

ORDINANCE NO 07-07-10

AN ORDINANCE ADOPTING ANIMAL CONTROL REGULATIONS DESIGNED TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE CITY OF DILLEY, TEXAS; REQUIRING THE LICENSING OF DOGS AND CATS; PROHIBITING LIVESTOCK AND FOWL WITHIN THE CITY LIMITS; PROVIDING FOR IMPOUNDING AND DISPOSITION OF ANIMALS RUNNING AT LARGE OR OTHERWISE IN VIOLATION OF THIS ORDINANCE; PRESCRIBING REGULATIONS FOR THE CARE AND KEEPING OF ANIMALS WITHIN THE CITY LIMITS; ESTABLISHING VACCINATION REQUIREMENTS; PROVIDING PROCEDURES FOR RABIES REPORTING AND CONTROL; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND PROVIDING PENALTY FOR VIOLATION.

ARTICLE I. DEFINITIONS

SEC. 4-I. DEFINITIONS

AS USED IN THIS ORDINANCE, THE FOLLOWING TERMS ARE DEFINED BELOW:

ANIMAL: Every non-human species of animal, both domestic and wild.

ANIMAL-AT-LARGE: Any animal not under the restraint (as defined below) of a person capable of controlling said animal on or off the premises of the owner.

ANIMAL CONTROL OFFICER: Any person designated by the City of Dilley who is qualified to perform the duties required by this ordinance and/or state law.

ANIMAL SHELTER: Any shelter operated by human society, or a municipal of agency or its authorized agents, for the purpose of impounding animals under authority of this ordinance or state law for care, confinement, return to owner, adoption, or euthanasia.

BITE: Puncturing or tearing of the skin by an animal's teeth.

CAT: Any live or dead *Felis Catus*.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, grooming shop, guard dog or obedience training center, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel.

CURRENTLY VACCINATED: VACCINATED AND SATISFYING THE FOLLOWING CRITERIA.

- (1) The animal was at least three (3) months of age at the time of the vaccination;
- (2) At least thirty (30) days have lapsed since the initial vaccination; and,
- (3) Not more than twelve (12) months have elapsed since the recent vaccination.

DOG: Any live or dead Canis Familiaris.

DOMESTIC ANIMAL: Tame, domesticated, of or pertaining to the family or household.

FOWL: A bird of any kind; domestic cock or hen (Gallus).

GROOMING SHOP: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

GUARD DOG: Any professionally trained dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.

KENNEL OR CATTERY: Any premises wherein any person engages in the business of boarding, breeding, buying letting for hire, training for a fee, or selling dogs or cats; and/or a facility for keeping more than four (4) animals of the same species.

LICENSED VETERINARIAN: A veterinarian licensed to practice veterinary medicine in one or more of the fifty (50) states.

LIVESTOCK: Domestic animal used or raised on a farm, especially those kept for a profit; specifically, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep and swine, regardless of age, sex or breed.

LOCAL HEALTH AUTHORITY OR RABIES CONTROL OFFICER: The person assigned to handle all duties required under the Rabies Control Act of 1981 and all amendments to that act.

OBSERVATION PERIOD: The ten (10) days following a bite incident during which the animal's health status must be monitored. The ten-day observation period will begin on the day of the bite incident.

OWNER: Any person, partnership or corporation owing, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more, or if it returns to a residence or business on three separate days.

PERSON: Individual, corporation, government or governmental subdivision, or agency business trust, estate, partnership, association, or any other legal entity.

PET OR COMPANION ANIMAL: Any animal kept for pleasure rather than utility; an animal or a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

PET SHOP: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.

POSSIBLE EXPOSURE TO RABIES: Receipt of a bite or scratch from any warm-blooded animal, animal to human, or animal to animal.

PROVOCATION: Any purposeful act that causes an animal to bite, scratch or attack in protection of self, owner or owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with city ordinances would be considered provocation, irrespective of the reason for such entrance.

