individual or organization that operates as a rescue group, or rescuer, must be registered with the ASC.

- (a) Rescue groups shall comply with the following requirements:
 - (1) Sign a written agreement provided by the ASC providing the address of their main office.
 - (2) Agree to spay/neuter and microchip all dogs, cats, and ferrets in the rescue program.

- (3) Have written processes in place to screen and place animals in foster homes. The process shall be available upon request.
- (4) Provide a list of registered foster homes to the ASC, including the name and address of each. The list shall be updated anytime a foster is added or removed from the list.
- (5) Ensure foster homes are in compliance with all city ordinances, including the number of animals allowed, prior to placing them on the approved foster home list.
- (b) No person shall house domestic animals for the purpose of foster care unless that person is registered as a foster with an approved rescue group.

(Code 2001, § 14-215; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-243. Animal foster home requirements.

- (a) Fostered animals are to be provided with adequate food, potable water, shelter, and shade as defined by Sec. 14-452.
- (b) The foster home must provide an area in which to segregate newly fostered animals until those animals can be socialized with other animals living in the foster home.
- (c) The number of animals allowed to be fostered at a location shall be based on adequate housing space as determined by the size of animals being housed.
- (d) All cats and kittens over the age of sixteen (16) weeks who are fostered animals must be vaccinated against rabies.
- (e) All dogs and puppies over the age of sixteen 16 weeks who are fostered animals must be vaccinated against rabies.
- (f) Foster caregivers shall obtain a city license for any animal remaining in the home for more than six (6) months. A fostered animal remaining in the home for more than twelve (12) months will no longer be considered a foster animal; such animals will be considered owned animals and owners will be required to meet all obligations of ownership. Rescue groups may apply to the health director or their designee for an extension of up to one (1) year.
- (g) The foster home shall keep records for each fostered animal, including a rabies certificate and documentation for the length of time the animal has been in the foster home. These records will be provided to the health director or his/her designee upon request.
- (h) The foster ~~either~~ shall either be the owner of the property where the foster home is located or have notarized written permission of the owner of the property in order to participate as a foster home. Written, notarized permission from a property owner must be provided annually or upon request of the health director or his/her designee.

Sec.14-244. Foster home complaints.

- (a) Foster homes shall consent to inspection of the premises by the ASC during regular business hours in response to a complaint.
- (b) The ASC officer who responds to a complaint at a registered foster home will inform the foster home of the nature of the complaint.
- (c) Failure to rectify any violations will result in the suspension of foster home designation until the violations are corrected.
- (d) The rescue group under which the foster home operates will be notified of any complaint and findings. The rescue group will remove the foster home from their approved foster home list if any violations are not remedied to the satisfaction of the health director or his/her designee.

(Code 2001, § 14-216; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-245. - Other laws to apply.

Nothing in this division shall be construed as excusing an animal foster home or an animal foster home caregiver from all other pertinent laws, including those prohibiting nuisances or disturbances.

(Code 2001, § 14-219; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-246 - 14-270. - Reserved.

DIVISION 6. - BREEDING, SALE, AND TRANSFER OF DOGS AND CATS

Sec. 14-271. - Litter permit.

- (a) Any person whose female dog or cat of breeding age has a litter must either obtain a litter permit prior to breeding or as soon as the owner becomes aware the animal is pregnant. The owner must show proof of a health certificate by a licensed veterinarian dated within the past twelve (12) months. The issuance of a permit authorizes the whelping of no more than one (1) litter per female dog or cat in any twelve (12) month period. Each permit applicant shall be required to take the Responsible Pet Owner course offered by the ASC as part of the permit application process.
- (b) If, after notice, a person fails to obtain a permit, the ASC shall be authorized to impound the female dog or cat and the litter in addition to any other available remedies outlined herein.
- (c) The litter permit number shall be prominently displayed in all advertisements, notices, or displays of the litter for offers to give away or sell any members of the litter.
- (d) Instead of applying for a litter permit, an owner may choose to prepay for a spay surgery at the veterinary clinic of their choice. The owner shall present a receipt of payment along with a scheduled appointment to the ASC. The litter permit fee will be waived with proof of payment for sterilization and scheduled appointment as it applies in accordance with this section only. The female must be spayed within thirty (30) days after weaning the litter and the owner shall bring proof of the animal's sterilization to ASC within thirty-five (35) days.
- (e) It shall be illegal to sell or give away animals in parking lots, flea markets, temporary events, or in places where the public generally gathers.
- (f) The owner must maintain records of all animals given away or sold, including the name, address, phone number, and date of transfer for all individuals to whom an animal is transferred. Records must be maintained for one (1) year from date of transfer.
- (g) A female may have no more than three (3) litters in her lifetime. The female must be spayed within thirty (30) days after weaning her third litter.

(Ord. No. 11-2014, § 1, 4-1-2014)

Sec. 14-272. - Stud permit.

- (a) Any person who owns or harbors a male dog or cat and wishes to breed this animal with any female dog or cat must obtain a stud permit and furnish a copy of the permit to the owner of the female animal prior to breeding. An applicant must show proof of a veterinary health certificate dated within the past 12 months prior to obtaining a permit. Each permit applicant shall be required to take the Responsible Pet Owner course offered by the ASC as part of the permit application process.
- (b) A person commits an offense if he breeds a male animal without a permit or permits a male animal to be bred with a female animal without receiving a copy of the valid stud permit for the male animal.

(Ord. No. 11-2014, § 1, 4-1-2014)

Sec. 14-273. - Seller's permit.

- (a) Any person who sells or offers for sale one or more puppies or kittens must obtain a seller's permit prior to or within ten (10) business days of the litter's birth. Each seller's permit shall be valid for six (6) months, and the issuance of a permit authorizes the breeding and sale of no more than one (1) litter per female dog or cat in any twelve (12) month period. Each permit applicant shall be required to take the Responsible Pet Owner course offered by ASC as part of the permit application process.
- (b) The seller's permit number shall be prominently displayed in all advertisements, notices, or displays for sale of the puppies or kittens.
- (c) A seller's permit holder shall provide a purchaser a certificate of health from a veterinarian, for a period of not less than two (2) weeks with a recommendation to have the animal examined by a licensed veterinarian.
- (d) The owner must maintain records of all animals given away ~~to include~~ing the name, address, phone number, and date of transfer for all individuals to whom an animal is transferred. Records must be maintained for one (1) year from the date of transfer.
- (e) If, after notice, a person fails to obtain a permit, the department shall be authorized to impound the puppies or kittens in addition to any other available remedies.
- (f) The animal owner may choose to prepay for a spay surgery at the veterinary clinic of their choice. The owner shall present proof of payment and appointment date to the ASC. The female must be spayed within thirty (30) days of weaning the litter, and the owner shall bring proof within thirty-five (35) days of the animal's sterilization to the ASC. Upon proof of sterilization payment and appointment, the seller's permit fee will be waived as it applies in accordance with this section only.
- (g) It shall be illegal to sell or give away animals in parking lots, flea markets, temporary events, or in places where the public generally gathers.
- (h) A female may have no more than three (3) litters in her lifetime. The female must be spayed within thirty (30) days of weaning her third litter.

(Ord. No. 11-2014, § 1, 4-1-2014)

Sec. 14-274. - Prohibiting the transfer of unweaned dogs or cats.

- (a) It shall be unlawful for any person to transfer or offer to transfer any puppy or kitten under the age of eight (8) weeks unless the puppy or kitten is transferred to:
 - (1) Animal services;
 - (2) Any tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals; or
 - (3) Any recognized rescue organization that is currently approved by the ASC.
- (b) It shall be a defense to prosecution that the puppy or kitten was transferred with its mother.

(Ord. No. 11-2014, § 1, 4-1-2014)

Sec.14-275. - Private animal sales.

The following requirements apply to all dogs, cats, and/or ferrets over the age of six (6) months offered for sale:

- (a) No owner or person shall advertise, display, transfer ownership, or offer to transfer ownership of any dog, cat, or ferret over the age of six (6) months of age that is not sterilized, implanted with a microchip, and currently vaccinated ~~against rabies~~.
- (b) The sterilization requirement in subsection (a) shall not apply if the owner can provide proof that the animal meets one or more of the following conditions:
 - (1) The animal is registered with a national dog registry or is a sporting dog, livestock dog, working dog, performance dog, or the owner is a member of a national breed club, local breed or performance club, or sporting or hunting club. The owner must show proof of an annual veterinary health certificate.
 - (2) The animal is a professionally trained police/fire animal.
- (c) The seller must provide proof of sterilization and vaccination to the new owner at time of sale of the animal.
- (d) All dogs, cats, or ferrets must be restrained in a manner to prevent animal bite exposure to humans and/or other animals.
- (e) It shall be illegal to sell or give away animals in parking lots, at temporary events, or in places where the public generally gathers including flea markets.

Secs. 14-276 —14-296. - Reserved.

ARTICLE IV. - ANIMAL CONTROL

DIVISION 1. - GENERALLY

Sec. 14-297. - Running at large.

- (a) The running at large of animals, including fowl or livestock, within the city is prohibited. No owner, possessor, or harbinger shall allow the animal, fowl, or livestock to run at large. All animals, including fowl or livestock, must be restrained by some physical means. An animal, fowl, or livestock shall not be considered at large when held and controlled by a person by means of a rope, leash, or chain or as defined under the term "at large" in Sec. 14-1.
- (b) The prohibition against an animal running at large shall not apply to a cat harbored as a member cat of a permitted cat colony or a non-member feral cat.
- (c) The prohibition against any animal running at large shall not apply to any cat that is allowed outside the confines of the owner/harbinger's residence so long as the cat:
 - (1) Is wearing a collar,
 - (2) Has a current rabies vaccination certificate,
 - (3) Is spayed/neutered,
 - (4) Has a current city license, and
 - (5) Is microchipped.
- (d) If the cat meets all qualifications in (c) and the cat has been declared a public nuisance, as defined by Sec. 14-1, it may be restricted to inside the owner's dwelling by the health director or his/her designee. Failure to follow any of these restrictions constitutes a violation of this section.
- (e) Any animal found at large will be required to be spayed/neutered whether impounded by an ACO or returned to the owner. The owner will be required to show proof of spay/neuter to Animal Services at time of reclaim or no later than one (1) day of notification that animal was at large. If the animal is not spayed/neutered when found to be at large, the animal will be required to be spayed/neutered in compliance with Sec. 14-373.

- (1) Sterilization under this section may be waived for the first at-large occurrence if the owner can show current proof of registration with a recognized national show organization.

(Code 2001, § 14-236; Ord. No. 21-2009, § 1, 3-3-2009)
Sec. 14-298. - Public nuisance.

Any animal, fowl, livestock, or wildlife that creates a public nuisance as defined in Sec. 14-1 is in violation of this chapter and is subject to impoundment and owner/harbinger may be subject to citation.

(Code 2001, § 14-237; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-299 —14-329. - Reserved.
DIVISION 2. - DANGEROUS DOGS⁴¹

Footnotes:
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State Law reference— Dangerous dogs, Texas Health and Safety Code § 822.001 et seq.

Sec. 14-330. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous dog means any dog:

- (1) Which makes an unprovoked attack on a person or a domesticated animal that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept, and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Which commits unprovoked acts in a place other than an enclosure in which the dog is being kept, and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to a person or a domesticated animal.
- (3) Owned or harbored primarily or in part for the purpose of dogfighting, or trained for dogfighting.

(Code 2001, § 14-266; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-331. - Exemptions.

