

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE, TEXAS, AMENDING SECTION 3-10 OF "THE CODE OF THE CITY OF ABILENE, TEXAS, 1957", AS AMENDED, BY PROVIDING FOR THE IMPOUNDING OF ANIMALS AT LARGE; PROVIDING FOR DUE NOTICE THEREOF TO THE OWNER; PROVIDING THAT THE EXPENSES OF SUCH IMPOUNDING SHALL BE CHARGED AGAINST THE OWNER; PROVIDING FOR THE SALE OR DESTRUCTION OF UNCLAIMED ANIMALS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE, TEXAS:

Section 1: That "The Code of the City of Abilene, Texas, 1957", as amended, be and the same is hereby further amended by deleting Section 3-10 and substituting therefor a new section to read hereafter as follows:

"Sec. 3-10. LIVESTOCK AT LARGE

A. Definitions. The following words shall, in the construction and interpretation of this section, be given the meanings assigned thereto.

1. "Animal": any animal, male or female, except a dog or cat.
2. "At large": not at all times remaining on the property of the owner.
3. "Owner": any person or business association, incorporated or unincorporated, which owns or is responsible for any animal, as herein above defined.

B. Animals at Large Unlawful. It shall be unlawful for the owner of any animal willfully or negligently to permit such animal to run at large within the corporate limits of the City of Abilene.

C. Animals at Large; impounding of. Should any animal be found at large within the meaning of this section, such animal may, if not leashed or tied, be taken then and there into custody by any commissioned member of the Abilene Police Department, or by any private individual designated by said policeman, and impounded in the care and custody of a local commercial animal keeper. Such action may be taken without regard to whether the owner was at fault.

D. Notice to Owner. The Chief of Police or his authorized representative shall as soon as practicable give the owner of such animal written notice of the action taken. Such notice shall include a reasonable description of the animal, a statement of the action taken, the name and address of the person with whom it is impounded, and a warning that such animal may be sold at public auction or humanely destroyed if not claimed and redeemed on or before the twentieth (20th) day following the date on which such animal was impounded. If the identity and/or address of such owner cannot be ascertained, such notice shall be published by the Chief of Police or his authorized representative on two (2) different days in a local daily newspaper of general circulation within the ten (10) day period immediately following the day on which the animal was picked up.

E. Humane Destruction or Sale. If the owner fails to claim and pick up the animal within the twenty day period provided in the appropriate notice as set forth in paragraph D, such animal may be humanely destroyed or sold at public auction to the highest bidder.

F. Redemption by Owner. The owner of any animal impounded under the provisions of this section shall have the right to have such animal returned to him upon payment of the expenses provided in paragraph G at any time up to the time of destruction or sale.

G. Expenses of Impounding. The expenses incident to the action taken in accordance with this section shall be defrayed by the owner before the animal shall be returned to him. These expenses shall include:

1. A fee of Five Dollars (\$5.00) for the impounding of such animal,
2. A fee of Two Dollars (\$2.00) for each day or fraction thereof that said animal is impounded and
3. A fee equal to twenty-five per cent (25%) of the total fee represented by sub-paragraphs 1 and 2 above to cover administrative expenses.

H. Proceeds of Sale. The proceeds of such sale shall be turned over to the City Accountant for deposit in the City Fund. If the owner of such animal shall appear and furnish proof of ownership before the end of ninety (90) days after such sale, such proceeds shall be turned over to said owner, after deducting the expenses provided in paragraph G above and the expenses of the sale.

Section 2: Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than TWO HUNDRED DOLLARS (\$200.00). Each such violation which shall continue or be permitted to continue shall be deemed a separate offense.

Section 3: If any provision of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 4: Any provision or section of "The Code of the City of Abilene, Texas, 1957", in conflict with the provisions of this ordinance shall be, and the same is, hereby repealed.

PASSED ON FIRST READING on this the 6<sup>th</sup> day of December,

A. D. 1962.

After said passage a notice of time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 11<sup>th</sup> day of December, 1962, the same being more than one (1) week prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final hearing.

PASSED ON SECOND AND FINAL READING on this 20<sup>th</sup> day of December, A. D. 1962.

ATTEST:

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Mayor

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City Secretary

APPROVED AS TO FORM:  
JOHN W. DAVIDSON, Corporation Counsel

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