PUBLIC NUISANCE: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that;

- (1) Is repeatedly at-large or stray;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Trespasses on school grounds;
- (5) Chases vehicles;
- (6) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors

or others in close proximity to the premises where the animal is kept or harbored;

(7) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(8) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(9) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; or

(10) Attacks other domestic animals.

QUARANTINE: Strict confinement, for the purpose of preventing the spread of disease, under restraint by closed cage, isolation kennel, rabies chamber, paddock, or any other maimer approved by the local health authority on the private premises of the owner or at a facility approved by the Texas Department of Health.

QUARANTINE PERIOD: That portion of the observation period during which a biting animal is physically confined for observation as provided for under the quarantine method and testing section of this ordinance.

RABIES: An acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite or saliva.

RESTRAINT: Any animal secured by a leash or lead and under the control of a responsible person and obedient to that person's commands. At all other times, a dog, cat or other animal shall be confined to the realty or premises of the owner of such dog, cat or other animal to prevent such dog, cat or other animal from escaping therefore; or inside a house on such premises by a leash consisting of a material of sufficient strength to prevent such dog, cat or other animal from escaping from such premises. It shall be unlawful for the leash to be arranged in a manner that allows the dog, cat or other animal to get on or across or within eight (8) feet of any street, park, or other public land or within eight (8) feet of any sidewalk, public way, place or building when such leash is stretched to its full length. any animal so arranged shall be considered dangerous to the public in general and declared a nuisance, and shall be impounded.

RIDING SCHOOL OR STABLE: Any place that has available for hire, boarding and for riding instruction, any horse, pony, donkey, mule or burro; or any place that regularly buys, sells, or trains the above animals, including a racetrack, trotting track, or rodeo or roping arena.

SCRATCH: A scrape left by the claws or nails of an animal and have sufficient severity to break the skin and draw blood.

SICK ANIMAL: Any animal that appears to be suffering from an infectious, contagious or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or, that has an elevated temperature.

STRAY: Any animal running free or at large, with no physical or verbal restraint.

UNOWNED ANIMAL: Any animal for which an owner has not been identified.

VACCINATED: Properly injected with a rabies vaccine licensed for use in that species by the United States department of agriculture and administered by or under the supervision of a licensed veterinarian.

VETERINARY HOSPITAL: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

VICIOUS ANIMAL: Any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure human beings or domesticated animals; more specifically, any individual animal of any species that has two previous occasions without provocation attacked or bitten any person or other animal, or an individual animal which the local health authority has a reason to believe has a dangerous disposition, likely to be harmful to humans or others animals.

WILD ANIMAL: Any animal except the common domestic species (dogs, cats, horses, cattle, swine, sheep and goats), regardless of the state or duration of captivity.

WILDLIFE: Any animal that occurs naturally in the wild state.

WILD STATE: Living in its original, natural condition; not domesticated.

ARTICLE II. ANIMAL CONTROL

SEC. 4-2. RESTRAINT

(A) All dogs, cats and other animals shall be kept under restraint and not allowed to run at large or stray.

(B) It shall be unlawful for any person to own, keep, harbor or have custody or control of any livestock or fowl within the City of Dilley save

and except when said livestock or fowl is involved in a school related 4-H or FFA project and such participation can be verified by a proper school authority.

(C) Every owner shall exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(D) Every vicious animal, as determined by the City of Dilley or its designee, shall be confined by the owner within a building or secure enclosure; shall be securely muzzled or caged whenever off the premises of the owner; or shall be humanely euthanized.

SEC. 4-3. ANIMAL CONTROL OFFICER

An animal control officer or its designee shall be appointed to enforce all provisions of this ordinance, including gathering up, impounding or quarantining any livestock, fowl, cats, dogs, or other domestic and non-domestic animals found running at large or stray within the city limits.

SEC. 4-4. IMPOUNDMENT AND VIOLATION NOTICE

(A) Unrestrained dogs, cats, and nuisance animals shall be taken by the animal control officer or its designee and impounded in an animal shelter and then confined in a humane manner. Said officer is authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any animal running at large thereon.

(B) Licensed and unlicensed impounded dogs, cats, other domestic animals, and livestock shall be kept for not less than seventy-two (72) hours.