- (a) No dog shall be deemed dangerous if the bite, injury, or damage was sustained by a person who at the time was committing a willful trespass upon the premises occupied by the owner or harbinger of the dog or by a person who has tormented, cruelly treated, or abused the dog.
- (b) No dog shall be deemed dangerous if the bite or injury to another animal occurred as a result of the other animal entering the enclosure where the animal lives.
- (c) Dogs under control of the Police Department or other proper governmental agency are exempt from this division.

(Code 2001, § 14-267; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-332. - Penalty.

Any person violating any section of this division upon conviction shall be punished as provided in city ordinance Sec. 1-14. An owner of an animal that without provocation bites or injures a person or animal shall be strictly liable for the harm caused by such animal.

(Code 2001, § 14-268; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-333. - Dangerous dog license required.

Any person owning a dangerous dog must obtain a dangerous dog license annually. A written application for such license shall be made to the ASC and shall include the applicant's name and address, a description of the animal, proof of current rabies vaccination, and the payment of a fee set by the health district and approved by the city council, which shall be posted at the ASC. The license shall be valid for one year from the date the license is obtained.

(a) Before the license is issued, the owner must also comply with the following requirements:

(1) Have the dog spayed/neutered or provide documentation from a veterinary clinic stating the dog is spayed/neutered,

(2) Provide proof the dog has been implanted with a microchip,

~~(3) Register the dog for its life with the National Registry for dangerous dogs and present proof of registration,~~

~~(4)~~(3) The owner of a dangerous dog must be at least eighteen (18) years old, and

~~(5)~~(4) Not later than ten (10) days after a person learns that the person is the owner of a dangerous dog as defined in this division, the person shall obtain liability insurance coverage of at least \$~~500,750~~,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person, and the person shall provide proof annually of the required liability insurance coverage to the ASC.

(b) If the owner is not the property owner where the dangerous dog is to be located, the owner must have written and notarized permission from the property owner to have a dangerous dog at that location

(Code 2001, § 14-269; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-334. - Investigation of complaints.

If the ASC receives a complaint that a dog is dangerous and the complainant provides a sworn statement with particulars concerning the complaint, a thorough investigation shall be made. If it is determined by the health director or his/her designee that an animal is dangerous and presents a substantial danger to the public health, safety, and welfare of the community, the owner shall be notified that a dangerous dog determination has been made.

(Code 2001, § 14-271; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-335. - Declaration of dangerous dog.

(a) The owner or harbinger may voluntarily declare that a dog is dangerous and apply for a dangerous dog license, or the health director or his/her designee acting on information it has received may declare a dog dangerous after a thorough investigation.

(b) An animal declared dangerous due to a human or animal attack shall be impounded immediately, and its owner promptly notified.

(c) The owner of a dog declared to be dangerous shall have the right to file a written appeal of the determination as outlined by Texas Health and Safety Code Ch. 822, Sec. D. If the determination of the health director is overturned, the impoundment and other fees shall be paid prior to release.

~~(c)(d)~~ A dangerous dog license shall be obtained no later than the 15th day after the person learns that they are an owner of a dangerous dog.

(Code 2001, § 14-270; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-336. - Destruction.

- (a) Any dog determined to be dangerous by the health district may be humanely euthanized if:
 - (1) Written appeal pursuant to Texas Health and Safety Code Ch. 822, Sec. D is not made by the animal's owner within the allowed time period; or
 - (2) The owner of such animal fails or refuses to humanely euthanize the animal as requested by official notice or order of the court.
- (b) Notice as required in this section is properly served when it is hand-delivered to the owner, caregiver, or possessor of the animal, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner, caregiver, or possessor of the animal. A copy of the notice shall be filed in the records of the regulatory authority.
- (c) It shall be unlawful to refuse to relinquish a dangerous animal for destruction within one (1) day of notification as provided in this section. Any person refusing to relinquish a dog declared dangerous will be subject to penalties for each day of refusal.

(Code 2001, § 14-272; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-337. - Seizure warrant.

If the harbinger, owner, or caretaker of a dog declared dangerous refuses to release such animal to the ACO, it shall be the duty of the ACO to obtain a seizure warrant for the seizure of the animal.

(Code 2001, § 14-273; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-338. - Confinement.

- (a) It shall be the responsibility of the owner or harbinger of a dangerous dog to securely confine such animal. A dangerous dog shall be confined in a covered enclosure with walls and/or fencing of at least six (6) feet in height and otherwise designed to prevent escape by the dog. The enclosure must be securely locked at all times and must be confined within a 6-foot property perimeter fence that is sturdy and in good repair.
- (b) It shall be unlawful for a dangerous dog to be outside the dwelling of the owner or outside the enclosure unless it is necessary for the owner to obtain veterinary care for the dangerous dog or to comply with directions of the health district. In such event, the dangerous dog shall be securely restrained with a leather or nylon leash, muzzled, and shall be under direct control and supervision of the owner or harbinger or humanely caged. Unless confined or restrained under conditions stated in this subsection, the dangerous dog shall be considered at large and subject to immediate impoundment and immediate license revocation, as well as any other applicable penalties of this division.

- (c) The owner of a dangerous dog must notify the LRCA at any time the dog will be leaving the property for any reason. The owner must also notify the LRCA when the animal is returned to their property. The owner must also notify their veterinarian of the dangerous dog determination prior to any veterinarian visit.
- (d) A dog deemed dangerous shall not be allowed in public places such as a dog park, pet store, or other public areas where dogs are allowed.
- (e) A dangerous dog may not be sold, given away, or change owners. In lieu of transfer of ownership of any type, the animal must be relinquished to the ASC or a veterinarian for humane euthanasia.
- (f) If the owner changes addresses, they must notify the LRCA ten (10) days prior to the move so an inspection can be scheduled at the new address and the license transferred. Failure to comply will be grounds for revocation of the license.

(Code 2001, § 14-274; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-339. – Sign Required.

The owner or harbinger of a dangerous dog shall display a sign on the premises warning that there is a dangerous dog on the premises. The sign shall be visible and capable of being read from a public street, highway, or alleyway on any side of the property.

(Code 2001, § 14-275; Ord. No. 61-2004, § 1, 8-2-2004)

Sec. 14-340. - Inspections.

An inspection of the dangerous dog and the premises on which it resides shall be made twice a year and at any other time deemed necessary by the health district.

Sec. 14-341. - Failure to comply.

Failure of an owner to comply with any part of this chapter shall be cause for revocation of the dangerous dog license, and the ASC shall seek a seizure warrant for the removal and humane euthanasia of the animal.

(Code 2001, § 14-276; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-342 —14-368. - Reserved.

DIVISION 3. - IMPOUNDMENT

Sec. 14-369. - Facilities authorized.

- (a) The city council shall select and establish a suitable animal shelter for impounding all animals, fowl, livestock, and wildlife by the health district.
- (b) The health director or his or her designee is the designated caretaker of every animal as of the date of intake.
- (c) Immediately upon intake, the director or his or her designee, as the designated caretaker, is authorized to provide each appropriately aged animal with core immunizations and parasite treatment.

(Code 2001, § 14-306; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 52-2018, § 1, 10-2-2018)

Sec. 14-370. - Records required.

The ASC shall keep records of the following:

- (1) The description of all animals, fowl, livestock, and wildlife impounded by the health district;
- (2) The date of impoundment;
- (3) The date of reclaim;
- (4) The date of transfer to rescue, adoption, or euthanasia;
- (5) The amount realized for the reclaim or adoption of each animal, fowl, or livestock; and
- (6) The name, address, birthdate, government issued ID number, and phone number of the adopter, owner, person reclaiming the animal(s), person~~citizen~~ who is dropping off a stray, or any other person that interacts with the City of Wichita Falls Animal Services.

(Code 2001, § 14-307; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-371. - Citation.

All animals, fowl, or livestock at large are subject to impoundment. In addition to or in lieu of impounding an at-large animal, fowl, or livestock, an ACO may issue the known owner of the animal, fowl, or livestock a citation that will constitute a notice of violation. The citation shall be forwarded to the city attorney for review and potential prosecution.

(Code 2001, § 14-308; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-372. - The right of entry on private property.

If an animal, fowl, livestock, or wildlife is observed at large on private property, the ACO may enter the property in accordance with applicable law for the purpose of emergency impoundment or seizure of the animal, fowl, livestock, or wildlife; the issuance of a citation; or both.

(Code 2001, § 14-309; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-373. - The right of owner to reclaim; fee.

- (a) The owner of any animal, fowl, or livestock impounded in accordance with this division shall have the right to reclaim the animal, fowl, or livestock upon showing satisfactory proof of ownership and paying the appropriate impoundment fee set by the health district and approved by the city council. The fee schedule will be posted at the ASC.

(1) The fee for a first impoundment may be waived or reduced for persons demonstrating financial need who successfully complete the responsible pet owner program.

~~(1)~~(2) If the owner does not successfully complete the responsible pet owner program, they may be issued citations and will be responsible for paying the difference between the impound fee and any waived or reduced fee. ~~that was reduced or waived.~~

- (b) An owner or his designee who reclaims an animal six (6) months of age or older from impound shall provide proof that the animal has been spayed/neutered prior to the release of the animal. If proof that the animal is spayed/neutered is not provided, the owner shall pay for the cost of spaying/neutering the animal and present proof of payment as well as a scheduled appointment to the ASC prior to the release of the animal. The animal shall be spayed/neutered within twenty (20)

days of release, and the owner shall bring proof of the animal's sterilization to animal services immediately after sterilization.

- (c) Sterilization under this section may be postponed for a period greater than thirty (30) days, but not more than ninety (90) days, after release in cases of female animals in season, pregnant, or animals younger than 6 months of age. The owner must provide proof of pre-payment and a scheduled spay/neuter appointment to the ASC prior to the release of the animal.

(d) Sterilization under this section may be waived for the first impoundment upon proof of current registration with a recognized ~~national show organization~~. National Dog Registry.

(e) Sterilization is not required for an animal that has not been previously impounded with the city if the release is made to an owner who provides proof that (1)-a licensed veterinarian has issued a signed, written opinion that sterilization would jeopardize the animal's health, or (2) the animal is registered with a national dog registry and has not been previously impounded with the city.

(d)(f) If upon a second impoundment the animal remains unsterilized, prior to reclamation the owner shall pay all applicable reclaim fees and schedule a spay/neuter appointment for the animal at the owner's expense. Animal Services will hold the animal until the appointment and transport the animal to the veterinarian. The owner shall be responsible for picking the animal up from the veterinarian after the sterilization procedure.

(e)(g) It shall be unlawful for a person ~~reclaiming~~~~deeming~~ an animal under this section to fail to provide proof of rabies vaccination ~~and spay/neuter~~, if applicable, within ten (10) days of the release of the animal if required to do so by this section.

(Code 2001, § 14-310; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 11-2014, § 3, 4-1-2014)

Sec. 14-374. - Proof of vaccination and license required for dogs and cats.

- (a) The owner of any impounded dog or cat sixteen (16) weeks of age or older shall, at the time of reclamation, show proof of current rabies vaccination or, if unable to show such proof, shall be required to purchase a rabies voucher and prepay for a city license. The owner shall be required to provide proof of rabies vaccination within ten (10) days after the release from the ASC, at which time a city license will be issued. If the animal has a current rabies vaccination, the owner must purchase a city license if unable to show proof of a current license.
- (b) The owner of any impounded ferret must show proof of current rabies vaccination.

(Code 2001, § 14-311; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-375. – Reclamation of wildlife.

No wildlife shall be subject to reclamation from impoundment.

(Code 2001, § 14-312; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-376. - Detention time.

