

ORDINANCE NO. 165

AN ORDINANCE OF THE CITY OF WALLIS, TEXAS, REGULATING ANIMALS WITHIN THE CITY; PROVIDING A PENALTY NOT TO EXCEED \$500.00 FOR VIOLATIONS; ESTABLISHING THE SEVERABILITY OF THIS ORDINANCE AND PROVIDING FOR ANY CONFLICTING PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

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

ARTICLE I. GENERAL PROVISIONS

Sec. I-A. Definitions

***Animal.* Any living creature, including but not limited to, dogs, cats, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.**

***Animal control.* The animal control functions of the town.**

***Animal control officer.* Any person's or agency designated by the City of Wallis to enforce the provisions of this ordinance.**

***Cat.* Any live or dead cat (*Felis catus*).**

***Currently vaccinated.* Vaccinated and satisfying the following criteria:**

- (1) The animal must have been at least three (3) months of age at the time of vaccination.**
- (2) At least thirty (30) days have elapsed since the initial vaccination.**
- (3) No more than twelve (12) months have elapsed since the most recent vaccination.**

Dog. Any live or dead dog (Canis Familiaris).

Harboring. The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter, or care for a period of three (3) consecutive days.

Municipal Court. The Municipal Court of the City of Wallis

Owner. Any person, firm or corporation having title to any animal; or a person who has, harbors or keeps or causes or permits to be harbored or kept any animal in his care or who permits an animal to remain on or about his premises.

Running at large. Not completely confined by a building, wall or fence of sufficient strength or construction to restrain the animal, or not on a leash or held in the hands of the owner or keeper, or not under direct supervision of the owner within the limits of the owner's private property.

Vaccinated. Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state.

VICIOUS OR DANGEROUS ANIMAL

**(a) Any animal which because of its physical nature and vicious propensity is capable of inflicting serious physical harm or death to human beings and would constitute a danger to human life or property;
or**

(b) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or other animals;

(c) Any animal certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human life, animal life, or property upon the basis of a reasonable medical probability; or

(d) Any animal that commits an unprovoked attack on a person or animal on public or private property. An “unprovoked” attack by an animal shall mean that the animal was not hit, kicked, or struck with an object or part of a person’s body nor was any part of the animal’s body pulled, pinched, or squeezed by a person; or

(e) Any animal that attacks or threatens to attack a person.

Wild animal. Reptiles of the poisonous nature, or any other species of animals that commonly exist in a natural, unconfined state and are usually not domesticated, including, but not limited to, opossums, raccoons, squirrels, monkeys, baboons, chimpanzees, gorillas, ocelots, foxes, skunks, leopards, panthers, cougars, cheetahs, jaguars, bobcats, lynx, snakes, caracals, hyenas, coyotes, jackals, orangutans, tigers, lions, alligators, crocodiles, boa constrictors, unless certified for medical, biological, herpetological or other scientific research or study, or any hybrid of an animal listed in this section. This definition shall apply regardless of state or duration of captivity.

Sec. I-B. Enforcement

Enforcement of this ordinance shall be the responsibility of the animal control officer. The animal control officer shall have the authority to issue citations for any violation of this ordinance. If the person being cited is not present, the animal control officer may send the citation to the alleged offender by registered or certified mail. It shall be unlawful for any person to interfere with the animal control officer’s in the performance of duties. The animal control officer’s are given the right to go onto any private property in the town for the purpose of determining whether or

not any provision of this ordinance has been violated and to impound any animal kept or harbored in violation of any terms of this ordinance.

Sec. I-C. Penalty

It shall be unlawful for any person owning or harboring any animal to allow or to permit such animal to run or to be at large within the town limits. The designated representative of the town may cite any owner permitting an animal to run at large, and thru said owner, if convicted in municipal court, shall be punished by a fine not to exceed \$500.00. Each day of violation, each separate animal involved in a violation, and each incident of violation of this ordinance shall constitute a separate offense. Fine, not to exceed \$500.00 per violation, are determined by the municipal court.

ARTICLE II DOGS AND CATS

Division 1. Registration

Sec. II-A. Registration required

(a) No owner shall have within the town any dog or cat four (4) months of age or older unless such dog or cat is currently registered with animal control. A current metal registration certificate issued by animal control, or a veterinarian authorized by animal control to issue the certificate, must be affixed to a collar or harness that must be worn by the dog or cat at all times. No dog or cat shall be registered until it has a current vaccination.

(b) Application for initial issuance or renewal of each registration must be made by the owner in writing or in person and be accompanied by a fee of five dollars (\$5.00).

(c) Registration certificates shall be renewed annually. The registration period will be from April 1 to March 31. Certificates for the new period shall be available for sale at least thirty (30) days in advance of the sixty (60) days following April 1st and shall constitute a valid registration upon issuance.