(C) Wild dogs, cats or other animals may be kept up to seventy-two (72) hours at the discretion of the animal control officer and animal shelter staff, as shall sick or injured animals of undetermined ownership.

(D) If the owner of an impounded animal can be identified, the animal control officer or its designee shall immediately upon impoundment, notify the owner by direct contact, telephone, or certified mail.

(E) An owner reclaiming an impounded dog or cat shall pay all impounding fees and licensing fees according to the fee schedule and boarding fees as set by contract. If no proof of current rabies vaccination can be produced, the owner will be charged for a rabies vaccination and given to obtain a rabies vaccination from a local veterinarian. Impoundment

and boarding fees for all other animals shall be according to the fee schedule. Subsequent impoundments occurring within twelve (12) months shall be charged doubled the scheduled fees.

(F) Any dog or cat not reclaimed by its owner within seventy-two (72) hours for a licensed animal or seventy-two (72) hours for an unlicensed animal shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized. For other impounded animals the time period shall be seventy-two (72) hours, and can be sold at auction following the procedure outlined in section 4-6 of this ordinance.

(G) In addition to, or in lieu of, impounding an animal found at large, the animal control officer or its designee may issue to the known owner a notice of ordinance violation. A person who is convicted of owning an animal at large shall pay a fine as listed in the penalty schedule of this ordinance. Subsequent convictions of this subsection within a twelve-month period shall double the minimum applicable fine.

SEC. 4-5. AUTHORITY TO SLAY ANIMALS RUNNING AT LARGE

If any animal found at large in violation of this ordinance cannot be safely taken up and impounded; such animal may, if deemed necessary, be slain or tranquilized by the police department, animal control officer or its designee.

SEC. 4-6. SALE OF UNREDEEMED ANIMALS

(A) For any unredeemed impounded animal, except a dog or cat, the animal control officer shall within seventy-two (72) hours after such animal has been impounded, post two (2) notices, one at city hall and one in some other public place, giving therein full description of such animal, and starting a day and place of sale of such animal, which date of sale shall not be less than ten (10) calendar days from the date of posting notice, and said animal shall be sold at public auction to the highest bidder for cash.

(B) The owner of any animal impounded may reclaim the same from the animal shelter at any time before the sale by paying all fees, fines and expenses of taking up and keeping such animal.

(C) The animal control officer shall keep a well-bounded book in which shall be recorded a description of all animals impounded, the date and time of impoundment, the date of sale, the amount realized from the sale, the fees and expenses due for impounding and keeping same, the name of the owner, if known, and the name of the purchaser.

(D) At any time within fourteen (14) calendar days of the date of the sale, the owner of any animal impounded and sold under the provision of this ordinance shall have the right to redeem the same by paying to the purchaser thereof, double the amount paid by said purchaser in addition to reasonable expenses incurred in keeping the animal.

ARTICLE III. CARE AND KEEPING OF ANIMALS

SEC. 4-7. ANIMAL CARE

(A) No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, adequate ventilation, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care treatment.

(B) No owner of an animal shall abandon such animal. If an owned animal has been impounded by the animal control officer, no owner shall allow the animal to remain in the animal shelter beyond the maximum period allowed for the purpose of adopting the animal and shall pay a cost no less than the fine and fees assessed by the City and the reasonable expenses incurred in keeping the animal by the animal shelter.

(C) Any person or persons owning, keeping or harboring a dog or cat are not allowed to bury such animals when dead on any premises within the city limits.

SEC. 4-8. KEEPING OF DOMESTIC ANIMALS

(A) It shall be unlawful for any person to own, keep, or harbor more than (4) dogs or cats, or a combination of any four (4), over three (3) months of age, at any one address or location within the city limits.

(B) All persons residing in the City of Dilley owning one or more dogs or cats must keep such dog(s) or cat(s) at the residential premises permanently occupied and inhabited by said owners. It shall be unlawful for said owners to keep their dog(s) or cat(s) at any other location within the city limits.