ASC staff shall keep all dogs/cats who either are wearing a collar, tag, or implanted with a microchip or are otherwise deemed by ASC staff to have a presumptive owner for a period of five (5) working days

from the date of impoundment. All dogs/cats without a collar, tags, microchip, or not otherwise deemed as owned will be held for a period of three (3) working days from the date of impoundment.

(Code 2001, § 14-313; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-377. - Livestock.

- (a) *Impoundment for running at large.* The ACO shall impound livestock with a known owner found to be running at large within the city limits. Livestock at large with no known owner will be considered estray and be the responsibility of the Sheriff's office as required by State Law.
- (b) *Reclamation; fee.* The owner of livestock impounded as provided in subsection (a) of this section may reclaim the livestock by providing proof of ownership and paying all expenses, including any fee associated with the capture of the animal, boarding fee, impound fee, and any other expenses incurred by the ASC.
- (c) *Adoption/transfer of livestock.* Livestock will be held for five (5) working days past the date of impoundment at which time they will be available for adoption or transfer to an appropriate rescue group.

(Code 2001, § 14-314; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-378. - Fowl.

No owner, possessor, or harbinger of chickens, turkeys, or other fowl shall allow the fowl to run at large within the city limits. Fowl running at large shall be impounded by the ASC. The owner of any fowl impounded may redeem such by paying any applicable impound and boarding fees incurred during the impoundment period.

(Code 2001, § 14-315; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-379. - Any other animal.

No owner, possessor, or harbinger of any other animal shall allow the animal to run at large within the city limits. Any animal running at large shall be impounded by the ASC. The owner of any animal impounded may reclaim the animal by paying any applicable impound and boarding fees incurred during the impoundment period.

Sec. 14-380. - Trapping.

- (a) Any ACO is authorized to employ the use of humane cage traps for the purpose of capturing animals, at their discretion, including sick/injured animals, animals under rabies investigation, abandoned animals, and stray dogs.
- (b) Residents of the city wishing to trap unwanted animals may do so with the use of humane cage traps. The ASC's trapping guidelines and State law shall be followed. Permission to trap must be obtained in writing from the ASC. As part of the agreement, the ASC will require permission to enter the property to remove the trap and any trapped animal(s). The following guidelines shall be followed while actively trapping:
 - (1) Traps may be obtained from the ASC; however, a deposit is required and limited traps are available.
 - (2) Traps shall be monitored daily.

- (3) ASC shall be notified prior to 3 p.m. any time an animal is found to be trapped.
 - (4) Traps shall be covered at all times.
 - (5) Traps shall be placed in a protected area safe from harsh elements or danger. Traps may be placed in an attic, shed, garage, or under a safe structure, but shall be removed from these areas prior to an ACO servicing the trap. Traps shall not be placed in direct sunlight.
- (c) Trapping is prohibited at the following times:
- (1) When the temperature is below 45°;
 - (2) When the temperature is above 80°;
 - (3) During inclement weather; and/or
 - (4) On weekends or City of Wichita Falls recognized holidays.

(Code 2001, § 14-316; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-381. - Euthanasia.

- (a) Any animal, fowl, or livestock impounded or found at large within the city may be humanely euthanized upon determination:
 - (1) By the health director or his or her designee or a local veterinarian that it has been injured or is sick and in such state that recovery is seriously in doubt, or
 - (2) That it is sick and endangers the health of other animals or persons.
- (b) Euthanasia shall be performed humanely by injection of a lethal drug or other means as approved by state law.
- (c) All wildlife known to be a high-risk rabies carrier will be humanely euthanized.

(Code 2001, § 14-317; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 32-2016, § 1, 9-6-2016)

Sec. 14-382. - Transfer of ownership after a period of detention.

- (a) *Detention period.* It shall be the duty of the health director or his or her designee to hold all impounded animals with a microchip, collar, rabies vaccination tag, ID tag, or a Wichita Falls city license tag attached to the collar for a detention period of five (5) days, excluding Sundays and city designated holidays, after the date of impoundment. All impounded animals without a collar, microchip, rabies vaccination tag, ID tag, or a Wichita Falls city license tag attached to the collar will be held for a detention period of three (3) days, excluding Sundays and city designated holidays, after the date of impoundment.
- (b) *Transfer of ownership.* After the period of detention has ended, title and sole ownership of the animal will be transferred to the health director or his or her designee. Title to the animal is considered vested in the health director or his or her designee for purposes of passing good title, free and clear of all claims. When ownership is transferred to the health director or his or her designee, title and sole ownership of the animal transfers to the health director or his or her designee, and the animal becomes the sole property of the health director or his or her designee. The animal becomes subject to disposition by transfer of ownership, euthanasia, or adoption as the health director or his or her designee deems appropriate once ownership is transferred.
- (c) *Eligibility for transfer of ownership, euthanasia, or adoption.* Once ownership of an animal is transferred to the health director or his or her designee, the animal will be eligible for transfer of ownership, euthanasia, or adoption, and subject to disposition as the health director or his or her designee sees fit.
- (d) *Quarantined animals.* This section does not apply to quarantined animals that are suspected of having rabies or that have been quarantined because the animal bit or scratched a person.

Ownership of quarantined animals will be transferred to the health director one day after the date that quarantine has ended excluding Sundays and City designated Holidays if they have not been redeemed or reclaimed by the original owner.

- (e) *Animals seized by court order.* This section does not apply to animals that have been impounded pursuant to seizure warrants because the animal is dangerous and caused injury to a person or has been cruelly treated or abandoned. Title shall transfer to the health director or his or her designee one (1) day, excluding Sundays and city designated holidays, after the date of the hearing on the seizure warrant if the animals have not been reclaimed pursuant to a court order allowing the animal's owner to maintain ownership and good title to the animal. If the rightful owner has not reclaimed the animal obtained pursuant to a seizure warrant within ten (10) days, excluding Sundays and city designated holidays, after the date of the hearing to determine whether the animal has been cruelly treated or abandoned, ownership of the animal will transfer to the health director or his or her designee.
- (f) *Immediate transfer of ownership.* This section does not preclude a person from transferring ownership to the health director or his or her designee per written instrument. Any animals to which an owner has transferred ownership to the health director or his or her designee via written instrument will be eligible for transfer of ownership, euthanasia, or adoption immediately and subject to disposition as the health director or his or her designee sees fit.
- (g) *Reclamation after impoundment.* The person entitled to the possession of any animal delivered to the ASC shall be entitled to have the animal delivered to him or her upon presentation of satisfactory evidence of ownership, as evidenced by the following:
 - (1) A license issued pursuant to this chapter;
 - (2) A microchip indicating ownership of the animal;
 - (3) Receipt for purchase or adoption of the animal;
 - (4) Records from a veterinarian showing vaccinations administered within the previous twelve (12) months;
 - (5) Receipts for payment to a veterinarian or commercial pet service facility for services rendered to the animal within the past twelve (12) months;
 - (6) Photographic or videographic records showing the animal and individual asserting ownership at home or in other environments; or
 - (7) A signed and notarized affidavit in which the owner of the animal attests that the animal is his or her property.

(Ord. No. 32-2016, § 2, 9-6-2016)

Secs. 14-383 —14-403. - Reserved.

DIVISION 4. - ANIMAL SHELTER ADVISORY COMMITTEE

Sec. 14-404. - Creation.

There is hereby created an Animal Shelter Advisory Committee.

(Code 2001, § 14-321; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-405. - Representation.

The Animal Shelter Advisory Committee (ASAC) shall be composed of five (5) persons with the following qualifications: one veterinarian; one animal welfare organization representative; one city official, designated as the LRCA of Wichita Falls, as mandated by the Texas Health and Safety Code § 826.017; one person whose duties include the daily operation of an animal shelter; and one citizen representing the general public.

(Code 2001, § 14-322; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-406. - The term of office; meetings.

The LRCA of Wichita Falls and the member whose duties include the daily operation of an animal shelter shall serve an indefinite term. The veterinarian appointed to the committee shall serve a term of two (2) years, the animal welfare organization representative shall serve a term of two (2) years, and the citizen representing the public shall serve a term of two (2) years. All terms expire on December 31. The committee shall meet at least three (3) times each year.

(Code 2001, § 14-323; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 01-2017, 1-3-2017)

Sec. 14-407. - Duties.

The ASAC shall perform the following duties:

- (1) Assist the city in an advisory capacity in complying with the terms of Texas Health and Safety Code Ch. 823, as amended; and
- (2) Assist the city in an advisory capacity in establishing procedures applicable to the city's ASC as follows:
 - (a) To ensure that the ASC shall separate all animals in its custody at all times by species, sex (if known), if the animals are not related to one another, by size;
 - (b) To ensure that the ASC will not confine healthy animals with sick, injured, or diseased animals;
 - (c) To ensure that the city, at least once a year, employs a veterinarian to inspect the ASC to determine that such facility complies with the requirements of Texas Health and Safety Code Ch. 823, as amended. The veterinarian shall file copies of his report with the person operating the ASC and with the Texas Department of State Health Services on forms prescribed by the Texas Department of State Health Services; and
 - (d) To ensure that the shelter operator or contractor maintains the necessary records required under Texas Health and Safety Code §823.003(e), as amended.

(Code 2001, § 14-324; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-408 —14-427. - Reserved.

ARTICLE V. - RABIES CONTROL [\[5\]](#)

Footnotes:

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State Law reference— Rabies control, Texas Health, and Safety Code § 826.001 et seq.

Sec. 14-428. - Reporting rabid animals, livestock, and wildlife.

It shall be the duty of every animal or livestock owner or harborer, veterinarian, physician, or any person to report to the Local Rabies Control Authority (LRCA) or their designee all cases of rabies with which he comes in contact or to which his attention has been directed. This report shall be made immediately upon diagnosis or suspicion of a case of rabies.

(Code 2001, § 14-346; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-429. - Reporting rabies exposure.

Every physician or other medical practitioners who treats a person or persons for any animal bite or scratch, or any person having knowledge of an animal bite or scratch shall immediately report the bite or scratch to the LRCA or their designee. The report should include the following information:

- (a) Date and time the bite or scratch occurred;
- (b) Name, age, and sex of the injured person;
- (c) Any and all treatment received, if known; and
- (d) Any other information as may be required by the LRCA or their designee.

(Code 2001, § 14-347; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-430. - Quarantine of animals, livestock exhibiting symptoms.

Any animal or livestock that has symptoms of rabies as verified by a veterinarian shall at once be placed under rabies quarantine by the LRCA, or tested in accordance with the Department of State Health Services rules.

(Code 2001, § 14-348; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-431. - Quarantine ~~and redemption~~ of biting or attacking animals or livestock.

- (a) If any person alleges that an animal or livestock has bitten, scratched, or otherwise attacked a person within the city limits in a manner that caused a break in the skin of the person, he shall report the incident to the LRCA or their designee. It shall be the duty of the owner to deliver the animal or livestock for quarantine purposes either immediately or the next business day if the bite occurs after normal operating hours.
- (b) Quarantine shall take place either at the ASC or at a local veterinary hospital for a period of at least ten (10) days (240 hours from the time of the incident).
- (c) Home quarantine shall only be allowed on a limited basis after all available options have been exhausted. All criteria for home quarantine as mandated by the LRCA must be met and approval received from the LRCA.
- (d) Impoundment at any approved facility for rabies quarantine purposes shall be at the expense of the owner of the impounded animal or livestock. No animal or livestock confined for quarantine purposes under this article shall be released to any person until all vaccinations required under Sec. 14-41 have been paid for and scheduled with a licensed veterinarian.
- (e) Any owner or harbinger of an animal or livestock that has bitten or scratched a person within the city who fails to turn over the animal for quarantine, or refuses to allow the quarantine of the animal or livestock pursuant to this section, or attempts to interfere with impoundment, shall be guilty of a class c misdemeanor punishable by a fine set out under the provisions of this article. Each day of refusal constitutes a separate and individual violation. Violators will receive a citation for each day the animal is not quarantined.
- (f) Unvaccinated animals shall not be vaccinated against rabies during the ten (10) day (240 hours) observation period; however, animals may be treated for unrelated medical problems diagnosed by a veterinarian.

