

ORDINANCE NO. 2015-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS REPEALING AND REPLACING ORDINANCE 0-92-01 AND 97-03; REGULATING THE PRESENCE, HEALTH, AND SAFETY OF DOGS, CATS AND OTHER NON FARM ANIMALS; REGULATING DANGEROUS DOGS; PROVIDING FINDINGS OF FACT; DEFINITIONS; REGISTRATION ADMINISTRATION; ENFORCEMENT AND REMEDIES, INCLUDING CIVIL RELIEF AND CRIMINAL FINES NOT TO EXCEED \$500; SEVERABILITY; PROPER NOTICE AND MEETING; AND AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, not inconsistent with Texas state law, which are found to be necessary for the government, interest, welfare, and/or good order of the municipality as a body politic pursuant to *Texas Local Government Code* § 51.012 and other applicable provisions of Texas law; and

WHEREAS, the City Council has heretofore enacted animal control ordinances; and

WHEREAS, the City Council desires to repeal said ordinances and replace them in their entirety; and

WHEREAS, Texas Health and Safety Code section 822.0422 provides that municipalities may choose to be governed by that section, thereby authorizing the municipality to follow a more expedient process in addressing reports of dangerous dogs; and

WHEREAS, the City Council finds that electing to be governed by section 822.0422, is in the best interest of the City and its citizens; and

WHEREAS, the City Council finds and determines that the provisions of this Ordinance are adopted in order to further the public interest, public health, welfare, and good order of the City of Hallsville and its citizens;

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

- (a) **Finding of Fact.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
- (b) **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:
- 1) *Animal* shall mean a domestic animal or pet animal, such as dogs or cats by way of example.
 - 2) *Animal Control Officer* means the Code Enforcer or other official designated by the City to enforce the provisions of this Ordinance.
 - 3) *Cat* shall mean a domestic feline of either sex, including one (1) neutered or sterilized.
 - 4) *Confined* shall mean restrained within a building, structure, or fenced area, so that the animal cannot escape from said building, structure, or fenced area, without human assistance.
 - 5) *Dog* shall mean a domestic canine of either sex, including one (1) neutered or sterilized.
 - 6) *Domestic animal* shall mean and include all species of animals commonly and universally accepted as being domesticated. Farm animals shall not be considered domestic animals.
 - 7) *Fenced area* shall mean an area enclosed by a fence of sufficient height,

strength and construction to prevent the animal from escaping.

- 8) *Kennel* shall mean any establishment that has more than four (4) dogs or four 4 cats or any combination of dogs and cats, each over four (4).
- 9) *Owner* shall mean any individual, corporation, association or any other legal entity that harbors, shelters, keeps, controls, manages, possesses or has part interest in any animal. If a minor owns an animal subject to the provisions of this Ordinance, the head of the household for such minor shall be deemed to be the owner of such animal.
- 10) *Rabies vaccination* shall mean the vaccination of a dog, cat or other domestic animal with the anti-rabies vaccine approved by the state department of health and administered by a veterinarian licensed by the state.
- 11) *Running at large* shall mean an animal:
 - a) not confined within a building, structure, or fenced area; or
 - b) that is not under the physical restraint of a competent person by means of a leash or chain of proper strength, which precludes the animal from making any unsolicited contact with any other person, including such other person's clothing, property, premises, or other animals under control of such other person.
- 12) *Stray animal* shall mean any animal for which there is no identifiable owner.
- 13) *Vicious animal* shall mean any animal that commits an unprovoked attack upon a person or other animal on public or private property or that attacks, threatens to attack or terrorizes a person or other animal on public property

or in a public place.

(c) **General Prohibitions.** It shall be unlawful for any person, owner, keeper, or person having in his possession any animal to:

- 1) Permit any animal to run at large within the boundaries of the City. All animals running at large need to be put on a leash and need to be with the owner, keeper, or person responsible.
- 2) Keep any animal that, by causing frequent or long-continued barking or similar noise, shall disturb any person of ordinary sensibilities in the vicinity or cause the peace and quiet of the neighborhood or the occupants of adjacent premises to be unreasonably disturbed.
- 3) Keep any animal in such manner as to endanger the public health, annoy neighbors by the accumulation of animal wastes that cause foul and offensive odor, or hazardous to any other animal or human being, or by continued presence on the premises of another.
- 4) Keep any animal confined in fenced areas, pens, stables, or enclosures that, from use, have become offensive to a person of ordinary sensibilities.
- 5) Keep any animal confined in fenced areas, pens, stables, or enclosures that give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or breed or attract flies, mosquitoes or other noxious insects, or in any manner which endanger the public health or safety or create a public nuisance.
- 6) Fail to comply with subsection (d) below relating to rabies vaccination.