(C) Subsections (A) and (B) above shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.

(D) Any domestic animal being kept at any lawfully existing premises within the City of Dilley immediately prior to the passage of this ordinance, or at a location outside the city limits which, by annexation, becomes part of and within the boundaries of the incorporated area of the city, the provisions of (A) and (B) above shall not apply for a period of one (1) year from and after the passage of this ordinance or the date of annexation, respectively. **With respect to livestock, fowl and wild animals, there shall be no grace period and this ordinance shall take effect upon passage of the ordinance.**

SEC. 4-9. KEEPING OF WILD ANIMALS.

(A) No person shall own, possess or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not apply for zoological parks, performing animal exhibitions, circuses or veterinary hospitals.

(B) No person shall keep or permit to be kept any wild animal as a pet.

SEC. 4-10. ANIMAL WASTE

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property including the property of the owner.

SEC. 4-11. STORAGE OF FEED

All feeds provided for animals shall be stored and kept in a rat proof, fly tight building, box, container, or receptacle. Horse stables must carry out a continuous, active rat control program.

SEC. 4-12. INSPECTION OF ANIMALS AND PREMISES

Animals and premises whereon animals are kept or maintained shall be subject to inspection by health officials, or by the animal control officer, at any reasonable hour, or at any hour, in case of emergency.

SEC. 4-13. COMPLIANCE WITH ORDINANCE NOT RELIEF FROM COMPLIANCE WITH OTHER REGULATIONS

The keeping of any animal in accordance with the provisions of this ordinance shall not be construed to authorize the keeping of same in violation of the zoning ordinances or any other ordinance of the City of Dilley.

ARTICLE IV. RABIES CONTROL

SEC. 4-14. RABIES VACCINATION

(A) It shall be unlawful for any person to own, keep, harbor or have custody or control of a dog or cat over three (3) months of age within the City of Dilley unless such dog or cat is currently vaccinated against rabies by the injection of anti-rabies vaccine by or under the direct supervision of a licensed veterinarian.

(B) Every owner of a dog or cat immunized against rabies, as required herein shall procure a rabies vaccination certificate from the veterinarian administering the vaccine. Such certificate shall contain the following information:

- (1) Owner's name, address and telephone number.
- (2) The species, sex, age, size (weight), predominant breed, and color of the vaccinated animal.
- (3) The vaccine used, producer, expiration date, and serial number.
- (4) Date vaccinated.
- (5) Rabies tag number.
- (6) Veterinarian's signature and license number.

(C) A veterinarian or person under the direct supervision of a veterinarian who vaccinates a dog or cat as required herein shall furnish the owner thereof with a metal tag approved by the rabies control officer bearing the number corresponding to the number placed on the certificate, and with lettering corresponding to the number placed on the certificate, and with lettering showing immunization and the date thereof. This tag shall be attached to the properly fitted collar of the dog or cat for which it is issued, and shall be worn at all times in a conspicuous place on the collar.

SEC. 4-15. REPORTS OF EXPOSURE TO RABIES

(A) Any veterinarian who shall find any animal within the city limits afflicted with a disease which is transmissible from animal to man shall immediately report to the rabies control officer such case together with the name and address of the owner and the location of the premises

where the animal can be found.

(B) Persons having knowledge of any animal exhibiting symptoms of or exposed to rabies, or that has bitten, scratched or otherwise attacked an individual or another animal, or that the person suspects to be rabid or could reasonably foresee as capable of transmitting rabies, shall report the animal or incident to the animal control officer as soon as possible, but not later than twenty-four (24) hours from the time of the incident. The report shall include the name and address of any victim and the owner of the animal, if known, and any other information relating to the incident or animal.

SEC. 4-16. QUARANTINE PROCEDURES FOR ANIMALS

(A) Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect as having rabies, or that bites, scratches, or otherwise attacks another animal or any person within the City of Dilley, shall be impounded at once and held for observation and quarantined at the animal shelter or other place designated by the animal control officer.

(B) No animal that has rabies shall be allowed at any time on the streets or public places, except as provided herein, until said animal has been released from observation by the animal control officer.