- (g) Animals requiring quarantine must be spayed/neutered within twenty (20) days after being released from quarantine. The owner must schedule and provide proof of an appointment and prepayment prior to picking the animal up from quarantine.

(Code 2001, § 14-349; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-432. Veterinary care while quarantined.

The following measures shall be followed for an animal under quarantine that is not showing signs of rabies and requires treatment or unrelated medical care from a veterinarian:

- (a) The veterinary hospital/clinic shall be contacted and notified of the incoming animal and quarantine status.
- (b) The ACO shall follow all veterinary hospital/clinic rules and/or policies regarding quarantine animals coming into the facility.
- (c) The animal shall remain quarantined and away from other animals at all times.
- (d) The ACO shall be responsible for safe transport to and from the veterinary hospital/clinic.
- (e) The owner is responsible for meeting the ACO at the veterinary hospital/clinic and paying for all associated veterinary care.

Sec. 14-433. - Seizure warrant.

It shall be the duty of the LRCA or their designee to obtain a seizure warrant for the seizure and quarantine of an animal that has bitten or scratched a person or animal if the harborer refuses to release the animal for quarantine.

(Code 2001, § 14-350; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-434. - Citywide quarantine.

~~(a) *Animals in public restricted.* It shall be unlawful for any person to allow any animal to be taken, whether restrained or not, into any public place during a period of citywide quarantine.~~

(a) *Conditions warranting.* A citywide quarantine may be invoked by the local health authority for a period of 30 days after an investigation determines an immediate threat of rabies exists.

(b) *Animals in public restricted.* It shall be unlawful for any person to allow any animal to be taken, whether restrained or not, into any public place during a period of citywide quarantine.

(c) *Extension of time.* Additional positive cases of rabies that occur during a period of citywide quarantine may be grounds for an extension of the quarantine period for a reasonable period of time.

(Code 2001, § 14-351; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-435. - Animals or livestock bitten or attacked by suspected rabid animals.

Unvaccinated animals or livestock bitten or attacked by another animal or wildlife suspected of being rabid shall either be destroyed or isolated at the sole expense of the owner for a period of time as determined from the date of exposure in accordance with state law.

(Code 2001, § 14-352; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-436 —14-451. - Reserved.

ARTICLE VI. - CRUELTY TO ANIMALS^[6]

Footnotes:

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State Law reference— Treatment and disposition of animals, Texas Health and Safety Code § 821.001 et seq.; cruelty to animals, Texas Penal Code § 42.09.

Sec. 14-452. - Food, water, shelter, and shade.

No owner shall fail to provide their animals, fowl, or livestock with sufficient good and wholesome food and water; adequate shelter, shade, and protection from the weather; adequate space; humane care and treatment; and reasonable veterinary care as needed to prevent suffering. All persons owning, possessing, or harboring animals, fowl, or livestock shall comply with the following requirements:

(1) *Shelter and shade.* Shelter and shade shall be provided as follows:

(a) Animals. Animals shall be provided with access to shelter constructed of materials sufficient to allow them to remain dry and protected from the elements. The shelter shall be free of debris or other materials that could endanger the animal.

1) Shelters shall be fully enclosed on three sides. The structure shall have a solid attached roof with no gaps, shall be roofed, and shall have a solid floor attached to the structure. The fourth side of the shelter shall contain the entrance to the shelter. Such entrance shall be flexible to allow the animal's entry and exit and sturdy enough to block entry of wind, ~~or~~ rain, hail, sleet, snow, subfreezing temperatures, and any other elements deemed detrimental to the animal's health or well being.

2) The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.

3) Clean and dry Bbedding that does not retain moisture shall be provided in the form of straw or hay. Materials such as blankets, sheets, and towels shall not be considered adequate bedding.

4) -A suitable method shall be provided to eliminate excess water from the shelter area.

1)5) Shade. ~~In addition to the shelter,~~ Either natural or artificial shade with adequate ventilation shall be provided to protect the entire animal from direct sunlight at all times of the day.

(a)(b) Livestock. Livestock shall be provided with access to shelter to allow them to remain dry during rain and snow and protected from severe weather. Such shelter shall have three solid sides and a roof. It shall be structurally sound and in good repair to protect the livestock from injury. Such shelter will provide a minimum amount of space sufficient to accommodate all livestock confined within the shelter, as provided in Sec. 14-198(e). Either natural or artificial shade shall be provided to protect livestock from direct sunlight. If shade is provided by the

enclosure, allowance shall be made for adequate ventilation. A suitable method shall be provided to eliminate excess water from the shelter area.

(2) *Chaining and tethering animals.*

- (a) It shall be unlawful to keep an animal or livestock on a chain or rope placed in a manner that makes it possible for the animal to become entangled with the restraints of other animals or livestock or with any other objects.
- (b) It shall be unlawful to attach a collar or harness to an animal that chokes or pinches the animal unless a rope or tether is attached to the collar and is being held by a person.
- (c) It shall be unlawful for any animal to be attached to a chain or tether that weighs ten percent or more of the animal's body weight.
- (d) It shall be unlawful to stake a cat outside on a leash, tether, chain, or similar apparatus.
- (e) It shall be unlawful to restrain an animal outside with a chain or tether unless:
 - i. A person is holding the chain or tether; or
 - ii. The dog's owner or handler remains outside within clear view of the animal and within 50 feet of the animal throughout the period of restraint.

(Code 2001, § 14-381; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 44-2011, § 1, 8-16-2011; Ord. No. 13-2013, § 1(14-381), 3-19-2013; Ord. No. 14-2016, § 1, 6-7-2016)

Sec. 14-453. - Inhumane treatment.

- (a) No person shall beat; cruelly treat; torment; mentally abuse; overload; overdrive; overwork; kill; torture; mutilate; maim; or perform, cause to be performed, or permit to be performed any other act of cruelty upon any animal, wildlife, fowl, or livestock.
- (b) A person commits an offense if either through their action or omission, they allow any of the following:
 - (1) No person other than a licensed veterinarian shall crop the ears, dock the tail, remove the dewclaws, or perform any surgery on any animal, wildlife, fowl, or livestock, excluding livestock castration and dehorning. Transfer ownership or otherwise physically remove from its mother any dog, cat, ferret, or rabbit less than eight (8) weeks old, or any other animal that is not yet weaned except as advised by a licensed veterinarian.
 - (2) Abandons any animal that he or she has possession or ownership of at the ASC, or at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal.
 - (3) Fails to reclaim any animal that he owns from the ASC or any person who had temporary possession of the animal.
 - (4) Causes or allows an animal to remain in its own waste or excrement.
 - (5) Owns or has care, custody, or control of an animal having an infestation of ticks, fleas, or other parasites without having the animal treated by a veterinarian or following a proper commercially available treatment regimen for the infestation.
 - (6) Owns or has care, custody, or control of an animal having an obvious or diagnosed illness, injury, or communicable illness transmittable to animals or humans without having the animal treated by a veterinarian or following a proper treatment regimen for the injury or illness.
 - (7) Fails to provide basic grooming for an animal.
 - (8) Causes, allows, or trains an animal to fight another animal or possesses animal fighting paraphernalia or training equipment.
 - (9) Fails to provide an animal owned by him or under his care, custody, or control with the necessities of life including adequate food; potable water; sanitary conditions; shelter or

protection from the heat, cold, and other environmental conditions; or other circumstances that may cause bodily injury, serious bodily injury, or death of the animal.
(10) Teases, taunts, or provokes an aggressive reaction from an animal.

(Code 2001, § 14-382; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-454. - Abandonment of animals; release of wildlife.

- (a) Abandonment means to leave an animal without human supervision, unattended, and/or without adequate provisions necessary for maintenance of life for an unspecified amount of time or fails to reclaim any animal that he/she owns from the ASC or any person who has temporary possession of the animal.
- (b) It shall be unlawful for any person to abandon or turn any animal, excluding wildlife, loose within the city limits.
- (c) It shall be unlawful for any person to abandon any animal that he/she has possession or ownership of at the ASC and/or any other place of business, on public property, or with any person that has not consented, or has revoked consent to be responsible for the care of the animal.
- (d) It shall be considered abandonment and is unlawful for any person to relinquish any animal to the ASC staff while withholding information regarding ownership or falsifying information.
- (e) It shall be unlawful for any person having custody of any wildlife to abandon such wildlife that is incapable of surviving on its own in the environment into which it is released.

(Code 2001, § 14-383; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-455. - Giving animals as prizes or inducements; artificially colored baby fowl or animals.

- (a) No person shall give away any live animal, reptile, fowl, livestock, or wildlife as a prize for or inducement to enter any contest, game, or other competition; an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade.
- (b) No chick, duckling, gosling, rabbit, or hamster that has been dyed or otherwise colored artificially shall be sold or offered for sale; offered or given as a prize, premium, or advertising device; or displayed in the city.

(Code 2001, § 14-384; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-456. - The duty of a motor vehicle operator to report accidents involving animals, fowl, or livestock.

Any person who, as the operator of a motor vehicle within the city, strikes any animal, fowl, or livestock shall stop at once, render such assistance as may be practicable, and report the accident to an appropriate law enforcement agency or the ASC.

(Code 2001, § 14-385; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-457. - Exposing poisonous substances or traps.

- (a) No person shall expose any known poisonous substance, whether mixed with food or not, so that the poison shall be likely to be eaten by an animal, fowl, livestock, wildlife, or person. This subsection is

not intended to prohibit the prudent use on one's own property of herbicides, insecticides, or common rodent control materials (e.g., rat poisons) mixed only with a vegetable substance.

- (b) No person shall expose an open-jaw-type trap, leg hold trap, snare trap, or any type trap able or likely to cause physical harm or injury to any animal, fowl, livestock, wildlife, or person.

(Code 2001, § 14-386; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-458. - Confining animals to motor vehicles.

- (a) No animal shall be confined within a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature; lack of food, water or attention; or confinement with a dangerous animal. Endangered health may be demonstrated by but not limited to the animal's excessive drooling, panting, lethargic behavior, collapse, vomiting, or convulsions. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle for a period of five (5) or more minutes when the ambient outside air temperature measures above 85°F or below 35°F.
- (b) If an animal is left in the open bed or flat-bed of a vehicle while the vehicle is parked, the owner or possessor of the animal and/or the driver of the vehicle is responsible for providing adequate ventilation, water, shelter, and shade as needed to prevent endangering the health or well-being of the animal.
- (c) Any ACO or peace officer is authorized to remove any animal from a motor vehicle at any location when he reasonably believes it is confined in violation of subsection (a) of this section. Any animal so removed shall be delivered to the ASC. The removing officer shall leave written notice of removal and delivery, including their name, in a conspicuous, secure location on or within the vehicle.

(Code 2001, § 14-388; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-459—14-486. - Reserved.

ARTICLE VII. - CARE OF ANIMALS

Sec. 14-487. - Sanitation; odor and vector control; cage sizes.

