

ORDINANCE NO. 57-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 6, ANIMALS AND FOWLS, ARTICLE II. PETS, DIVISION 3. DANGEROUS DOGS, SECTION 6-60, "AUTHORIZATION," AND SECTION 6-62, "SEIZURE;" ARTICLE III. IMPOUNDMENT, DIVISION 1. GENERALLY, SECTION 6-69, "AUTHORIZED," SECTION 6-71, "CONFINEMENT BY PRIVATE CITIZEN," SECTION 6-73, "DISPOSITION AT SUPERINTENDENT'S DISCRETION," SECTION 6-74, "REDEMPTION BEFORE SALE," SECTION 6-75, "SALE OF IMPOUNDED ANIMALS," SECTION 6-76, "REDEMPTION AFTER SALE," AND SECTION 6-77, "RECORDS OF IMPOUNDMENT," DIVISION 2. PETS, SECTION 6-89, "AUTHORIZED," SECTION 6-90, "VACCINATED DOGS," SECTION 6-91, "UNVACCINATED DOGS AND CATS," SECTION 6-93, "REDEMPTION GENERALLY," SECTION 6-98, "DESTRUCTION OF UNREDEEMED ANIMALS," AND SECTION 6-99, "DESTRUCTION OF DONATED, SICK, INJURED ANIMALS," ARTICLE IV. RABIES CONTROL, DIVISION 2. QUARANTINE OF SPECIFIC ANIMAL, SECTION 6-133, "AUTHORIZED; MINIMUM TIME," SECTION 6-134, "PLACES," AND SECTION 6-138, "SAME-EMERGENCY SITUATION," OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, there is a need to control stray, sick and injured animals, and to protect the health, safety, and welfare of the citizens of the City of Abilene; and

WHEREAS, many State laws have changed regarding the impoundment of animals and the seizure of dangerous dogs; and

WHEREAS, amendments to the City of Abilene animal ordinance are necessary to allow enforcement in compliance with State laws and best practices.

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

PART 1: That Chapter 6, Article II, Sections 6-60 and 6-62, Article III, Sections 6-69, 6-71, 6-73, 6-74, 6-75, 6-76, 6-77, 6-89, 6-90, 6-91, 6-93, 6-98 and 6-99, Article IV, Sections 6-133, 6-134, and 6-138, of the Code of Ordinances, City of Abilene, Texas, are hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

PART 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 3: That any person, firm, or corporation violating the provisions of this Ordinance, shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

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 13th day of October, 2016.

A notice of the 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 23rd day of October, 2016, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 27th day of October, 2016, to permit the public to be heard. 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 27th day of October, 2016.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT "A"

ARTICLE II. PETS

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, as amended, of the Texas Health and Safety Code insofar as applicable.

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 section 6-61 of the Abilene City Code, the animal control department may 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 on or before the tenth (10th) business day after the seizure and impoundment of the dog, and if all fees have been paid as required under subsection (d). Release of the dog does not prohibit the animal control department from receiving more information and subsequently declaring the dog a dangerous animal.

ARTICLE III. IMPOUNDMENT

DIVISION 1. GENERALLY

Sec. 6-69. Authorized.

Any peace officer or any agent of the animal control department may take up and impound any animal found in violation of this chapter.

Sec. 6-71. Confinement by private citizen.

If any animal, including any domestic pet, is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal temporarily until he can notify the animal control department. When notified, it shall be the duty of the department to impound such animal as provided in this chapter.

Sec. 6-73. Disposition at city manager or his designee's discretion.

If any animal impounded is found to be affected with a contagious disease, or if the animal is seriously injured, or if it cannot be otherwise placed for adoption, the animal shall become the property of the city and it may immediately be euthanized or otherwise disposed of without notice or any waiting period. All decisions as to the condition, adoption or other disposition of the animals shall be made by the city manager or his designee.

Sec. 6-74. Redemption

The owner of any animal not affected with a contagious disease or seriously injured and impounded under the provisions of this chapter may redeem the same within three (3) business days of its impoundment by paying the required pound fees.

Sec. 6-75. Disposition of impounded animals.

(a) If not redeemed within the appropriate time period specified in Section 6-74, the animal shall become the property of the City, and the animal may be adopted, euthanized or otherwise disposed of as recommended by the city manager or his designee

Sec. 6-77. Records of impoundment.

The animal control department shall keep a record for at least one year giving the description of all animals impounded, the date of impoundment, the date of adoption or other disposition, the amount realized for such animal, and the name and address of the new owner.

DIVISION 2. PETS

Sec. 6-89. Authorized.

The agents of the animal control department are authorized to take up and impound:

- (1) All dogs found not restrained by their owners; or
- (2) All cats which do not have a vaccination tag as provided by sections 6-31 and 6-51 and found not restrained by their owners.

Sec. 6-90. Redemption

(a) The redemption period for an animal impounded other than for quarantine or pursuant to a court order, is:

- (1) three business days after the date of impoundment, unless subsections (b) or (c) apply to the animal;

(b) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(c) The redemption period for an animal impounded for quarantine is three days after completion of the quarantine period.

(d) If an animal is not redeemed within the appropriate time period specified in Subsections (a) through (c), or the animal is voluntarily surrendered by the owner, the animal shall become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the city manager or his designee.

(e) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in this chapter.

(f) Notice. Upon impounding a dog found with current vaccination tags or chip, the agents of the animal control department shall make a reasonable effort to notify the owner his animal has been impounded and the conditions whereby he may regain custody of such animal.

Sec. 6-96. Destruction of donated, sick, injured animals.

The animal control department may destroy any animal by a humane method if it has been donated to the shelter with the request that it be destroyed, if the animal is so sick or injured that its cure is considered by the animal control department to be impractical or if its death is imminent, or if it is found to be infected with a contagious disease. In any such event, the animal shall become the property of the city and such destruction may be done immediately without notice or any waiting period.

ARTICLE IV. RABIES CONTROL

DIVISION 2. QUARANTINE OF SPECIFIC ANIMAL

Sec. 6-133. Authorized; minimum time.

Upon being presented a sworn affidavit that an animal has bitten or scratched a person, the city manager or his designee shall quarantine the animal so identified for a period of ten (10) days.

Sec. 6-134. Places.

(a) Quarantine of an animal which has bitten or scratched a person shall be at the following:

(1) Animal shelter.

(2) A licensed veterinarian hospital in the city at the expenses of the owner, upon the owner's request.

(3) Home quarantine. Home quarantine is permissible when the city manager or his designee agrees that home quarantine is warranted and believes the following requirements are satisfied:

(A) The owner of the animal is a resident of this city and agrees to keep the animal at his residence in this city; and

(B) The animal was properly restrained at the time the bite occurred; and,

(C) The animal was properly protected by rabies vaccination.

(b) Animals of unknown ownership will be quarantined at the animal shelter.

Sec. 6-138. Same—Emergency situation.

When an animal bites or scratches a person so that the director of the health department believes that the quarantine observation period cannot be observed because of the danger of developing rabies, the health director shall order that the animal control department immediately forward the animal's head for pathological examination.