



City of Dilley

ORDINANCE # 05-05-17

**AN ORDINANCE REGULATING THE CITY POUND AND PROHIBITING
DOGS AND CATS FROM RUNNING AT LARGE**

WHEREAS, it is dangerous to the health, lives, and welfare of citizens to permit dogs or cats to run at-large upon the public ways of the City of Dilley, Texas; and

WHEREAS, the impounding of such dogs or cats and including any rabid animal is necessary in order to assure a wholesome environment and to protect the health and safety of the citizens of Dilley, Texas; now therefore,

BE IT ORDINED BY THE CITY COUNCIL OF DILLEY, TEXAS;

ARTICLE I

Section 1: CITY POUND. The Animal Control Officer or his designee shall be in full charge thereof, subject to the supervision of the City Administrator.

Section 2: IMPOUNDMENT OF DOGS OR CATS. Any dog or cat which is found to be in violation of any provision of this Ordinance, or other applicable provisions of any State Law or City Ordinance with the City, shall be impounded at the pound located at CR 3800 Crawford Road by any authorized officer of the City.

Section 3: DUTY OF OFFICERS UPON IMPOUNDMENT. The Animal Control Officer may impound any dog or cat found in violation under the provisions of this Ordinance, such officer shall deliver to the owner--after proper evidence of ownership is given--each dog or cat owner---after the officer, provided that such owner(s) shall pay all charges which may have accrued against such animal.

Section 4: IMPOUNDMENT FEES. A pound fee of \$20.00 shall be charged against each dog or cat which may be impounded under the provisions of the Ordinance, and an additional charge of \$5.00 shall be made against each such dog or cat for each day, or part of a day after the first day for the duration which such dog or cat may be impounded.

Section 5: SALE OF UNREDEEMED, IMPOUND OF DOGS OR CATS IS AUTHORIZED. At any time after the expiration of the period of time for the

redemption of impounded dogs or cats, the Animal Control Officer may, without further notice and without advertising in any manner, sell at a private sale or public auction, for cash, any dog or cat not redeemed or reclaimed. All dogs and cats impounded and not redeemed, reclaimed, or sold after the period of time for redemption has expired shall for with be humanely destroyed by the Animal Control Officer.

Section 6: PROCEDURE FOR SALE. At each sale of unredeemed, impounded dogs or cats, the Animal Control Officer shall sell for cash only to the highest bidder, and shall deliver to the purchaser a bill of sale in the name of the City, which shall have impressed thereon by the City Secretary the Corporate Seal of the City, and shall be signed by the City Secretary and Animal Control Officer.

SECTION 7: DISPOSITION OF RECIEPTS. In the event of sale of any dog or cat which has been impounded, the Animal Control Officer shall deduct from the price of said dog or cat obtained at such sale, the full amount of such lawful fees and charges as shall have accrued prior to the sale. The remainder of such sale price shall be delivered by the Animal Control Officer to the City Secretary. Such money so paid to the City Secretary shall be placed in the General Fund of the City.

SECTION 8: RECORDS REQUIRED. The Animal Control Officer shall keep a book in which he shall carefully record therein the following information concerning each dog or cat that may be impounded; to wit:

- a. The date on which each dog or cat was impounded;
- b. The name of the owner, if known;
- c. A full and clear description of the dog or cat;
- d. The date on which such dog or cat was discharged from the Pound;
- e. The name of the person to whom such dog or cat was delivered;
- f. The date on which such dog or cat was advertised for sale;
- g. The price at which dog or cat was sold;
- h. The person to whom dog or cat was sold and his place or residence;
- i. The amount of charges accrued against such dog or cat before delivery to owner.

ARTICLE II

Section 1: DEFINITION OF TERMS. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

A, At Large:

1. Not under the control of the owner either by a leash, chain, cord, or other suitable material attached to a collar or harness;
2. Not restrained securely within an enclosure or fenced premises.

B. Dog or Cat: The male or female of the canine species of animals;

C. Owner: Any person owning, keeping, harboring, or having control or custody of a cat or dog.

SECTION 2: PROHIBITING DOGS OR CATS RUNNING AT-LARGE. No dogs or cats shall be permitted to run at-large within the City. All dogs or cats shall be confined on the premises owned or under the control of their owners at all times. Dogs or cats on a leash, however, shall not be construed as running at-large, provided such leash is either attached to an immovable object or firmly grasped and at all times within the control of a person physically able to maintain control of such dog or cat.

SECTION 3: CERTIFICATION OF RABIES VACCINATION.

- A. Age of Dog or Cat. All dogs and cats over three (3) months of age within the City shall be immunized against rabies by means of an anti-rabies vaccine approved by the Animal Control Officer and administered by such officer.
- B. Issuance of Certificate. Every veterinarian who vaccinates any such dog or cat, whose owner resides within the City, shall issue a Certificate of Vaccination to the owner stating the name and date of vaccination, the number of the rabies vaccination tag, and the kind of vaccine used— which certificate the owner shall keep for his records.
- C. Issuance of Vaccination Tag. Upon vaccination of each dog or cat, the veterinarian shall furnish the owner thereof a durable tag, on the one side of which are stamped the words, "Rabies Vaccine Administered" (or a similar phrase), and the date of vaccination. Such tag at all times shall be securely attached to a collar around the neck of the dog or cat vaccinated.

