

ORDINANCE NO. 95-1

(Motion was made by Kathleen George and seconded by Jaymie Pudge

_____ that the following Ordinance be passed:)

AN ORDINANCE BY THE TOWN OF WOODLOCH, PROHIBITING DOMESTICATED ANIMALS (EXCLUDING CATS) FROM RUNNING AT LARGE ON PUBLIC OR PRIVATE PROPERTY, DEFINING TERMS; PROVIDING FOR LICENSE, TAG AND VACCINATION; PROVIDING FOR VICIOUS ANIMALS; EXAMINATION AND CONFINING; PROVIDING FOR ABANDONMENT, ANIMAL POSING AS A THREAT OR NUISANCE, FOR NON-FEEDING, TORTURE, MISTREATMENT, POISONING AND STRIKING OF ANIMALS WITH VEHICLES; AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the Town Council finds that the public health and welfare of the Town of Woodloch, Texas is endangered by the running at large of animals, which creates conditions leading to rabies and epidemics; and,

WHEREAS, the running at large of animals has resulted in the destruction of untold dollars' worth of private property; and,

WHEREAS, animals running at large are responsible for the injury of many of the inhabitants of the Town of Woodloch, and thus detrimental to the public welfare; and,

WHEREAS, the Town of Woodloch has no adequate ordinances regulating the running at large of animals within the Town, and it has come to the attention of the governing body that animals are being kept within the Town limits in a manner which is dangerous and disturbing to the residents of the Town of Woodloch;

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WOODLOCH;

SECTION I

DEFINITIONS

That for the purpose of this Ordinance.

"Animal" shall mean fur-bearing, warm blooded animal both the male and the female (including cats, except where cats may be specifically excluded as to certain Sections of this Ordinance.)

"At large" shall be intended to mean:

- (1) Off the premises of the owners real property, or
- (2) Not under the physical or verbal control of the owner, or
- (3) Not restrained securely within an enclosure or fence.

"Bite" shall be intended to mean any breaking open of the skin.

"Currently Vaccinated" means that an animal has been vaccinated within twelve months of the date of application for Town tags.

"Owner" shall be intended to mean any person, firm or corporation owning, keeping, harboring, having control of, or custody of one or more animals.

SECTION 2

UNLAWFUL FOR ANY AND ALL ANIMALS TO RUN AT LARGE ON PUBLIC PROPERTY (EXCLUDING CATS)

It shall be unlawful for any person owing, or having control over, or having custody of any animal or animals to permit or allow such animal or animals to run or be at large upon any public highway, street, alley, court, square, park, sidewalk or any public grounds or public property within the corporate limits of the Town of Woodloch. This section shall not apply to cats.

SECTION 3

UNLAWFUL FOR ANY AND ALL ANIMALS TO RUN AT LARGE ON PRIVATE PROPERTY (EXCLUDING CATS)

It shall be unlawful for any person owning, or having control over, or having custody of any animal or animals, to permit or allow such animal or animals to run, or be at large upon any unfenced lot, tract or parcel of land or private property within the corporate limit of the Town of Woodloch. This Section shall not apply to cats.

SECTION 4

LICENSING FEE AND TAG

(a) Effective July 1, 1995, there is hereby levied upon each and every animal more than six (6) months of age, which is kept, harbored or maintained by the owner thereof in the corporate limits of the Town of Woodloch, an annual license fee of \$5.00.

(b) Animal licenses shall be issued by the Town Secretary, or such person as the Town Council shall designate, upon payment of the license fee and application made upon printed forms, provided of such purposes. Application shall state the name and address of the owner or keeper of such animal and the name, breed, color and sex of the animal being licensed.

(c) Upon payment of the license fee, the Town Secretary, or some designate, shall issue to the owner a license certificate exemplifying such, and a durable tag stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

(d) No license certificate or tag for any animal shall be issued until the owner or person in charge of such animal shall have obtained and presented a certificate from a licensed veterinarian, that such animal has been currently vaccinated for rabies, not more than one year prior to the date of application.

(e) The Town Secretary, or some designate, shall maintain a record of the license, and identifying numbers of all tags issued and shall make this record available to the public.