Every owner, possessor, or harbinger of animals, fowl, and livestock shall comply with the following regulations and sanitation requirements:

- (a) *Animal waste.* Animal waste shall be disposed of on a daily basis.
- (b) *Odor and vector control required.* All persons keeping animals within the city limits shall keep the premises upon which the animals are kept clean and free from noxious and unpleasant odors and shall use some form of chemical control at reasonable intervals to keep the premises free from flies, mosquitoes, ticks, fleas, and other vectors.
- (c) *Cage Size.* An owner, possessor, or harbinger of an animal shall confine the animal in an enclosure sufficient to prevent its running at large. Such enclosure shall be of sufficient size to maintain the animal comfortably and in good health. The animal must be able to stand, turn around, sit, and lie down in a natural position.

(Code 2001, § 14-416; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-488. - Storage of feed.

All feed provided for animals shall be kept in a rat-proof, fly-proof container.

(Code 2001, § 14-424; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-489. - Keeping of wildlife.

No person shall keep or permit to be kept on his premises any wild animal. This section shall not be construed to apply to approved zoological parks, performing animal exhibitions, circuses, animals kept for treatment in a facility operated by a veterinarian, or animals used for research or teaching purposes by a licensed hospital or nonprofit university, college providing a degree program, wildlife education center, or wildlife rehabilitators and their subpermit holders.

(Code 2001, § 14-422; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-490 —14-517. - Reserved.

ARTICLE VIII. - ANIMAL HEARINGS

Sec. 14-518. - Right to hearing.

The following determinations may be appealed under the procedures in this article:

- (a) Denial of any permit applied for under this chapter; and
- (b) Revocation of any permit applied for under this chapter.

(Code 2001, § 14-451; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-519. - Notice of right and request for hearing.

Any determination that results in the right to a hearing under Sec. 14-518 must be given in writing as an official notice to the owner, caregiver, or possessor of the animal.

- (a) Such writing must provide the owner, caregiver, or possessor of the animal with notice of the right to a hearing and instructions on the procedure for requesting a hearing.
- (b) A written request for a hearing must be filed with the health director within five (5) days of receiving written notice of the determination.
- (c) The owner, caregiver, or possessor of the animal shall be granted a hearing within ten (10) days of receipt of a request for a hearing.
- (d) If no request for a hearing is received by the director within five (5) days of receipt of the written notice of the determination by the owner, caregiver, or possessor of the animal, the determination will be considered sustained and shall become final.
- (e) Notice as required in this section is properly served when it is hand-delivered to the owner, caregiver, or possessor of the animal, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner, caregiver, or possessor of the animal. A copy of the notice shall be filed in the records of the regulatory authority.

(Code 2001, § 14-452; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-520. - Representation.

The owner, harborer, or other relevant party may choose to represent himself at the hearing or be represented by a licensed attorney, retained at his own expense.

(Code 2001, § 14-453; Ord. No. 21-2009, § 1, 3-3-2009)

Sec 14-521. - Conduct of hearing.

The health director or his or her designee shall conduct the hearings provided for in this article at a time and place designated by the health director. Based upon the recorded evidence of such hearing, the health director or designee shall make final findings of fact and shall sustain, modify, or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the owner, caregiver, or possessor of the animal by the health district. If the outcome of the hearing allows for the re-issuance of a license, a reapplication fee shall be assessed at the discretion of the health director.

(Code 2001, § 14-454; Ord. No. 21-2009, § 1, 3-3-2009)

PASSED AND APPROVED this the 19th day of April 2022.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
April 19, 2022

ITEM/SUBJECT: Resolution authorizing the City Manager to enter into a Lease Agreement with North Texas Vision of Wichita Falls, Inc. (Downtown Wichita Falls Development) for management and operation of the Farmers Market.

INITIATING DEPT: Legal

STRATEGIC GOAL: Redevelop Downtown

STRATEGIC OBJECTIVE: Establish Public/Private Partnerships, Enhance Focus on Culture, Arts, and Entertainment Venues

COMMENTARY: In May 2012, the City and North Texas Vision of Wichita Falls, Inc. also known as Downtown Wichita Falls Development (DWFD) entered into a lease agreement for DWFD to take over management, operations and minor maintenance of the Farmers Market. Prior to that arrangement, the City managed the facility exclusively for a produce market. Over the last ten years, the DWFD Inc. has continued to lease the market to area farmers, but also has expanded its use into special event rentals. The 5-year term of that lease expires April 30, 2022, and it is recommended that an additional 5-year term be approved.

Significant provisions of the proposed lease agreement are:

- Term of the agreement is for five (5) years, commencing May 1, 2022 and expiring April 30, 2027, with the agreement automatically renewing for additional five-year terms. The agreement can be terminated by either party with a 90-day notice;
- Rental fees have been established (Attachment C) and may be modified by the City Manager provided City Manager gives Tenant 90 days written notice of any modifications;
- The Tenant is responsible for management, operation, minor maintenance, marketing and promotion of the facility;
- The Tenant is responsible for all utilities.
- The City and Tenant agree to split all revenue 50/50 as outlined more fully in clause 1.B.c. of the Contract.

Staff recommends approval of the proposed lease agreement.

☒ **City Attorney**

ASSOCIATED INFORMATION: Resolution and Lease Agreement attached.

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the City Manager to enter into a Lease Agreement with North Texas Vision of Wichita Falls, Inc. (Downtown Wichita Falls Development) for management and operation of the Farmers Market

WHEREAS, the City owns a Municipal Produce Market located at 713 Ohio Avenue, commonly referred to as the Farmers Market; and,

WHEREAS, the City and North Texas Vision of Wichita Falls, Inc. agree that management and operation of the Farmers Market by Downtown Wichita Falls Development (DWFD) will serve to better market, promote and enhance the operation of the Farmers Market; and,

WHEREAS, the City and North Texas Vision of Wichita Falls also believe that a vibrant Farmers Market will also serve to bring more visitors to downtown and thereby help to reinvigorate the downtown Wichita Falls area; and,

WHEREAS, the City has leased the Farmers Market to the North Texas Vision of Wichita Falls for the past ten years and found that relationship to be successful; and,

WHEREAS, the City Council of Wichita Falls and the North Texas Vision of Wichita Falls desire to enter into an additional five-year lease agreement for operations and management of the Farmers Market.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The City Manager is authorized to execute a Lease Agreement with North Texas Vision of Wichita Falls, Inc. for the management, operations, and minor maintenance of the Farmers Market in a form approved by the City Attorney, a draft copy of the lease is attached to this resolution.

PASSED AND APPROVED this the 19th day of April, 2022.

M A Y O R

ATTEST:

City Clerk

LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this ____ day of April, 2022, by and between the **City of Wichita Falls**, hereinafter referred to as the "LANDLORD," and **North Texas Vision of Wichita Falls Inc.** a 501(c)(6) corporation organized and operating under the laws of the State of Texas, hereinafter referred to as the "TENANT."

WITNESSETH

WHEREAS, the Landlord owns certain cultural, historical, or architecturally significant real property hereinafter described; and

WHEREAS, the Tenant desires to utilize the property for uses that would benefit the City and the downtown Wichita Falls area;

NOW, THEREFORE, in consideration of the mutual promises and agreements of the Landlord and Tenant, it is understood and agreed by and between the Landlord and Tenant as follows:

1. Obligations of the Landlord:

- A. The Landlord hereby leases to the Tenant pursuant to the terms of this Agreement, a portion of certain real property located in the City of Wichita Falls, Texas, hereafter called the **FARMERS MARKET, OR THE PREMISES**, and described as follows:

a. **713 Ohio Avenue, Wichita Falls, TX 76301**

- B. The term of this Lease shall commence May 1, 2022, and continue through April 30, 2027. This Agreement may be automatically renewed at the end of each term for an additional 5-year term. Either Landlord or Tenant may terminate, without cause, the tenancy by giving the other 90 days' written notice of an intention to terminate the Agreement.

- a. Annual rent payment to the City of Wichita Falls: \$1.00 per year.
- b. Rental fees for producers and dealers shall be established on Attachment C and may be modified by the City Manager provided City Manager gives Tenant 90 days written notice of any modifications.
- c. Landlord and Tenant agree to share the profits of the Farmers Market as outlined herein. Landlord will be given 50% of Net Profits and will be paid on a quarterly basis. Net Profits is determined as Gross Receipts minus Allowed Expenses.
1. Gross Receipts means receipts from stall rentals and all other business conducted on or from the leased premises by Tenant, including income such as food truck rentals, whether these rentals are evidenced by check, credit, charge account, exchange, or otherwise.
 2. Allowed Expenses are limited to premises utilities, repairs made pursuant to section 3.A., marketing (not to exceed \$500 per quarter), and required insurance. Salaries and management fees are excluded.

d. During the term of this Lease Agreement, the City of Wichita Falls shall provide the Farmers Market with routine police and fire protection. Said police and fire protection will be the same type and level of protection provided to comparable properties within the City of Wichita Falls.

2. Obligations of the Tenant:

- A. Use of Premises. Tenant shall use the Premises for the purpose of operating a retail produce market for the sale of produce and related products directly to consumers. Tenant agrees to continuously and diligently operate a produce market during the market season on the Premises in accordance with the guidelines of the City of Wichita Falls.
- a. The Farmers Market shall be operated and maintained by the Tenant in an efficient and economical manner. The Tenant shall preserve the same in good repair and order for the duration of this Lease Agreement. The Tenant's programs and operations shall at all times reflect, support, promote and educate the public about the agricultural heritage of north-central Texas. This provision shall be a covenant by Tenant, and any breach thereof, at the option of the Landlord and after notice by the Landlord, shall be cause for the termination of this Lease Agreement.
- b. Special Events: Tenant may use the Premises for other promotional events as listed in Attachment A. Prior written consent of Landlord must be obtained for any other use not specifically listed.
- B. Tenant shall comply with all governmental laws, ordinances, and regulations applicable to the use of the Premises and shall promptly comply with all governmental orders and directives for the correction, prevention, and abatement of nuisances in or upon, or connected with the Premises, all at Tenant's sole expense. Tenant is responsible for the collection, filing, and paying of any sales taxes that may be assessed on their productions. Tenant is responsible for any state or local health permits required.
- C. No additions or alterations to the Premises may be made by the Tenant or placed on the Premises by the Tenant during the term of the Lease Agreement, except with the prior written consent of Landlord. Any repairs as a result of the negligence or intentional act of the Tenant or any employee, agent, invitee, or patron of the Tenant, shall be promptly made by the Tenant in a good workmanlike manner.
- D. Tenant shall maintain the Premises in good repair, condition, and cleanliness at Tenant's sole expense. Tenant shall be responsible for all trash removal from the leased space on a daily basis. Landlord shall provide adequate dumpsters and collection as agreed upon with Tenant. Tenant also agrees to remove all produce on the site at the end of each day. Tenant shall not permit overnight sleeping, camping, cooking, etc. unless written approval of the Landlord is obtained in advance and is related to a special event or cooking demonstration.
- E. Tenant accepts the Premises in an "As Is - Where IS" condition. Landlord makes no warranty either expressed or implied of the Premises, including, but not limited to,

structure, plumbing, or surface conditions. Notwithstanding the above, Tenant shall annually provide Landlord with requests for major repair items in accordance with General Provisions paragraph 3. (B).

