

AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS AND FOWL," ARTICLE II, "PETS," DIVISION 3, "DANGEROUS DOGS," OF THE ABILENE CITY CODE, BY ADDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

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

PART 1: That Chapter 6, "Animals and Fowl," Article II, "Pets," Division 3, "Dangerous Dogs," 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.

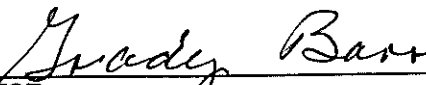
PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue, or be permitted to 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 9 day of May,  
A. D. 2002.

PASSED ON SECOND AND FINAL READING this 23 day of  
May, A. D. 2002.

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:


  
\_\_\_\_\_  
CITY ATTORNEY

Exhibit A

ORDINANCE NO. 23-2002

AMEND CHAPTER 6 ARTICLE II as follows:

Add Sec. 6-62. Seizure

- (a) If a person reports an incident described by §822.041(2) of the Texas Health and Safety Code as codified and amended by §6-61 of the Abilene City Code, the animal control department shall seize and impound the dog pending investigation of the incident.
- (b) The animal control department shall release the dog to the owner if the animal control department has not made a determination that the dog is a dangerous dog before the 6th working day after the seizure and impoundment of the dog, and if all fees have been paid as required under (d). Release of the dog does not prohibit the animal control department from receiving more information and subsequently declaring the dog a dangerous dog.
- (c) If the animal control department determines the dog is a dangerous dog, it shall continue to impound the dog until the owner complies with §822.042 of the Texas Health and Safety Code, or until such time as the dog may legally be destroyed.
- (d) The owner shall pay any cost or fee assessed by the animal control department related to the seizure, acceptance, impoundment, or destruction of the dog. In the event that the dog is returned to the owner, all fees must be paid prior to release of the dog.

Secs. 6-63-6-68. Reserved.

-END-