(f) Animal license or tags shall not be transferable from one animal to another and it shall be unlawful for the owner or person having control over, or custody of any animal to transfer such license certificate or tag from the animal for which it was issued, to any other animal.

(g) All dogs and cats that are over six (6) months of age and kept within the Town, shall wear a collar or harness to which shall be attached the license tag issued pursuant to this division. In addition thereto, there shall be attached a metal tag, issued by a state licensed veterinarian, attesting to the fact that such dog has been vaccinated for rabies within the calendar year.

(h) No refunds shall be made for any animal license fee because of death of the animal or the owner's leaving the Town before the expiration of the license period.

(i) A duplicate license may be obtained upon payment of Two Dollars (\$2.00) replacement fee.

SECTION 5

OWNER FAILING TO LICENSE ANIMAL AFTER SIX (6) MONTHS OF AGE, AND PROVIDING FOR PENALTY

(a) It shall be unlawful for any person to maintain or keep an animal more than six (6) months of age on any premises within the corporate limits of the Town of Woodloch, unless such animal wears a collar or harness securely attached to its body to which shall be securely attached a tag issued by a licensed veterinarian, showing that the animal has a valid verification of vaccination against rabies, and to which shall be securely attached a tag issued by the Town Secretary, or designate, of the Town of Woodloch.

(b) Any owner who shall maintain or keep an animal more than six (6) months of age on any premises within the corporate limits of the Town of Woodloch, which has not been licensed, tagged and vaccinated as required by this Ordinance, shall be guilty of a misdemeanor and shall be fined in a sum not to exceed Two Hundred Dollars (\$200.00).

SECTION 6

OWNER REFUSING TO LICENSE OR VACCINATE ANIMAL

Any person who shall refuse to license or vaccinate an animal or who willfully removes or destroys the tags issued to an animal, shall be guilty of a misdemeanor and shall be fined in a sum not to exceed Two Hundred Dollars (\$200.00).

SECTION 7

ANIMAL BITING OR INJURING PERSON, AND PROVIDING FOR EXAMINATION AND CONFINEMENT

(a) If any animal within the corporate limits of the Town of Woodloch shall bite any person or other animal on private property, or upon public roadway or property, a complaint shall be filed against the owner, in Municipal Court, and the owner, upon conviction, shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00).

(b) The Municipal Court shall order the animal to be examined, to determine whether or not it is rabid, within twenty-four (24) hours from the time the bite or injury is inflicted, by a licensed veterinarian, licensed to practice veterinary medicine within the State of Texas.

(c) The Court shall further order the animal to be confined securely on the premises of its owner, in an animal shelter, or in a veterinary hospital, at the discretion of the Court, for a period of ten (10) days, at which time the animal will be re-examined by a licensed veterinarian. These examinations shall be at the expense of the owner, and a report of such

examination shall be filed with the Court by the owner within twenty-four (24) hours after each examination.

(d) The Municipal Court of the Town of Woodloch shall have authority to order and hold a hearing, and if such Court shall determine, upon hearing, that such animal is vicious or dangerous to persons or other animals, the Court may order that such animal be kept muzzled, restricted to a leash, or that such animal be kept within a sufficient enclosure; also, when off the enclosed premises, the animal shall be securely muzzled and leashed.

SECTION 8

ANIMALS POSING THREAT TO SAFETY OF PEDESTRIANS, AND OTHER ACTS DECLARED TO BE A NUISANCE

(a) Any animal in the Town of Woodloch which poses a threat to the safety of pedestrians and/or vehicles on public roadways, or on public or private property attacks other animals, shall be deemed a nuisance, and the owner thereof shall be subject to a fine, upon conviction, not to exceed Two Hundred (\$200.00)

(b) Each owner shall exercise proper care and control of his animal to prevent it from becoming a public nuisance.

(c) Every female animal in heat shall be confined in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal except for planned breeding.

(d) That disposition of all such cases and penalties therefore shall be up to the discretion of the Court.

