

ORDINANCE 182-D

AN ORDINANCE AMENDING ORDINANCE 182-C, CHAPTER 2 OF THE ORDINANCES OF THE CITY OF ARCHER CITY, TEXAS, PROVIDING FOR THE LICENSING AND VACCINATION OF DOGS; PROHIBITING THE RUNNING AT LARGE OF DOGS; PROVIDING FOR THE IMPOUNDMENT OF DOGS AND NOTICE OF IMPOUNDMENT; PROVIDING FOR THE SALE, DISBURSEMENT, OR HUMANE EUTHANASIA OF UNCLAIMED DOGS; PROVIDING FOR VICIOUS DOGS; PROVIDING FOR THE CONTROL OF RABIES; INCORPORATING APPLICABLE STATE LAW; PROVIDING FOR SEVERABILITY; REPEALING ALL PREVIOUS ORDINANCES; AND ESTABLISHING PENALTIES FOR VIOLATION.

WHEREAS, the public health and safety of the City of Archer City is endangered by the running at large of dogs; and

WHEREAS, there have been increasing instances of persons, pets, and livestock having been attacked and injured by dogs running at large;

WHEREAS, there is a real and present danger of the spread of rabies as a consequence of being bitten by a dog without a current rabies vaccination; and

WHEREAS, it has come to the attention of the City Council that dogs are being kept within the City limits in a manner which is disturbing and dangerous to the residents of the City.

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

Sect. 2.101 Definitions

For the purpose of this ordinance the following words, terms, or phrases shall have the following respective meanings ascribed to them:

- a. At Large. Any dog not confined within a fenced area or other enclosure or not otherwise secured by a leash, lead, or other physical restraint.
- b. Documented. A dog running at large is deemed documented if a city employee takes a digital photograph of the dog running at large where such digital photograph includes a record of the time and date of the occurrence.
- c. Dog. Any male, female, or neutered domesticated dog normally used as a pet, or as a working dog associated with hunting, farming or ranching activities.

- d. License Tag. A metallic tag issued by the City of Archer City.
- e. New Owner. A person who is legally competent to enter into a binding contract and who is purchasing or adopting an unclaimed dog from the City of Archer City.
- f. Owner/Keeper. Any natural or juridical person possessing, harboring, keeping, holding, caring for, having an interest in, or having control or custody of a dog. If the owner/keeper of a dog is a minor, the parent or guardian of that minor shall be responsible for compliance with this article.
- g. Purchasing or adopting. The process of obtaining the right of possession of an unclaimed dog from the City, whether or not a purchase price or other consideration was paid.
- h. Rabies Tag. A metallic tag, issued by a veterinarian, licensed to practice veterinary medicine in the State of Texas, showing that the dog for which it is issued has been vaccinated against rabies within the current calendar year.
- i. Vicious Dog. Any dog that by reason of its behavior would constitute a physical threat to human beings or other animals.

Sect. 2.102 Licensing and vaccination

A. Any person in possession of a dog that is more than four (4) months old shall obtain a license from the City of Archer City at a fee of \$3.00 per license. No license refunds shall be given for any reason. A separate license is required for each dog and must be renewed annually during the month of April. No license shall be issued until the following requirements are met:

- (1) The owner or keeper of the dog to be licensed must present a certificate from a veterinarian, licensed to practice veterinary medicine in the State of Texas, showing that such dog has been vaccinated against rabies during the calendar year for which the license is sought;
- (2) The owner or keeper of the dog to be licensed must pay the license fee as stated above; and
- (3) The owner or keeper of the dog to be licensed must complete a City of Archer City dog license application form stating the owner's or keeper's name, address, and telephone number, along with the name, breed, color, and sex of the dog to be licensed.

B. Upon completion of all requirements stated above, the City of Archer City shall issue to the owner or keeper a license certificate and license tag for each dog so licensed. The license tag shall have stamped thereon the year for which it was issued and the number corresponding to the number of the license certificate. Both the license tag and rabies tag shall be affixed to the dog's collar and shall be worn at all times by the dog.

C. A person commits an offense if he or she intentionally or with reckless disregard transfers a license tag or rabies tag from the dog for which such tag was issued to any other dog.

Sect. 2.103 Running at large

A. It shall be unlawful for owner or keeper of a dog to allow such animal to run at large, as defined in § 2.101(a) of this ordinance.

B. Any citizen shall have the right to file a complaint with the City of Archer City for violations of this section.

C. An owner or keeper of a dog which is allowed to run at large shall be subject to a citation of \$50.00 per head for each day in which the dog is documented running at large. This citation shall be waived for the first instance that a licensed dog is documented as running at large.