- F. The Tenant's representative will procure and keep in effect during the term hereof a public liability and property damage insurance for the benefit of Tenant and Landlord in the amount of at least \$200,000 for damages resulting to one person and \$500,000 for damages resulting from one casualty, and \$100,000 property damage resulting from any one occurrence. Tenant shall provide Landlord prior to the commencement date proof of insurance certificate showing these minimum amounts. Additionally, Tenant agrees to procure product liability insurance and keep it in effect during the term of this Lease Agreement for the benefit of Tenant and Landlord in the amount of \$500,000. Landlord shall be named an additional insured on all insurance policies obtained by the Tenant.
- G. Any prior oral or written agreement or understanding between the parties which has not been expressly stated in this Lease Agreement is hereby deemed to be waived, not part of this Lease Agreement, and no longer of any force or effect.

3. General Provisions:

- A. Tenant will be responsible for the costs of marketing, promotion, minor repairs (less than \$400 per month), maintenance, utilities, and any other costs incidental to the operation of a farmers market.
- B. Annually, prior to March 1, Tenant will provide Landlord with Tenant's requests for capital expenditures or improvements that may be desired for the upcoming fiscal year (October 1 through September 30). Tenant may submit additional written request in any given fiscal year for capital expenditures or improvements in said fiscal year which must be approved by Landlord in writing at its sole discretion.
- C. Reports. Tenant shall furnish to Landlord quarterly reports, which show the total gross receipts and a list of Allowed Expenses for the previous period and year to date. Tenant agrees to prepare and maintain adequate records, which will show gross receipts, for a period of not less than 12 months following the end of each lease period. Landlord and authorized representatives of Landlord have the right to examine the records of Tenant during regular business hours. These receipts will be used for tracking purposes and used to maintain and improve the quality of the market.
- D. For any claim resulting from the condition of the Premises not brought to the attention of the Landlord by Tenant pursuant to provision 2(E) of this Agreement, Tenant releases Landlord from all claims for loss of life, personal injury, or damage to the property or business sustained by Tenant or any person claiming through Tenant resulting from any fire, accident, occurrence or condition in or upon the premises or any adjacent property owned by Landlord, including, but not limited to, such claims resulting from:
 - a. Defect in or failure of plumbing, electrical wiring, water pipes, railing, or walks;
 - b. Any equipment being out of repair;
 - c. The bursting, leaking, or running of any drain or any other pipe in or about the Premises;

- d. The backing up of any sewer pipe;
 - e. Water, wind, snow, or ice coming through the roof of the structure above the Premises;
 - f. Broken glass;
 - g. Any act or omission of another Tenant, invitee, or other occupant; and
 - h. Any act or omission of Landlord, or of its principals, agents, servants, or employees, unless caused solely by the negligence of Landlord.
- E. The Tenant shall use and operate the Premises in a careful, safe, and reasonable manner. It shall not use or permit the Premises to be used for any purpose prohibited by the laws of the United States of America, the State of Texas, or the charter or ordinances of the City of Wichita Falls and the County of Wichita. It shall not use or keep any substance or material in or about the Premises which would endanger the Premises or vitiate the validity of any insurance upon the structure or increase the hazard of any risk.
- F. The Tenant shall not assign or transfer its rights under this Lease Agreement either in whole or in part without obtaining the prior written consent of the Landlord. Tenant is authorized to issue License Agreements, approved by Landlord, to entities authorized by Landlord.
- G. *The Tenant shall indemnify, defend and hold the Landlord harmless against all damages, losses, claims, demands, costs, and expenses (including without limitation, attorneys fees, and court costs) and liabilities of any kind or nature whatsoever, including injury or damage to persons or property, sustained or claimed to have been sustained by anyone whomsoever by reason of the operation, use or occupancy of the Farmers Market by Tenant, whether such use is authorized by this Lease Agreement or not, or by any act or omission of Tenant or any of its officers, agents, employees, independent contractors, or patrons, and Tenant shall pay for any and all damages to the property of the Landlord, or loss or theft of such property done or caused by such persons.* The insurance coverage specified herein constitutes a minimum requirement which shall in no way lessen or limit the liability of the Tenant under the terms of this Lease Agreement. The Tenant shall procure and maintain at its own cost and expense any additional kinds and amounts of insurance that, in its own judgment, may be necessary for its protection and the protection of the Premises.
- H. All personal property of any kind or description whatsoever, either placed upon or currently upon the Premises, shall be at the Tenant's sole risk. The Landlord shall not be held liable for any damage to or loss of such personal property or damage or loss suffered by the employees, guests, or invitees of the Tenant from any source, including bursting, overflowing, or leaking of water, sewer, or steam pipes or from heating or plumbing fixtures, or from gases or odors, or caused in any other manner whatsoever, except in the case of the gross negligence or willful misconduct of the Landlord.
- I. The Tenant agrees to deliver and surrender possession of the Premises to the Landlord upon the expiration, cancellation, or termination of the Lease Agreement; The Premises shall be delivered clean and in good repair excepting only ordinary, normal wear and tear.

- J. No waiver or any breach of any one or more of the conditions or covenants of this Lease Agreement by either party shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.
- K. The parties hereto acknowledge and agree that in entering into this Lease Agreement they have not relied upon any statements, representations, agreements, or warranties, except such as are expressed herein, and that no amendment or modification of this Lease Agreement shall be valid or binding unless in writing and executed by the parties hereto in the same manner as the execution of this Lease Agreement.
- L. All notices required to be given to the Landlord shall be given by certified or registered mail at the following address:

City Manager
PO Box 1431
Wichita Falls, TX 76307

All notices required to be given to the Tenant hereunder shall be given by certified or registered mail at the following address:

Executive Director
Downtown Wichita Falls Development, Inc.
813 Eighth Street, #100
Wichita Falls, TX 76301

- M. The Landlord shall warrant and defend the Tenant in the enjoyment and peaceful possession of the Premises during the term of the Lease Agreement.
- N. Nothing in this Lease Agreement shall either obligate or prevent the Landlord from contributing money and/or manpower as the Landlord may from time to time, in its sole and absolute discretion, deem necessary for the proper operation, maintenance, and continued development of the Farmers Market.
- O. Landlord shall have, at all times, a valid security interest to secure payment of all rentals and other sums of money becoming due under this Lease Agreement from Tenant and to secure payment of any damages or loss that Landlord may suffer by reason of the breach by Tenant of any covenant, Agreement, or condition contained in this Lease, upon all goods, wares, equipment, fixtures, furniture, and other personal property of Tenant which is now on the Premises or which is placed on the Premises at some later date, and all proceeds from them. The property shall not be removed from the Premises without the prior consent of Landlord and until all arrearages in rent and all other sums of money then payable to Landlord under this Lease Agreement shall have been paid and discharged, and all the covenants, agreements, and conditions of this Lease Agreement have been fully complied with and performed by Tenant.
 - a. Upon the occurrence of an event of default by Tenant, Landlord may, in addition to any other remedies provided in this Lease Agreement or by law, after giving reasonable notice of the intent to take possession, enter upon the Premises and take possession of any and all goods, wares, equipment, fixtures, furniture, and other personal property of Tenant situated on the Premises, without liability for

trespass or conversion, and the Landlord may sell the same at public or private sale, with or without having such property at the sale, after giving Tenant reasonable notice of the time and place of any public sale or of the time after which any private sale is to be made. Landlord or its assigns may purchase any items to be sold at such a sale unless they are prohibited from doing so by law.

- b. Unless otherwise provided by law, and without intending to exclude any other manner of giving Tenant reasonable notice, the requirement of reasonable notice shall be met if such notice is given at least 30 days before the time of sale. The proceeds from any such disposition, less any and all expenses connected with the taking of possession, holding, and selling of the property, including reasonable attorney's fees and other costs, shall be applied as a credit against the indebtedness secured by the security interest granted in this section. Any surplus shall be paid to Tenant or as otherwise required by law, and Tenant shall immediately pay any deficiencies to Landlord. Upon request by Landlord, Tenant agrees to execute and deliver to Landlord a financial statement in a form sufficient to perfect the security interest of Landlord in the aforementioned property and proceeds under the provisions Of the Uniform Commercial Code in force in the State of Texas, The statutory lien for rent is not waived, the security interest granted in this article being in addition, and supplementary, to that lien.

P. Any provision of this Lease Agreement to the contrary notwithstanding this Lease Agreement shall not be construed or deemed to be or create either a partnership or joint venture between the Landlord and Tenant.

Q. See Attachment 'B' for additional provisions or exclusions.

4. Attorney's Fees and Other Expenses:

If any action at law or in equity is necessary to enforce this Agreement, each party agrees to pay its own attorney fees and will not seek to recover its attorney fees from the other party. Parties acknowledge that pursuant to Tex. Local Gov't. Code §271.153(a)(3), the total amount of money awarded in an adjudication brought against a governmental entity for breach of a contract under this statute includes reasonable and necessary attorneys' fees that are equitable and just. Tenant expressly waives any such statutory rights to recover attorneys' fees as outlined in §271.153(a)(3).

5. Immunity Retained:

Tenant understands this is not an agreement to provide goods or services to Landlord under Tex. Local Gov't Code §271.151. As such, Parties understand and agree this Agreement does not waive immunity against Landlord under Tex. Local Gov't Code §271.152.

In the event it is determined by a court of competent jurisdiction this is an agreement where a good or service is provided by Tenant to Landlord, Tenant expressly waives any and all rights granted to Tenant under Tex. Local Gov't Code §271.151-154 such that Landlord retains its governmental immunity from suit.

6. Entire Agreement and Modification:

This Lease constitutes the entire Agreement between Landlord and Tenant and may be modified or amended only by a written document duly executed by both Landlord and Tenant.

7. Governing Law:

This Lease shall be governed by and construed in accordance with the laws of the State of Texas. All legal actions to improve or continue this Lease shall be instituted in the courts of Wichita County, Texas. If any provision hereof is invalid or unenforceable, then the remainder of this Lease shall not be affected thereby and shall remain in full force and effect.

8. Governmental Function:

All parties agree that this Agreement is one that pertains solely to a governmental function taken by or on behalf of Landlord. All parties expressly agree that Landlord is not engaging in any propriety functions.

SIGNED this ____ day of _____, 2022.

CITY OF WICHITA FALLS

**NORTH TEXAS VISION OF
WICHITA FALLS, INC.**

By: _____
Darron Leiker
City Manager

By: _____
Title: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ATTACHMENT A

Authorized Special Events

1. St. Patrick's Day Festival
2. Cajun Fest
3. City Lights
4. Artwalk
5. Other Special Event Rentals as long as they do not conflict with the primary purpose of Farmers Market Produce Sales.

ATTACHMENT B

Additional Provisions and Exclusions

1. Tenant shall comply with the provisions of the City Code of Ordinances, Part II, Chapter 94, Article V "Municipal Produce Market."
2. Tenant shall fulfill the duties of the Market Manager as prescribed in the City Code of Ordinances.

ATTACHMENT C

Rental Fees for Producers and Dealers

Stall Fees:

Farmers:	\$20.00
Non-Farmers:	\$25.00

Food Truck Fee – Parked On Site or within a street closure permitted area (Off the Street):

\$25.00

Late Fee – to be charged in addition to the base fee if paid after Thursday, at 5:00 p.m.:

\$10.00

CITY COUNCIL AGENDA
April 19, 2022

ITEM/SUBJECT: Resolution authorizing the City Manager to award the Supervisory Control and Data Acquisition (SCADA) Control System Project for the water treatment system to Prime Controls, L.P. in the amount of \$905,000.00.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Provide Quality Infrastructure

STRATEGIC OBJECTIVE: Enhance focus on Long-Term Street and Utility Infrastructure Needs

COMMENTARY: The Supervisory Control and Data Acquisition (SCADA) control system for both the water treatment plants is absolutely essential for the operations of our water treatment plants as well as the raw water pump stations and the distribution system. The current SCADA system that was installed in 2008 has become outdated and very unreliable. It is actually still operating under the Windows XP platform from the late 1990's. Portions, or all of the system goes down on a frequent basis leaving operators in the "dark" as to the status of all the equipment, chemical feed system, monitoring equipment, pumps, and distribution storage tanks, forcing the plant operators to operate blindly until the system can be re-booted and brought back on line. The system has outlived its useful life and replacement equipment and patches for the software are no longer available.