(C) The owner of any animal that is reported to have rabies or symptoms thereof, or to have been exposed to rabies, or to have bitten, scratched or otherwise attacked any person or other animal within the city, or that the owner knows or suspects to be rabid or to have attacked an individual, shall submit such animal to the animal control officer for a quarantine period often (10) days at the owner's expense. The ten-day observation period shall begin on the day of the bite incident. In the event the owner of such animal refuses to surrender such animal on demand, such action shall constitute a misdemeanor and upon conviction be punishable by a fine not less than one hundred (\$100) nor more than two hundred dollar (\$200).

(D) The owner of an animal quarantined under this section shall pay to the quarantine facility the reasonable costs of the quarantine and disposition of the animal, including the charges for preparation and shipment of the animal's head or brain, if required, to the nearest Texas Department of Health certified laboratory for rabies testing if the owner chooses not to pay for quarantine, the animal shall be humanely destroyed and the brain submitted to the Texas Department of Health certified

laboratory for rabies diagnosis, at the owner's expense. All quarantine related payments arrangements shall be at the discretion of the individual quarantine facility.

(E) The following quarantine procedures shall be observed:

(1) Biting animals and animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between animals.

(2) At the discretion of the animal control officer or his designee, the unwanted animal may be destroyed for the rabies diagnosis prior to the end of the quarantine period.

(3) The animal control officer may require a written agreement by the owner or the custodian at the time of quarantine and the animal may be disposed of according to the terms of this agreement.

(4) Whenever complaint shall be made before the judge of the municipal court that any animal has bitten or attempted to bite, or attack or attempted to attack without provocation, any person in a vicious manner in the city, and it shall appear that the person so bitten or attempted to be bitten, or attack or attempted to be attacked, in a vicious manner as aforesaid, was not at the time trespassing upon the property of the owner and not otherwise at fault, then the judge of the municipal court, shall upon proof thereof, fine the owner if said animal is not vaccinated or licensed. The judge of the municipal court, where it is proven that said animal has bitten any person, may direct the owner of said animal to kill or remove said animal permanently beyond the city limits and a failure or refusal to do so within twenty-four hours after receiving said order shall be deemed an offense. It shall be unlawful for any owner of any vicious animal to permit said animal to run at large regardless of any other provision contained in this ordinance.

SEC. 4-17. QUARANTINE METHOD AND TESTING

(A) Animals quarantined at the animal shelter under the provisions of this ordinance shall be observed at least on the first and last days of the quarantine period by the animal control officer or his designee. Shelter personnel shall contact the animal control officer immediately if the animal exhibits any unusual behavior. If no clinical signal of rabies is

noted during the quarantine period, the animal control officer or his designee shall sign a release form authorizing the animal shelter to return the animal to the custody of the owner. If any strange or unusual behavior or possible clinical signs of rabies are noted at any time during the quarantine period, a licensed veterinarian shall be contacted immediately for an examination of the animal. If the veterinarian determines that the animal has rabies, the animal shall be humanely destroyed and the head or brain submitted for testing. If the veterinarian determines that the animal does not have rabies at the time, the remainder of the quarantine period will be carried out at a veterinary clinic, or approved facility and the animal released by a licensed veterinarian as outlined in section 4-17(B).

(B) Animals quarantined at a veterinary clinic, or approved facility shall be observed by a licensed veterinarian at least on the first and last days of the quarantine period. The animal control officer shall provide a form to the veterinarian for his/her signature certifying that the animal has been found to be free of the clinical signs of rabies at the end of the quarantine period.

(C) NO DOG OR CAT SHALL BE RELEASED FROM QUARANTINE UNLESS:

(1) The owner has an unexpired rabies vaccination certificate and license for the animal; or

(2) The animal is vaccinated against rabies by a licensed veterinarian and a license is obtained at the owners expense from the veterinarian if quarantined at a veterinary clinic. If the animal is quarantined at the animal shelter, the owner will make an appointment with the veterinarian. The animal control officer will transport the dog to be vaccinated at owners expense, then the dog may be released.