SECTION 4: DUTY OF OFFICER TO IMPOUND. It shall be the duty of any authorized officer of the City to cause to be taken up or impounded all dogs or cats found in the City in violation of the provisions of the Ordinance. Such Officer is hereby authorized to enter upon any unfenced lot, tract, or parcel of land for the purpose of seizing and impounding any such dog or cat; such officer may also tranquilize such animal when the need may arise, officer may also euthanize immediately when animals are found to be suffering, mangy, injured, sick or infested with ticks and or fleas; to protect public health and the transmission of diseases; unless such land is owned by the owner of the dog or cat.

SECTION 5: REDEMPTION OF IMPOUNDED DOG OR CAT. The owner of any dog or cat which has been impounded under the provisions of the Ordinance shall have the right to redeem the same upon the payment of any and all fees which may be due and payable for the impoundment of such dog or cat.

The owner of any impounded dog or cat may, with thirty (30) days after such dog or cat is sold, redeem the same from such purchaser by paying to purchaser the amount of the purchase price paid to the Animal Control Officer; and in addition thereto, the vaccination charges if any were incurred; and in addition thereto, a charge of \$2.50 per day for the number of days from the date of sale to the date of redemption. At the end of the thirty (30) days from the date of dog or cat is sold, the right to redeem shall expire.

SECTION 6: LENGTH OF TIME FOR REDEMPTION OF IMPOUNDED DOGS AND OR CATS. All impounded dogs or cats shall be redeemed within three (3) days. Any such dog or cat not redeemed within such time may be sold or destroyed through the procedure set forth by this Ordinance.

SECTION 7: VACCINATION REQUIREMENT OF REDEEMED DOG OR CAT. All dogs or cats not vaccinated and redeemed at the City Pound must be immediately vaccinated against rabies.

SECTION 8: IMPOUNDMENT FOR OBSERVATION.

- A. If any dog or cat has bitten any person or is suspected of having bitten any person, or for any reason suspected of having or being infected with rabies, then said dog or cat shall be apprehended and retained in the City Pound, securely penned and separated from other dogs and animals, for such period as may be necessary to ascertain whether or not the dog or cat is infected with rabies. If, after sufficient observation, the dog or cat in the opinion of the Animal Control Officer is not infected, the dog or cat, if claimed, shall be returned to the owner. If, in the opinion of the Animal Control Officer, after consultation with a licensed veterinarian or examination, then dog or cat shall be killed and the head sent to the State Board of Health in Austin for further examination.
- B. In lieu of the provisions of Subsection a, the owner of any such dog or cat may, at his own expense, take such dog or cat to any qualified and licensed veterinarian in the City for observation. Such veterinarian shall report his finding to the Animal Control Officer. If, in the opinion of the Animal Control Officer, after consultation with a licensed veterinarian or County Health Officer, symptoms develop justifying a microscopic examination, then the dog or cat shall be killed and examination shall be made to the State Board of Health in Austin as described in Sub-section (a) above.
- C. Any dog or cat desired for observation by the Animal Control Officer under this section shall be delivered to the Dog Pound upon demand and shall not be withheld, hidden or harbored. Persons violating this provision shall be deemed quilt of a misdemeanor. Upon refusal of any person to so deliver such dog or cat, any officer of the Dilley Police Department shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the dog or cat and shall be lawful authority for the apprehending and forceful taking of such dog or cat.

SECTION 9: CONFINEMENT OF RABID DOGS OR CATS.

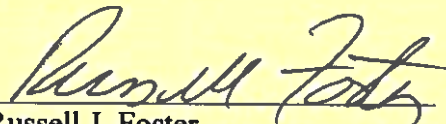
- A. Any dog or cat that has rabies, or any symptoms thereof, that is suspected of having rabies, or that has been exposed to rabies shall at once be released by its possessor for disposal or for confinement at the City Pound for a period of tens (10) days. After which time, the dog or cat may be killed if not reclaimed and left in quarantine at the City Pound.

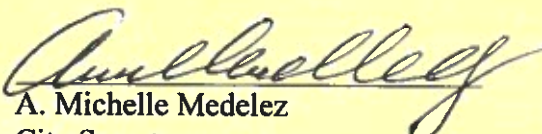
ARTICLE III

SECTION 1: PENALTY. It shall be unlawful for any person owning or harboring any dog or cat to allow or to permit such dog or cat to run, or to be at large, within the City limits. The Animal Control Officer or a police officer of the city may cite any owner permitting a dog or cat to run at-large, and the said owner, if convicted in Municipal Court, shall be fined not more than two hundred dollars (\$200.00).

SECTION 2: SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by such unconstitutionality or invalid by remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of Unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

SECTION 7: PROVISIONS DEEMED CUMULATIVE: REPEAL OF INCONSISTENT PROVISIONS. The provisions of this Ordinance are to be cumulative of all other ordinances, or parts thereof, governing or regulating the same subject matter as that covered herein; provided however, that all prior ordinances or parts of ordinances inconsistent or in conflict with to the extent of any such inconsistency or conflict.


Russell J. Foster
Mayor


A. Michelle Medelez
City Secretary