(d) A registration and/or vaccination certificate (and tag) shall be valid only for the animal for which it was originally issued.

(e) If there is a change in ownership of a registered dog or cat, the new owner may have the registration transferred to his name. There shall be no charge for said transfer. Application for such transfer shall be made to animal control in writing or in person.

(f) Fee exempt registrations may be issued for the following:

(1) Police or sheriff's department dog; and

(2) Dogs trained to assist the audio or visually impaired person. Eligibility for fee-exempt registration does not relieve the owner of his responsibility under other provisions of this ordinance.

Sec. II-B. Denial of registration

(a) The animal control officer may refuse to register a cat or dog or revoke a permit issued to any person who has been convicted in any duly authorized court of jurisdiction in the state or resides with any person so convicted of any of the following:

(1) Cruelty to animals as defined in the Texas Penal Code, article 42.11, inhumane treatment, or negligence to an animal; and

(2) Conviction of four (4) or more separate and distinct violations of an animal control ordinance of a municipality in the state within any 12-month period.

(b) Any person denied such a registration may appeal the refusal to the municipal judge. The municipal judge shall uphold, overturn, or modify the supervisor of animal control's refusal to issue a registration certificate.

Division 2. keeping of Vicious or Dangerous Animals

It shall be unlawful to keep or harbor any vicious or dangerous animal or animals within the city limits.

1. DISPOSITION OF VICIOUS OR DANGEROUS ANIMALS

A. Should any person desire to file a complaint concerning an animal which is believed to be a vicious or dangerous animal, a sworn complaint must be filed with the Chief of Police of the City including the following information:

(a) Name, address and telephone number of complainant and other witnesses;

(b) Date, time and location of any incident involving the animal;

(c) Description of the animal.

(d) Name, address and telephone number of the animal's owner, if known;

(e) A statement regarding the animal which is believed to be a vicious and dangerous animal, stating the facts upon which such complaint is based;

(f) A statement that the animal has exhibited vicious propensities in past conduct, if known; and

(g) Other facts or circumstances of the incident.

B. After a sworn complaint is filed, it shall be referred to the Municipal Court Judge or his representative to set a time and place for a hearing not to exceed twenty (20) days from the time the complaint is received. The Municipal Court shall give notice of the hearing to the animal's owner by personal service or by certified mail, return receipt requested, at least ten (10) days prior to the hearing date. After the owner of the

animal receives the notice, the owner shall keep such animal at the animal shelter or at a veterinarian's clinic or at the owners property in an approved secure enclosure if approved by the Chief of Police until such hearing is held by the Municipal Court Judge. After the owner of the animal received notice, the city animal control officer shall impound the animal specified in the complaint if such animal is found at large.

C. The Municipal Court Judge or his representative shall determine at the hearing if the animal specified in the complaint is a vicious animal and should be permanently removed from the city or destroyed for the protection of the public health, safety and or his representative shall receive testimony at the hearing concerning the incident under investigation. To order destruction or removal of the animal for the public health, safety and welfare, the municipal court judge or his representative must find all the following facts to be true:

(a) The animal is a vicious or dangerous animal.

(b) Destruction or removal of the animal is necessary to preserve the public health, safety, and welfare of the community. If the municipal court judge or his representative orders destruction or removal of the animal and the owner is not present at the hearing, he shall notify the owner of the decision by personal service or certified mail, return receipt requested. If the destruction or removal of the animal is not ordered, the city animal control officer shall return the animal to the owner upon payment of all fees at the published rate. If the municipal court judge or his representative orders the animal removed from the city, he shall allow the owner ten (10) days to do so. The owner shall furnish the animal control officer or his representative evidence of such removal within ten (10) days thereof.

(c) The owner may appeal a destruction or removal order to the municipal court judge within five (5) days of the decision. If the city secretary receives written notice of appeal within five (5) days of the decision, the destruction or removal order shall be suspended pending final determination of the municipal court judge; provided, that during the pendency of the appeal, the owner shall keep such animal at the animal shelter or at a veterinarian's clinic. The municipal court judge shall determine

the appeal based upon the substantial evidence received by the chief of police and may affirm, modify or reverse such decision. The chief of police shall furnish the municipal court judge with all report, memoranda and other tangible evidence received by him as well as a summary of the evidence and his findings. The decision of the municipal court judge will be made by the application of the substantial evidence rule.

(d) A person commits an offense if he knowingly possesses and fails to release to the city animal control officer an animal that has been charged by sworn complaint as provided in paragraph (a) of this section and whose destruction or removal has been ordered by the municipal court judge; provided that such destruction or removal order has been approved .