Sect. 2.104 Impoundment

A. Any dog found running at large may be taken up by the City of Archer City and placed in the City impound shelter. Upon impoundment, an entry shall be made in the impoundment registry showing the breed, color, and sex of the dog, along with any information contained on the dog's license tags. A copy of the registry shall be placed on file at City Hall, and the City Administrator or City Operations Officer shall make diligent efforts to contact the owners or keepers of licensed dogs.

B. Dogs shall be held in the City impoundment shelter for seven (7) days before becoming subject to sale, disbursement, or humane euthanasia. No unlicensed dog shall be released from impoundment until a license is obtained from the City.

C. The following fees and charges shall be applied against any dog so impounded:

(1) The sum of \$25.00 per head for picking up and impounding each dog. This fee shall be waived for the first two (2) instances a licensed dog is impounded within a calendar year.

and

(2) The sum of \$5.00 per day per head for the care and maintenance of the dog while in impoundment.

and

(3) A citation in the amount of \$50.00 per head for allowing the dog to run at large. This citation shall double each time a dog running at large is impounded within a calendar year, however the citation shall be waived for the first two (2) instances that a licensed dog is impounded within a calendar year.

Sect. 2.105 Unclaimed dogs

A. After the time limit for impoundment as set forth in this Ordinance has expired, the City of Archer City may sell and/or give away to a new owner any dog without further notice. Accurate records showing the disposition of each dog shall be kept by the City.

B. The owner or keeper of any dog at the time it was impounded may, within thirty (30) days from the date such dog was sold or given away, reclaim and repossess the same from the new owner by reimbursing the new owner for all expenses incurred in the purchase of the dog plus \$1.00 per day for each day the new owner had the dog in his or her possession. In no event shall the new owner be held liable for spaying or neutering the dog while in his or her possession. At the end of the thirty (30) day period from the new owner's date of purchase or adoption, the right of the owner to reclaim the dog shall expire.

Sect. 2.106 Vicious dogs

A. A dog may be declared vicious by the City of Archer City if it meets the definition contained in § 2.101(i) of this Ordinance, taking into due account the following factors:

(1) any dog who without provocation bites or attacks a human being or domestic animal either on public or private property, or who in a vicious or terrorizing manner approaches any person within the City of Archer City in an apparent attitude of attack; or

(2) any dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; or

(3) any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

B. No dog shall be deemed vicious if the bite, injury, or damage was sustained by (a) a person who, at the time, was committing a willful trespass upon the premises occupied by the owner or keeper of the dog; or (b) a person who has tormented or abused the dog.

C. It shall be a defense to the determination that a dog is vicious if a dog bite, injury, or damage was sustained as a consequence of (a) the dog protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault; or (b) the dog being injured and responding to pain; or (c) the dog protecting itself, its offspring, or its mate.

D. The following restrictions apply once a dog is declared vicious:

(1) The owner/keeper of a vicious dog shall not keep or permit the same on or about any public building, park, public place, street, or alley in the City of Archer City.

(2) The owner/keeper of a vicious dog shall keep the vicious dog in a securely locked enclosure capable of preventing escape by the dog.

(3) The vicious dog, when taken outside the enclosure, shall be muzzled.

(4) The owner/keeper of the vicious dog shall post a sign on his or her premises that there is a vicious dog on the property. The sign shall be visible and readable from any street or alley in the vicinity.

(5) It is unlawful to violate any provision contained in this section. If the owner/keeper of a vicious dog is unwilling or unable to comply with this section, then the vicious animal shall be impounded and/or destroyed.

Sect. 2.107 Rabies control - animal bite procedure

Any dog that bites, scratches, or otherwise injures a person shall be, upon complaint of the injured person, quarantined and held for a period of ten (10) days at the owner/keeper's expense in any veterinary hospital or animal shelter approved by the City of Archer City. Prior to being redeemed by the owner/keeper, the quarantined dog shall be examined by a veterinarian, licensed to practice veterinary medicine in the State of Texas, or other rabies control specialist for rabies or other communicable disease at the owner/keeper's expense.

Sect. 2.108 State law incorporated

This ordinance expressly incorporates by reference Title 10 "Health and Safety of Animals" of the Texas Health and Safety Code.

Sect. 2.109 Severability

If any section, subsection, sentence, phrase, or word of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Sect. 2.110 Repealer and effective date

This Ordinance shall become effective ten (10) days after its publication in the *Archer County News*, upon which time Ordinance 182-C shall be repealed in its entirety.

PASSED AND APPROVED on the 3rd day of April 2008.

Honorable David A. Levy
Mayor

Attest:

Kim Whitsitt,
City Administrator