

ORDINANCE NO. 40-2001

AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS AND FOWL," ARTICLE II, "PETS," OF THE ABILENE CITY CODE, BY ADDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 6, "Animals and Fowl," Article II, "Pets," of the Abilene City Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene.


PASSED ON FIRST READING this 13 day of December, A. D. 2001.

After said passage on first reading, a notice of time and place, where and when said ordinance would be given a public hearing and considered for second and 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 9 day of December, 2001, the same being more than twenty-four (24) hours 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 reading.

Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 20 day of December, A. D. 2001.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

Exhibit A

ORDINANCE NO. 40-2001

AMEND CHAPTER 6, ARTICLE II, as follows:

Change: Secs. 6-55--6-59. Reserved.

Add:

DIVISION 3. DANGEROUS DOGS

Sec. 6-60. Authorization

The general laws of the state, except as specifically provided through proper ordinances and regulations of the city, shall control the handling of dangerous dogs. There is adopted as part of this chapter all of the provisions of Title 10, Chapter 822, Subchapter D of the Texas Health and Safety Code insofar as applicable.

Sec. 6-61. Definitions

For the purposes of this article, the following words and/or phrases shall have the meanings respectively ascribed to them by the statute except as provided below:

(2) "Dangerous dog" as defined in §822.041 of the Texas Health and Safety Code, is amended to include the additional definition of:

(C) makes an unprovoked attack on a domestic animal that causes serious bodily injury or death 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.

Secs. 6-62--6-68. Reserved.

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