(D) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas department of health certified laboratory for rabies diagnosis.

SEC. 4-18. DISPOSITION OF DOMESTIC ANIMALS EXPOSED TO RABIES

(A) Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be humanely killed or, if sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies, placed in

strict isolation for six (6) months, and given a booster vaccination one month prior to release from isolation.

(B) Vaccinated animals which have been bitten or otherwise significantly exposed to rabid animal shall be humanely killed or, if sufficient justification for preserving the animal exists, the exposed vaccinated animal shall be given a booster rabies vaccination and placed in strict isolation for three (3) months.

(C) Rabies vaccine is available.

ARTICLE V. SPECIAL PROVISIONS

SEC. 4-19. ENFORCEMENT

The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this ordinance to interfere with an animal control officer or its designee in the performance of his duties.

SEC. 4-20. FEE SCHEDULE

(A) STANDARD LICENSING FEE:

Dog or cat, annual fee	\$ 5.00
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(B) IMPOUND FEE. AN IMPOUND FEE MUST BE PAID FOR EACH ANIMAL CAPTURED:

(1) Dog or cat	\$ 20.00
(2) Fowl or other small animal	\$ 25.00
(3) Livestock	\$ 50.00
(4) Zoological and/or circus animal	\$100.00

(C) BOARDING FEE. A BOARDING FEE MUST BE PAID FOR EACH ANIMAL CONFINED BY THE ANIMAL SHELTER:

(1) Dog or cat, per day of confinement	\$ 5.00 per day
(2) Fowl or other small animal	\$ 10.00 per day
(3) Livestock animal	\$ 25.00 per day
(4) Zoological and/or circus animal	\$300.00 per day

SEC. 4-21. PENALTIES

Any person who shall violate any of the provisions of this ordinance, or fail to comply therewith or with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00), unless listed specifically on the minimum penalty schedule below, and each and every day's violation shall constitute a separate and distinct offense. Subsequent convictions for any violation of this ordinance within a twelve-month period shall double the minimum applicable fine listed below, up to and including the maximum allowed by law. If any person is found guilty by a court of violating section 4-7 of this ordinance, that person's license to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new license may be issued to such person.

UPON CONVICTION OF THE SPECIFIC ORDINANCE VIOLATION LISTED, THE MINIMUM FINE SHALL BE AS FOLLOWS:

(A)	Animal abandonment	\$ 50.00
(B)	No rabies vaccination	\$ 50.00
(C)	Not registered/licensed	\$ 30.00
(D)	Allowed to run at large, stray:	
	(1) Unneutered dog or cat	\$ 50.00
	(2) Neutered dog or cat	\$ 25.00
	(3) Any other animal	\$ 25.00
(E)	More than four (4) dogs or cats, per animal	\$ 30.00
(F)	Unconfined and/or non-muzzled vicious animal	\$100.00
(G)	Unconfined female dog or cat in heat	\$ 30.00
(H)	Failure to surrender animal for rabies observation	\$100.00
(I)	Wrongful disposure of animal	\$ 75.00

SEC. 4-22. CONFLICTING ORDINANCES

All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict with this ordinance.

SEC. 4-23. SEVERABILITY CLAUSE

If any provision of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same, which are not held void or unconstitutional, shall remain in full force and effect.

SEC. 4-24. WHEREAS, an emergency is apparent for the immediate preservation of order, good government and public safety that requires this ordinance to

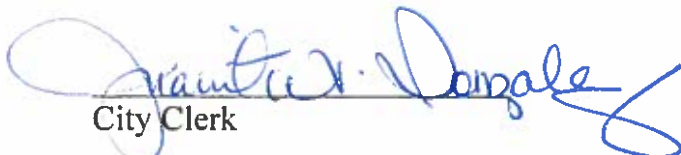
become effective at once; therefore, upon passage of this ordinance by a vote of the City Council, it shall be effective from and after the date of its passage.

PASSED AND APPROVED this 8th day of August, 2007.



Mayor Russell J. Foster

ATTEST:



City Clerk