- (d) **Rabies Vaccinations Required.** All cats or dogs within the city limits are required to be immunized against rabies, by the time they are four months of age, by means of anti-rabies vaccine approved by and administered by a duly licensed veterinarian. A veterinarian who vaccinates dogs or cats within the City limits shall upon request issue a certificate of vaccination to such owner, stating the name of the owner, the address of the owner, a description of the dog or cat, the date of vaccination, the number if any of the rabies vaccination tag and the kind of vaccine used. A veterinarian who vaccinates a dog or cat within the City limits shall, upon request, furnish the owner of such animal a metal tag on one side of which is stamped the words “rabies vaccine administered” or a similar phrase, and the date of vaccination, which tag at all times shall be securely attached to a collar around the neck of the animal. Dogs, cats or stray animals found without such tags will be subject to impoundment.
- (e) **Vicious Animals Prohibitions.** It shall be unlawful for any person, owner, keeper or person having in his possession any vicious animal or dog to permit such animal or dog to run at large in the City. Any vicious animal or dog found running at large may be destroyed.
- (f) **Dangerous Dogs.**
- 1) A person may report an incident involving a dangerous dog as described by Texas Health & Safety Code Section 822.041(2) to the municipal court. The owner of the dog shall deliver the dog to the Animal Control Officer not later than the fifth day after the date on which the owner received notice that the report has been filed. The Animal Control Officer may provide for the

impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

- 2) If the owner fails to deliver the dog as required by Subsection 1) above, the court may order the Animal Control Officer to seize the dog and issue a warrant authorizing the seizure. The Animal Control Officer shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The owner shall pay any cost incurred in seizing the dog.
- 3) The court shall determine, after notice and hearing as provided in Texas Health & Safety Code Section 822.0423, whether the dog is a dangerous dog as described by Texas Health & Safety Code Section 822.041(2).
- 4) The court, after determining that the dog is a dangerous dog as described by Texas Health & Safety Code Section 822.041(2), may order the Animal Control Officer to continue to impound the dangerous dog in secure and humane conditions until the court orders disposition of the dog under Texas Health & Safety Code Section 822.042 and the dog is returned to the owner or destroyed.
- 5) The owner shall pay any costs or fees assessed.

(g) **Enforcement.**

- 1) Enforcement of this Ordinance shall be the responsibility of the Code Enforcer, the Chief of Police, or his designee, and such other persons designated by the City. If the person being cited is not present, the Code Enforcer may send the citation to the alleged offender by registered or

certified mail.

- 2) It is unlawful for any person to interfere with any Code Enforcer in the performance of their duties.
- 3) Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.
- 4) Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$500.00 plus court costs and administration fees as applicable. Each day that a provision of the Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C misdemeanor.

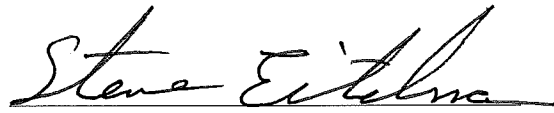
(h) **General Provisions.** If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this Ordinance not affected thereby shall remain in full force and effect.

(i) **Effective Date.** The provisions of this Ordinance are effective as of the date of adoption of this Ordinance, or upon the date that the publication requirements of Tex. Local Govt. Code § 52.011 are met, whichever is later.

(j) **Prior Ordinance.** This Ordinance is intended to and hereby does repeal and replace

prior Ordinance No. 0-92-01 and Ordinance No. 97-03 of the City Council of the City of Hallsville, Texas. Any provisions of other Ordinances of the City of Hallsville, Texas, conflicting with the provisions of this Ordinance be, and the same are hereby, repealed. This Ordinance is not intended to amend or alter prior Ordinance No. 82-01.

PASSED AND APPROVED by an affirmative vote of the members of the City Council is the 15th day of December, 2015.


STEVE EITELMAM
MAYOR

ATTEST:


KIMBERLY SMITH
CITY SECRETARY