2. DANGEROUS AND VICIOUS DOGS

A. It shall be unlawful for any person to allow a vicious dog or a dog with vicious propensities, or a female dog in heat, to run at large or allow such dog off the owner's premises within the city limits unless said dog is securely leashed and muzzled and in control of a person of suitable age and discretion to control and restrain the dog.

Any such dog found to be in violation of this subsection may be disposed of as provided in this ordinance.

B. It shall be unlawful for any person to own, keep, harbor, or in any way possess a vicious dog within the city limits unless such vicious dog is properly registered with the City, the registration fee paid, and said vicious dog maintained within the city in accordance with the requirements of this subsection.

(a) Leash and muzzle.

No person shall permit a registered vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6') feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dog shall not be leashed to inanimate objects such as trees, posts, building, etc. All vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(b) Confinement.

All vicious dogs shall be securely confined indoors or in a

securely enclosed and locked pen or fence of sufficient height to prevent escape, except when leashed and muzzled as provided herein. Such enclosures must have secure sides and must be locked with a key or a combination lock when such animals are within the pens or fence. All structures or fences that are erected to house dogs must comply with all zoning and building regulations of the City.

(c) Confinement indoors.

No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building of its own volition. In addition, no structure when the windows are open or when unsecured screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(d) Signs.

All owners of registered vicious dogs within the City shall display in a prominent place on their fence a sign easily readable by the public using the words "Beware of Dog .

(e) All owners of registered vicious dogs within the City shall:

- (1) Obtain liability insurance coverage or show financial responsibility to cover damage resulting from an attack by the dangerous dog causing bodily injury to a person or animal, as per the Texas Health and Safety Code, Chapter 822.

(f) Identification Photograph.

All owners of registered vicious dogs shall provide to the City two (2) color photographs of the registered animal in two (2) different poses showing the color and approximate size of the animal.

(g) Reporting Requirements.

All owners of registered vicious dogs shall report in writing the following events to the Chief of Police within ten (10) days of occurrence:

- (1.) Removal from the City or death of said dog;
- (2.) Birth of offspring;
- (3.) Current address if owner moves within the city;
- (4.) Attacked or bit by a vicious dog.

ARTICLE III. RABIES CONTROL

Sec. III-A. Vaccinations

Every owner of a dog or cat four (4) months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at four (4) months of age or older shall be revaccinated at one (1) year of age and annually thereafter. Any person moving into the town from a location outside of the town shall comply with this section within thirty (30) days after having moved into the town. If the dog or cat has inflicted a bite on any person, or another animal, within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten-day observation period.

Sec. III-B. Certificate of vaccination

Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat, as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information:

- (1) The name, address and telephone number of the owner of the vaccinated dog or cat;**
- (2) The date of vaccination;**
- (3) The type of rabies vaccine used;**
- (4) The year and number of rabies tag; and**
- (5) The breed, age, color and sex of the vaccinated dog or cat.**

Sec. III-C. Rabies tags

(a) Concurrent with the issuance and delivery of the certificate of vaccination referred to in section III-B, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to

correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his dog or cat at all times.

(b) In the event of loss or destruction of the original tag provided in subsection (a) of this section, the owner of the dog or cat shall obtain a duplicate tag. A vaccination certificate (and tag) shall be valid only for the animal for which it was originally issued.

Sec. III-D. Display of proof of vaccination

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this ordinance.

Sec. III-E. Harboring unvaccinated animals

It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

Sec. III-F. Animals exposed to rabies

Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the animal control authority, giving any information that may be required. For any animal known to have been, or suspected of being, exposed to rabies, the following rules must apply:

- (1) Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the animal control authority for a period of not less than ninety (90) days.

- (2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the animal control authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A revaccination shall be done one (1) month prior to release from quarantine.**

Sec. III-G. Reporting cases of humans bitten by animals
Susceptible to rabies.

Related procedures:

- (1) Any person having knowledge of an animal bite to a human will report the incident to the police or animal control officer as soon as possible, but not later than twenty-four (24) hours from the time of the incident.**
- (2) The owner of the biting animal will place that animal in quarantine under the supervision of the animal control officer as prescribed in section III-H.**
- (3) Utilizing standardized reporting forms provided by the state department of health services, the animal control officer will investigate each bite incident.**
- (4) Human bites from rodents, rabbits, birds and all cold-blooded animals are excluded from the reporting requirements of this section.**

Sec. III-H. Quarantine procedure for animals

- (a) When an animal that has bitten a human is identified, the owner is required to produce the animal for ten (10) days' confinement at the owner's expense. Refusal to produce said dog or cat or other animal constitutes a violation of this section, and**

each day of such refusal constitutes a separate and individual violation. The ten-day observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities specified for this purpose, if available. However, the owner of the animal may request permission from the animal control officer for home quarantine if the following criteria can be met:

- (1) Secure facilities must be available at the home of the animal's owner, and must be approved by the local health authority.**
 - (2) The animal is currently vaccinated against rabies.**
 - (3) The animal control officer, animal control officer or licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the animal control officer must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.**
 - (4) The animal was not in violation of any laws at the time of the bite.**
 - (5) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a state department of health services certified laboratory for rabies diagnosis.**
- (b) It shall be unlawful for any person to interrupt the ten-day observation period.**
- (c) 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 state department of health services certified laboratory for rabies diagnosis.