SECTION 9

RIGHT OF CHIEF OF POLICE OR HIS DEPUTY TO INSPECT ANIMAL ON ANY PREMISES

The Chief of Police or such person designated shall have the right at any reasonable time to inspect any animal to determine if said animal is tagged and vaccinated as required by this Ordinance. The Municipal Court Judge may issue a search warrant authorizing any peace officer to enter any premises to accomplish this on-premise inspection of any animal if sufficient facts are presented to such magistrate to establish probable cause for such issuance. It shall be unlawful for any person to refuse entrance to such Chief of Police or his designee to impede, obstruct or exclude such Chief of Police or his Deputy when attempting to enter such premises for the purposes of inspecting such animal, after the issuance of a search warrant by a magistrate and any person so doing shall be guilty of a misdemeanor and shall be fined in a sum not to exceed Two Hundred Dollars (\$200.00).

SECTION 10

PROVIDING FOR ABANDONMENT, NON-FEEDING, TORTURE, MISTREATMENT, POISONING AND STRIKING OF ANIMAL WITH VEHICLE

(a) That any person who intentionally or knowingly abandons an animal or animals in his custody within the corporate limits of the Town of Woodloch shall be guilty of a misdemeanor.

(b) That any owner who shall fail to provide his animal or animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment, shall be guilty of a misdemeanor.

(c) That it shall be unlawful for any person to torture, torment, cruelly beat, mutilate or kill any animal, or cause or procure an animal to be treated as such, or for any person having charge or custody of any animal, either as owner or otherwise, to inflict unnecessary cruelty upon it. Any person violating the provisions hereof shall be guilty of a misdemeanor.

(d) That any person who, as the operator of a motor vehicle, strikes an animal, shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animals owner. In the event the owner cannot be ascertained and located, such person shall at once report the accident to the appropriate law enforcement agency. Any person violating the provision hereof shall be guilty of a misdemeanor.

(e) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his property common rat poison mixed only with vegetable substances. Any person violating the provision hereof shall be guilty of a misdemeanor.

(f) That upon conviction of any of the foregoing misdemeanor violations, the owner or person shall be fined in a sum not to exceed Two Hundred Dollars (\$200.00).

SECTION 11

ANIMAL POUND

A veterinarian or designate shall be provided by the Town of Woodloch for the purpose of impounding any animal, male or female, found running at large or in violation of this Ordinance or any cat, male or female, in violation of this sections of this Ordinance applicable to cats, within the Town limits of Woodloch.

SECTION 12

ANIMALS FOUND RUNNING AT LARGE

Any animal found running at large on any public or private property shall be incarcerated by the designated official in charge of impounding. This section shall not apply to cats.

SECTION 13

REGISTRY OF ANIMALS

The designated official, upon receiving any animal, shall make a complete registry, entering the breed, color and sex of such animal and whether licensed and the place and time of taking into custody. If licensed, he/she shall enter the name and address of the owner and the number of the license tag. Licensed animals shall be kept separated from unlicensed animals. Owners of Woodloch-licensed animals shall be notified of the impounding.

SECTION 14

DISPOSING OF IMPOUNDED LICENSED ANIMALS IF NOT REDEEMED

After the impounding of any licensed animal, if not redeemed within six (6) days from the date of impounding, said animal shall be disposed of by sale or destruction.

SECTION 15

DISPOSING - NO VACCINATION TAG

If there is no vaccination tag for the current year attached to any animal impounded and such animal has not been redeemed by its owner within seventy-two (72) hours from the time of impounding, such animal, shall be destroyed or sold as hereafter provided.

SECTION 16

REDEMPTION OF IMPOUNDED LICENSED ANIMALS

The owner of any licensed animal impounded may redeem such animal at any time prior to sale or destruction by the payment of standard boarding fees and charges as determined under the Town's contract.

SECTION 17

REDEMPTION OF IMPOUNDED UNLICENSED ANIMALS

The owner of any unlicensed animal impounded may redeem such animal at any time prior to sale or destruction by having such animal duly licensed, vaccinated against rabies, and the payment of Six and No/100 Dollars (\$6.00) impounding fee and the standard boarding fees as determined under the Town's contract for each day such animal shall have been impounded with the addition of veterinarian charges.

SECTION 18

DISPOSITION OF IMPOUNDED ANIMALS

At any time after the expiration of the period of time for redemption for impounded animals shall have expired, the designated official may, without further notice and without advertising in any manner, sell at private sale or public auction, for cash, any animal not redeemed or reclaimed. All animals impounded and not redeemed, reclaimed or sold after the period of time for redemption has expired, shall forthwith be destroyed by order of the designated official.