Therefore, on August 17, 2021, Council approved an engineering design agreement with Black & Veatch Engineering to design a new SCADA system. The new SCADA system will replace and upgrade the existing SCADA software, servers, and work stations at both Jasper and the Cypress Water Treatment Plants. It also includes the creation of a microwave link between the Jasper WTP and Cypress WTP for better operational control and sharing of information for regulatory reporting. Lastly, the project will include replacing the dial-up modem link between Lake Arrowhead and Cypress WTP for better communications and more operational control over the raw water pump station.

Staff received two bids for the project on April 5, 2022 and they are as follows:

- Prime Controls LP \$905,000.00
- RLC Controls, Inc. \$1,143,594.38

Prime Controls is a capable SCADA contractor and has performed maintenance work on the existing SCADA system for the City and are familiar with the operations of the water treatment plant. Therefore, based on their experience and firsthand knowledge of the City's water treatment plants, staff and our consulting engineer recommend award of the

project to Prime Controls LP. Funding for the project will be provided from American Rescue Plan Act (ARPA) funds. The work for the new upgrade to the SCADA system will take 500 days.

☒ **Director, Public Works**

ASSOCIATED INFORMATION: Resolution , Bid Tab, Engineering Services Agreement

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the City Manager to award the Supervisory Control and Data Acquisition (SCADA) Control System Project for the water treatment system to Prime Controls, L.P. in the amount of \$905,000.00

WHEREAS, the City of Wichita Falls operates and maintains a potable water treatment and distribution system.

WHEREAS, the Supervisory Control and Data Acquisition (SCADA) control system is a critical component for the operation of the water treatment system and has outlived its useful life and is in need of replacement.

WHEREAS, the City of Wichita Falls received 2 bids for the project and Prime Controls, L.P. was found to be qualified to complete the work for the replacement of the SCADA system for the water treatment system.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The City Manager is authorized to execute the contract with Prime Controls, L.P. in the amount of \$905,000.00 to replace the SCADA control system for the water treatment system.

PASSED AND APPROVED this the 19th day of April, 2022.

MAYOR

ATTEST:

City Clerk

BID TABULATION						
PROJECT: CITY OF WICHITA FALLS WTP SCADA IMPROVEMENTS CWF22-233-12						
BID DATE: 04/05/2022						
CONTRACTOR:			EST.		Prime Controls, LP Lewisville, TX BID	
ITEM DESCRIPTION			QUANT. UNIT			
					RLC Controls, Inc McKinney, TX BID	
1	Project Lump Sum		1	LS	\$904,000.00	\$1,143,594.38
2	Fall Protection Equipment		1	LS	\$1,000.00	\$0.00
TOTAL BASE BID					\$905,000.00	\$1,143,594.38



April 7, 2022

City of Wichita Falls
1300 7th Street
Wichita Falls, TX 76301

WTP SCADA Improvements Project
B&V Project 410157
B&V File 14.4100

Attention: Ms. Teresa Rose, P.E.
Deputy Director of Public Works

Subject: Recommendation of Award for Contract CFW22-233-12

The bid opening for the City of Wichita Falls WTP SCADA Improvements Project was conducted on Tuesday April 5, 2022. A total of two (2) Bids were received and are tabulated below:

<u>Bidders (Listed Lowest to Highest Bid Amount)</u>	<u>Base Bid Amount (Items No.1 & 2)</u>
1. Prime Controls, L.P.	\$905,000.00
2. RLC Controls, Inc.	\$1,143,594.38

The Engineer's Opinion of Probable Construction Cost for the Base Bid items was \$946,550. The bid spread between the 2 bids received (26 percent difference) is indicative of a competitive bidding environment. It is our opinion that the bids received are reasonable for the work to be performed. Only 4 potential bidders could have submitted a bid due to pre-qualifications.

As indicated above, Prime Controls, L.P. submitted the lowest Base Bid in the amount of \$905,000.00. The Base Bid consisted of two Bid items. We have reviewed the costs presented for each of the two Bid Items that make up the Base Bid and feel the costs presented are reasonable.

We have previous satisfactory working experience with Prime Controls, L.P. in several projects across the State of Texas. We understand The City of Wichita Falls has been satisfied with Prime Controls, L.P. performance on the projects Prime Controls, L.P. had done for the city. It is our opinion that Prime Controls, L.P. is capable of satisfactorily performing the work under this contract.

We recommend that the City of Wichita Falls award the WTP SCADA Improvements Project to Prime Controls, L.P. with a Contract Amount of \$905,000.00.

If there are any questions or if you wish to further discuss our recommendation, please do not hesitate to contact us.

Regards,

BLACK & VEATCH CORPORATION

Black & Veatch Corporation – Registration F-258

A handwritten signature in blue ink, appearing to read "Eudomar A. Silva".

Eudomar A. Silva, P.E.
Project Manager

cc: Mr. Russell Schreiber, P.E., City of Wichita Falls

CITY COUNCIL AGENDA
April 19, 2022

ITEM/SUBJECT: Resolution authorizing award of bid for the City's estimated annual requirement of Curb & Gutter ready mix to Diamond M Investments dba Diamond M Concrete in the amount of \$42,300.00; and Class S, Class A, Class C-C ready mix and Flowable Fill to Blue Quill Trucking, LLC dba Falls Redimix, LLC in the amount of \$442,400.00.

INITIATING DEPT: Public Works

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: N/A

COMMENTARY: Bids were opened March 25, 2022 for the purchase of the City's estimated annual requirement of ready mix concrete and flowable fill. The primary user is the Street Division; however, other City departments will also have requirements throughout the year.

Bids are requested by line item for five (5) different types of concrete mix allowing bidders to bid all or specific items depending on their ability to provide the product. Two (2) responses were received (bid tabulation attached).

Staff recommends award of bid for the city's estimated annual requirement of Curb & Gutter ready mix to Diamond M Concrete in the amount of \$42,300.00; and Class S, Class A, Class C-C and Flowable Fill ready mix to Falls Redimix, LLC in the amount of \$442,400.00.

Product is ordered by various departments on an as needed basis.

Staff recommends approval of the resolution.

☒ **Director, Public Works**

ASSOCIATED INFORMATION: Resolution , Bid Tab

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the award of bid for the City's estimated annual requirement of Curb & Gutter ready mix to Diamond M Investments dba Diamond M Concrete in the amount of \$42,300.00; and Class S, Class A, Class C-C ready mix and Flowable Fill to Blue Quill Trucking, LLC dba Falls Redimix, LLC in the amount of \$442,400.00

WHEREAS, the City of Wichita Falls advertised and requested bids for the City's estimated annual requirement of ready mix concrete and flowable fill; and,

WHEREAS, bids were received and publicly opened on March 25, 2022; and,

WHEREAS, the City Council desires to purchase ready mix concrete and flowable fill for use by various city departments during the next twelve-month period.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

Authorization is granted to award the bid for the city's estimated annual requirement of Curb & Gutter ready mix to Diamond M Investments dba Diamond M Concrete in the amount of \$42,300.00; and Class S, Class A, Class C-C ready mix and Flowable Fill to Blue Quill Trucking, LLC dba Falls Redimix, LLC in the amount of \$442,400.00.

PASSED AND APPROVED this the 19th day of April, 2022.

MAYOR

ATTEST:

City Clerk

BID TABULATION
BID 22-11 READY MIX CONCRETE & FLOWABLE FILL

VENDOR	2500 CY CLASS S (8 SACK) TRK CHG EST = 75			400 CY CLASS A (5 SACK) TRK CHG EST = 20			300 CY C & G (3/8" PEA GRAVEL, 6 SACK) TRK CHG EST = 20			400 CY CLASS C-C (7 SACK) TRK CHG EST = 20			800 CY FLOWABLE FILL TRK CHG EST = 30			TRUCK CHG EST. 165 (15 MIN)	TOTAL BID	TOTAL AWARDED	
	UNIT	TOTAL		UNIT	TOTAL		UNIT	TOTAL		UNIT	TOTAL		UNIT	TOTAL					
DIAMOND M CONCRETE WICHITA FALLS, TX	\$ 140.00	\$ 350,000.00 1,125.00 PURGE TIME \$ 351,125.00		\$ 130.00	\$ 52,000.00 300.00 PURGE TIME \$ 52,300.00		\$ 140.00	\$ 42,000.00 300.00 PURGE TIME \$ 42,300.00		\$ 143.00	\$ 57,200.00 300.00 PURGE TIME \$ 57,500.00		\$ 92.00	\$ 73,600.00 450.00 PURGE TIME \$ 74,050.00		\$15.00	\$577,275.00	\$ 42,300.00	
FALLS REDIMIX, LLC WICHITA FALLS, TX	\$ 110.00	\$ 275,000.00 - PURGE TIME \$ 275,000.00		\$ 108.50	\$ 43,400.00 - PURGE TIME \$ 43,400.00		NO BID			\$ 126.00	\$ 50,400.00 - PURGE TIME \$ 50,400.00		\$ 92.00	\$ 73,600.00 - PURGE TIME \$ 73,600.00			\$442,400.00	\$ 442,400.00	
OK CONCRETE WICHITA FALLS, TX	NO BID			\$ 119.00	\$ 47,600.00 300.00 PURGE TIME \$ 47,900.00		\$ 129.00	\$ 38,700.00 300.00 PURGE TIME \$ 39,000.00		\$ 131.00	\$ 52,400.00 300.00 PURGE TIME \$ 52,700.00		\$ 104.00	\$ 83,200.00 450.00 PURGE TIME \$ 83,650.00		\$15.00	\$223,250.00		
**** FUEL SURCHARGE OF \$45 PER LOAD WHEN FUEL IS \$5+ PER GALLON / \$35 PER LOAD WHEN FUEL IS OVER \$4 PER GALLON ****																			
INCREASE	6%			-1%			18%			3%			5%						\$ 484,700.00

	2500 CY CLASS S (8 SACK)			400 CY CLASS A (5 SACK)			300 CY C & G (3/8" PEA GRAVEL, 6 SACK)			400 CY CLASS C-C (7 SACK)			800 CY FLOWABLE FILL			TOTAL
	UNIT	TOTAL	TRK CHG	UNIT	TOTAL	TRK CHG	UNIT	TOTAL	TRK CHG	UNIT	TOTAL	TRK CHG	UNIT	TOTAL	TRK CHG	
2021 COST	\$ 104.00	\$ 260,000.00		\$ 110.00	\$ 44,000.00	\$ 300.00	\$ 120.00	\$ 36,000.00	\$ 300.00	\$ 122.00	\$48,800.00	\$300.00	\$ 88.00	\$ 70,400.00		\$ 460,100.00

CITY COUNCIL AGENDA
April 19, 2022

ITEM/SUBJECT: Resolution authorizing the City Manager to apply for and accept a Federal Transit Administration Section 5339 *Buses and Bus Facilities Program* Grant for the purchase of three (3) 35-foot, low-floor transit buses in an amount of \$1,539,870.

