

DRAFT OF CITY OF TENAHA DOG AND CAT ORDINANCE

Section 1. Purpose

The purpose of this Chapter is to:

1. Prevent hazards to the physical and mental health of the public caused by animals;
2. Prevent cruelty to animals;
3. Decrease the number of unwanted and stray dogs and cats in the city;
4. Encourage responsible animal ownership; and
5. Place the responsibility of complying with the requirements of this Chapter upon an animal's owner.

Section 2. Care and control of dogs and cats and premises.

No owner shall fail to exercise proper care and control of his dog and/or cat and the premises where such animal(s) are kept. Failure to exercise proper care and control of such animal(s) and the premises shall constitute the animal(s) and/or premises as a Public Nuisance, as defined below in Section 3.

Section 3. Conditions constituting a Public Nuisance.

The following conditions, situations and/or occurrences are hereby declared to be a public nuisance, and the failure of the owner to exercise proper care and control of his animal(s) or the premises where the animal(s) are kept may result in a violation of this Chapter:

- (1) Any animal which turns over garbage containers, or scatters garbage, or which otherwise damages private or public property;
- (2) Any dog or cat found to be running at large;
- (3) Any animal which barks, howls, or yelps in excessive, continuous or untimely fashion; or
- (4) Any building, room, cage, yard, run or other place or facility where animal(s) are kept or harbored which is not maintained in a clean or sanitary condition as to prevent obnoxious odors, the attraction, breeding or potential breeding of flies, rodents or other vermin or the creation of any other public nuisances.

Section 4. Authority to capture stray, sick, and injured dogs and cats.

It shall be the duty of the City Marshall of the City of Tenaha and/or other duly appointed person(s) (hereinafter the "Animal Control Officer") to capture stray, sick, or injured dogs or cats in accordance with the animal control procedures adopted herein.

Section 5. Adoption of Dangerous Dog Act.

The City hereby adopts the provisions of the Dangerous Dog Act, TEX. HEALTH & SAFETY CODE Ann. §822.01, *et. seq.*, which is State Law and is deemed enforceable by the City of Tenaha by the adoption of this Section.

Section 6. Adoption of Rabies Control Act

The City hereby adopts the provisions of the Rabies Control Act, TEX. HEALTH & SAFETY CODE Ann. §826.01, *et. seq.*, and the rules of the State Board of Health in connection with said provisions. The provisions and rules constitute State Law and Regulations, and are deemed enforceable by the City of Tenahaby the adoption of this Section.

Section 7. Animal Control Procedures

Subsection 7-A. - Authority to use tranquilizer equipment.

In the performance of his/her duties, the Animal Control Officer shall have authority to employ tranquilizer equipment and all other animal control devices commonly used by other animal control agencies located within the State of Texas.

Subsection 7-B. - Interference.

It shall be unlawful for any person to interfere with, hinder, or molest any Animal Control Officer in the performance of any duty delegated under this Chapter, or seek to release any animal taken and held in custody under provisions of this chapter.

Subsection 7-C. - Notice of impoundment.

The Animal Control Officer shall at once notify the owner, if known, of any animal currently in impound pursuant to this Chapter. The notice shall give a description of the animal impounded, including any marks or brands.

Subsection. 7-D. - Injured animals.

Animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If an injured animal is treated or impounded, the owner of such animal shall be liable for all expenses of treatment and/or impoundment; however, disposition may be made at the discretion of the Animal Control Officer.

Subsection 7-E. - Redemption of impounded animals.

The owner of any impounded animal may reclaim the animal by signing any citations issued for alleged violations of this chapter and paying all impoundment fees, fines and other accrued expenses, under following conditions:

- (1) If the owner of any impounded animal pursuant to this chapter shall appear to claim the animal within three business days of notice of impoundment, the animal control officer shall, if he/she reasonably believes that such person is the true owner, turn such animal over to such person upon payment to the animal control officer of a fee for each day that such animal has been impounded. The fees shall be collected by the animal control officer and remitted to the city finance department.
- (2) The animal control officer shall, upon impoundment, attempt to call the owner of any impounded dog or cat that is identified by a collar or harness with the city's registration tag attached or by an implanted microchip.
- (3) If the impounded animal is a dog or cat that is not identified by wearing a collar with a valid license tag attached or by a duly registered implanted microchip, the owner of the dog or cat must present a certificate showing that the dog or cat has been vaccinated in accordance with state law from that date or shall have the dog or cat vaccinated prior to its release from impoundment and must provide or secure a valid license for such dog or cat. The license tag is to be attached to the dog or cat's collar.

Subsection 7-F. - Disposal of unredeemed, impounded animals.

The Animal Control Officer shall have authority to dispose of in accordance with State Law all animals that he or she takes into his custody.

Subsection 7-G. - Destruction of impounded animals.

If no purchaser or owner can be found for any animal impounded pursuant to this section, the Animal Control Officer is authorized to humanely destroy such animal and to have the carcass destroyed.

Subsection 7-H. - Records and reports of animal control officer.

The Animal Control Officer shall record a description of all animals impounded by him/her pursuant to this chapter. The record shall show date of impoundment, return to owner, or of sale; the name of owner, if known; and name of purchaser or adopter.

Section 8. Penalty for violations.

Any person violating a provision of this Chapter shall upon conviction be punishable by a fine of not less than \$25.00 and not more than \$500.00 for their first conviction and not less than \$100.00 and not more than \$750.00 for each additional conviction.

Section 9. Defense to prosecution.

It is a defense to prosecution for violation of this chapter that:

- (1) A person is not considered the owner of an animal if he or she is feeding an animal for the purpose of gaining control of an animal (example: baiting a live-trap) in order to remove the animal from the property that he or she owns or occupier to return the animal to its rightful owner, or to turnover the care and control of the animal to the city.
- (2) A person is not considered the owner of an animal if they do not feed, shelter, or give express permission to an owner of an animal for the animal to remain on his or her property.
- (3) A person is not considered the owner of an animal that does not have a known owner that is on his or her property, so long as that person does not feed, shelter, or encourage or makes arrangements for others to feed or shelter the animals on his or her property.