SECTION 19

PURCHASE OF IMPOUNDED ANIMALS

Should any person elect to purchase an unneutered or unspayed animal from the impounding agency, they will be required to have the spaying or neutering surgery performed with payment in advance, including any other prior veterinarian charges.

SECTION 20

REDEMPTION OF IMPOUNDED ANIMALS FROM PURCHASED

The owner of any animal at the time it is impounded may, within thirty (30) days after such animal is sold, redeem the same from such purchaser by paying him the amount of the purchase price paid by him to the designated official, and in addition thereto the licensing fee, vaccination charges, and all veterinarian charges, if any were incurred, and in addition thereto a charge of Four and No/100 Dollars (\$4.00) per day for the number of days from the date of sale to the day of redemption. At the end of thirty (30) days from the day the animal is sold, the right to redeem shall expire.

SECTION 21

DESIGNATED OFFICIAL REQUIRED TO KEEP RECORDS AS TO DISPOSITION OF IMPOUNDED ANIMAL

The designated official shall keep necessary records as are required to show in detail the disposition of all animals and the money collected by him and such other records as are required by the Town Council. All money collected shall be delivered as required by the Town Secretary, who will deposit same in the general fund.

SECTION 22

REPORTS REQUIRED OF DESIGNATED OFFICIAL

The designated official shall file such reports under oath as are required by the Town Secretary and Town Council.

SECTION 23

PROHIBITING OPERATION OF ANIMAL KENNEL IN RESIDENTIAL AREAS

That it shall be unlawful for any person or persons to operate an animal kennel in residential areas of the Town of Woodloch, Texas. That it shall be unlawful to own more than three (3) animals; not included are a litter of animals from birth to four (4) months, that any person guilty of same shall be fined so that for every animal over the lawful limit shall be considered a separate offense.

SECTION 23A

TO DEFINE A KENNEL

A kennel shall be defined as the permanent occupants of one household owning more than three (3) mature animals and/or breeding said fourth (4) or more animals for profit and or holding or kenneling animals belonging to other persons not living in the same household (exception in the case of someone visiting temporarily who owns an animal(s) whether or not for profit, should the total number of animals contained at said household exceed three (3)).

SECTION 24

DESIGNATED OFFICIAL TO ENFORCE ORDINANCE

That it shall be the duty of a designated official to enforce this Ordinance and seize and impound, subject to the provisions hereof, all animals (excluding cats) found running at large upon any public highway, street, alley, court, square, park, sidewalk or any other public

property within the corporate limits of the Town of Woodloch, Texas whether in the immediate presence of the owner or custodian or otherwise. This section shall not apply to cats.

SECTION 25

DESIGNATED OFFICIAL TO SEIZE AND IMPOUND ANIMAL RUNNING AT LARGE UPON UNFENCED PROPERTIES (EXCLUDING CATS)

It shall be the duty of the Designated Official to seize and impound, subject to the provisions of this Ordinance, all animals found running at large upon any unfenced lot, tract or parcel of land within the corporate limits of the Town of Woodloch, Texas and the Designated Official is hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any such animal running at large thereon. This section shall not apply to cats.

SECTION 26

RIGHT OF CHIEF OF POLICE TO APPREHEND VICIOUS ANIMALS

Should the Chief of Police or his designate be unable to apprehend a stray animal because of its viciousness, and where the officers or a bystander's physical well being is judged to be in jeopardy, the appointed officer shall dispose of said animal.

SECTION 27

PENALTY

Any owner, keeper or custodian of an animal (excluding cats) who shall allow such animal to run at large, as herein defined, whether on public or private property, shall be guilty of a misdemeanor, and shall be fined in any sum not exceeding Two Hundred Dollars (\$200.00); likewise, all persons violating the other provisions hereof shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00).

SECTION 28

SAVING CLAUSE

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the remaining portions of this Ordinance.

SECTION 29

REPEALER CLAUSE

All ordinances in conflict herewith be and same are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this the 13th day of June, 1995.

TOWN OF WOODLOCH

By: William L. Lincoln
Mayor

ATTEST:

Patty Swan
Town Secretary

APPROVED AS TO FORM:

[Signature]
Town Attorney

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