INITIATING DEPT: Aviation, Traffic, & Transportation

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Governance

COMMENTARY: On March 7, 2022, Wichita Falls Transit Administration staff received notification of a Federal Transit Administration's (FTA) competitive funding opportunity entitled "Buses and Bus Facilities" Section 5339 grant program. The Buses and Bus Facilities program is a \$372 million initiative that will make funds available to public transit providers to finance capital projects to replace, rehabilitate, and purchase buses and related equipment.

Staff recommends that three additional buses be purchased to replace 2010 model year transit units that have exceeded 500,000 miles of service. The projected price of a new 35-foot, low-floor bus is now \$513,290. Subsequently, the total cost of this project will be \$1,539,870.

Selected projects will be identified by the FTA this summer. If awarded a *Bus and Bus Facilities* grant, staff will begin the bid process to select a potential vendor to supply three 35-foot, low-floor buses. It is also anticipated that the successful bidder would be formally selected by the end of this year. Given staff's experience with low-floor buses previously purchased, it is further anticipated that the City of Wichita Falls would not receive delivery of the buses until early 2024. With the use of Transportation Development Credits from the Texas Department of Transportation, no local match funds will be required for the purchase of these replacement buses. As a result, it is anticipated that a successful grant will pay for 100% of the cost of these three buses.

Staff recommends approval of the resolution to pursue and apply for this funding with the amount requested of \$1,539,870 or 100% of the total project cost.

☒ **Director, Aviation, Traffic, & Transportation**

ASSOCIATED INFORMATION: Resolution

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**

Resolution No. _____

Resolution authorizing the City Manager to apply for and accept a Federal Transit Administration Section 5339 *Buses and Bus Facilities Program* Grant for the purchase of three (3) 35-foot, low-floor transit buses in an amount of \$1,539,870

WHEREAS, the City of Wichita Falls has identified the need to replace three 35-foot, low-floor, heavy duty buses; and

WHEREAS, funding for this project may be available through the Federal Transit Administration under the Buses and Bus Facilities Section 5339 program; and

WHEREAS, the City of Wichita Falls is an identified recipient to receive Section 5339 funding.

WHEREAS, the City of Wichita Falls may apply for TxDOT Transportation Development Credits to seek 100% funding for this capital purchase to offset local match requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The City Manager is hereby authorized to apply for and accept a Buses and Bus Facilities Section 5339 grant in the amount of \$1,539,870 from the Federal Transit Administration for the purchase of three 35-foot, low-floor transit buses.

PASSED AND APPROVED this the 19th day of April, 2022.

MAYOR

ATTEST:

City Clerk

CITY COUNCIL AGENDA
April 19, 2022

ITEM/SUBJECT: Resolution authorizing the purchase of 6105E John Deere tractor with a Tiger triple flail mower through the BuyBoard Purchasing Cooperative from Bane Machinery Fort Worth, LP in the amount of \$166,300.00.

INITIATING DEPT: Aviation, Traffic, & Transportation

STRATEGIC GOAL: Efficiently Deliver City Services

STRATEGIC OBJECTIVE: Practice Effective Government

COMMENTARY: The City Council approved approximately \$1.8 million in the FY 2022 budget for capital vehicle replacement. As part of that equipment package, a replacement tractor and flail mower was included. The unit will be purchased from Bane Machinery in the amount of \$166,300.00 through the BuyBoard Purchasing Cooperative.

Texas Local Government Local Government Code §252.022 exempts items purchased through interlocal cooperative purchasing contracts from the State's competitive bidding requirements. This chapter does not apply to expenditure for. . . (12) personal property sold. . . under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391.

Staff recommends the purchase of a John Deere 6105E tractor with a Tiger triple flail mower through the BuyBoard Purchasing Cooperative from Bane Machinery in the amount of \$166,300.00. This unit will replace a similar John Deere triple flail mower tractor purchased in 2000 with over 5,500 hours on it. The unit will be used to maintain mowing as part of the stormwater drainage program.

Budgeted Cost:	\$140,000.00
Actual Cost:	<u>\$166,300.00</u>
Budget Shortfall:	\$26,300.00

Savings from other capital purchases earlier in the fiscal year will correct the shortfall in the FY 22 budgeted funding for these accessories.

☒ **Director of Aviation, Traffic & Transportation**

☒ **Purchasing**

ASSOCIATED INFORMATION: Resolution ; BuyBoard documentation

☒ **Budget Office Review**

☒ **City Attorney Review**

☒ **City Manager Approval**



Resolution No. _____

Resolution authorizing the purchase of 6105E John Deere tractor with a Tiger triple flail mower through the BuyBoard Purchasing Cooperative from Bane Machinery Fort Worth, LP in the amount of \$166,300.00

WHEREAS, Texas Local Government Local Government Code §252.022 exempts items purchased through interlocal cooperative purchasing contracts from the State's competitive bidding requirements; and

WHEREAS, the City Council of the City of Wichita Falls has passed a resolution approving the participation in such cooperative agreements; and

WHEREAS, the City Council finds that Bane Machinery is offering a 6105E John Deere tractor with a Tiger triple flail mower through the BuyBoard Purchasing Cooperative, and it is in the best interest to purchase equipment in accordance with the Cooperative Purchasing Programs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

City Staff is authorized to execute all documents necessary to purchase a 6105E John Deere tractor with a Tiger triple flail mower through the BuyBoard Purchasing Cooperative from Bane Machinery Fort Worth, LP in the amount of \$166,300.00.

PASSED AND APPROVED this the 19th day of April, 2022.

MAYOR

ATTEST:

City Clerk



Bane Machinery Fort Worth, L.P.
P.O. Box 77859
Fort Worth, TX 76177-0859

Telephone: 817-847-5894
Toll Free: 1-800-601-2263
Fax: 817-232-3382

Date 03-28-2022

QUOTE GOOD FOR 30 DAYS

Contact	Wade Looney	Phone	940-631-5549
Company	City of Wichita Falls	Fax	
Address	2100 Seymour Hwy	Email	wade.looney@wichitafalls.gov
City	Wichita Falls	Cell	
State/Zip	TX 76307	Terms	BUYBOARD CONTRACT # 611-20

Purchase Orders Need to be submitted to:

Tiger Corporation
3301 N Louise Avenue
Sioux Falls, South Dakota 57107

Manufacturer Tiger
Model T3F-HEBT4 Triple Flail
Serial No. New

Equipped With: 110" Rear Flail Mower

Combo Draft Beam, Tractor Mount Kit and Multi-Valve Cable Control system,
Mower Hydraulic Drive System, Mower Hydraulic Cooling System, Front & Rear Guards, Travel Safety Lock

Added Options: 75" Right & Left Side, Standard Cutter Head

Mounted on: **John Deere 6105E**

Cab unit with AM/FM radio & CD Player

4-Wheel Drive/12x12 Power/Reverse with Cab & Air Conditioning

Buyboard Sales Price \$166,300.00

FREIGHT

SHIP VIA: BANE TRUCK

Approximate Delivery: November/December

TERMS & CONDITIONS

All Prices Are F.O.B. Shipping Point & Do Not Include Applicable Taxes Or Insurance.
Prices Are Subject To Change Without Notice. Machines Are Subject To Availability.
Taxes Are Subject To Change. As Law Requires, Without Notice.

We greatly appreciate your business.
Please feel free to contact me with any questions.

Sincerely,

Brent Weilbacher

214-434-2225 Cell



CITY COUNCIL AGENDA
April 19, 2022

ITEM/SUBJECT: Resolution approving the programs and expenditures of the Wichita Falls 4B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$150,000 to the City of Wichita Falls to purchase additional livestock panels for use at the J.S. Bridwell Ag Center.

INITIATING DEPT: City Manager's Office

STRATEGIC GOAL: Redevelop Downtown

STRATEGIC OBJECTIVE: Pursue Public/Private Partnerships

COMMENTARY: TEXAS LOCAL GOVERNMENT CODE § 501.073(a) provides "The corporation's authorizing unit will approve all programs and expenditures of a corporation and annually review any financial statements of the corporation."

Timeline

- April 7, 2022 – Corporation Board conducts public hearing and approves request;
- **April 19, 2022** – City Council to consider approving budget amendment facilitating project.

At its April 7, 2022 meeting, the Type B Board approved funding of the City's request for an amount not to exceed \$150,000 to purchase additional livestock panels for use at the J.S. Bridwell Ag Center. The request from the City to the Board is attached, below, and staff will be available at the meeting to provide additional information and to answer any questions.

Photos below show the existing panels and their condition, as well as an example of the proposed new pens.

Staff recommends approval of the resolution.

☒ **Assistant City Manager**

ASSOCIATED INFORMATION: Resolution, Pictures

☒ **Budget Review**

☒ **City Attorney Review**

☒ **City Manager Approval**



Wichita Falls Type B Sales Tax Corporation
April 7, 2022

ITEM/SUBJECT: Public hearing and consideration of a funding request from the City of Wichita Falls to replace the livestock panels used at the J.S. Bridwell Ag Center.

ATTACHMENTS: photos, 3 bids

STRATEGIC GOAL: Redevelop Downtown

STRATEGIC OBJECTIVE: Enhance focus on culture, arts, and entertainment

Staff Summary:

Timeline

- April 7, 2022 – Corporation Board to consider funding request;
- April 19, 2022 – If request approved by Board, City Council to consider ratifying budget amendment facilitating project.

On October 1, 2021, the City of Wichita Falls brought the management of all MPEC facilities in-house. Over the last six months, the Director, Ag Manager, and Event and Operations Manager identified a list of maintenance projects, safety projects, and facility equipment needs for the Ag Center. The current in-house inventory of 5ft. hog, goat, and sheep panels can make approximately 300 pens total. Staff believes the current inventory are the original panels purchased when the building opened. As such, the panels have begun to rust and the wood splinter and fall apart (see photos). Also, the current pens do not have gates, which means to enter a pen, the individual must hop over the top of the panel to access their livestock.

In addition to the deteriorating condition of the panels, some Ag events have grown in size and need for pens to the extent that the MPEC can no longer accommodate the event with the current inventory. This results in a potential loss in hotel occupancy tax revenues if the MPEC loses events due to a lack of equipment.

Included are pictures of the current panels and three quotes for enough panels to build an additional 300 pens total.

If the funding request were to be approved, City staff recommends the purchase of the Priefert panels for a total cost of \$148,837.40. The panels are a lighter metal, which means they are easier to load-in and out and set-up and the pen will include a bow gate for easy access to the livestock.

City staff recommends the Board open the public hearing and consider the request.





Resolution No. _____

Resolution approving the programs and expenditures of the Wichita Falls Type B Sales Tax Corporation Board of Directors and amending the budget to include funding up to \$150,000 to the City of Wichita Falls to purchase livestock panels for use at the J.S. Bridwell Ag Center

WHEREAS, Texas Local Gov't. Code § 501.073(a) provides "The corporation's authorizing unit will approve all programs and expenditures of a corporation and annually review any financial statements of the corporation;" and,

WHEREAS, on April 7, 2022, the Wichita Falls Type B Sales Tax Corporation approved the project listed below and as stated in its agenda.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. The Wichita Falls Type B Sales Tax Corporation's approval and funding of the following programs and expenditures, in a total amount not to exceed **\$150,000** as described below and in said corporation's agenda, is approved:

An amount up to \$150,000 to the City of Wichita Falls to purchase livestock panels for use at the J.S. Bridwell Ag Center.

2. The current fiscal year budget of the Type B Sales Tax Corporation is amended to provide for the aforementioned expenditures and changes thereto.

PASSED AND APPROVED this the 19th day of April, 2022.

MAYOR

ATTEST:

City Clerk