Sec. III-i. Number of Animals Permitted.

- (a) No person shall harbor or keep more than (a) four (4) dogs over the age of (4) months, or (b) ten (10) dogs under the age of four (4) months, except in animal pound, or clinic, or hospital or kennel.**

- (b) Every person maintaining an animal kennel shall pay an animal licenses fee of twenty five dollars (\$25.00), per calendar year. No person shall maintain any kennel within fifty feet of any residence or business or in violation of any zoning ordinance or state law.**

- (c) No person shall harbor or keep more than (a) four (4) cats over the age of four (4) months, or ten (10) cats under the age of four (4) months except in an animal pound, clinic, hospital or kennel.**

ARTICLE IV. RUNNING AT LARGE; IMPOUNDMENT

Sec. IV-A. Running at large

- (a) It shall be unlawful for any dog or other animal possessed, kept, or harbored, other than a cat, to run at large as is defined in section I-A of this ordinance.**

- (b) The animal control officer is authorized to impound such animals running at large, other than a cat, and may impound a cat under conditions specified in section IV-B of this article or when he has received a complaint that the cat has caused a nuisance or hazard to the health or welfare of human or animal population.**

Sec. IV-B. Impoundment

(a) The following animals may be impounded:

- (1) Cats and dogs not exhibiting evidence of being vaccinated or registered as described in division 1 of article II;**
- (2) Any animal infected with rabies or kept under conditions that could endanger the public or animal health;**
- (3) Any animal found running at large, as described in section IV-A;**
- (4) Any animal treated in a manner determined by an animal control officer to be cruel and inhumane;**
- (5) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by an animal control officer;**
- (6) Any animal violating any provision of this ordinance.**

(b) If any of the animals named in this ordinance are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an animal control officer to retrieve the animal for impoundment. When so notified, it shall be the duty of the animal control officer to impound such animal as herein provided.

(c) Reasonable effort shall be made by an animal control officer to contact the owner of any animal impounded that is wearing a current registration tag; however, final responsibility for location of an impounded animal is that of the owner.

(d) The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by animal control for the welfare of the animal, and upon compliance with vaccination and registration

provisions of this ordinance, except where prohibited in subsections (e) and (f) of this section.

(e) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

(f) If any animal is being held in quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

(g) The town council shall select and establish a place for impounding animals under any provision of this ordinance.

(h) Any animal not registered and not claimed by the owner may be humanely euthanized after being impounded for ten (10) working days, except that any animal wearing a current registration certificate tag shall be impounded for not less than thirty (30) days, and unless the owner has been duly notified, then the ten (10) working day rule will apply.

(i) Any impounded vicious or wild animal, unless there is reason to believe it has an owner, may be immediately disposed of as may be deemed appropriate by the supervisor of animal control.

(j) Any nursing baby animal impounded without its mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.

(k) Any impounded dog or cat not wearing a registration certificate tag may be given up for adoption after five (5) working days of impoundment, except those under quarantine. Any impounded dog or cat wearing a current registration tag may be given up for adoption on the tenth (10th) day of confinement, and after the owner has been duly notified if possible.

(l) An owner who no longer wishes responsibility for an animal or believes the animal to be in an ill or injured condition may sign

a written waiver supplied by animal control allowing the animal to be immediately euthanized in a humane manner, providing that no warm-blooded animal that has bitten a human being shall be euthanized before expiration of the ten-day quarantine period.

(m) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit humane organization for the purpose of veterinary care, as determined by the supervisor of animal control.

Sec. IV-C. Impoundment fees

Dogs or cats impounded by the Animal Control Officer may be reclaimed by the owner by paying an initial impound fee of \$20.00 plus \$15.00 per day of impoundment. The dog or cat will not be released from impoundment until all such fees are fully paid by the person owning the dog or cat.

Sec. IV-D. Payment of impoundment fees

Every owner of an animal impounded by the animal control officer or voluntarily impounded by the owner shall be liable for all costs and fees incurred by such impoundment.

ARTICLE V. SEVERABILITY OF ORDINANCE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance hereby adopted are severable and, if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, or sections, since the same would have been enacted by the City Council without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE VI. CONFLICTING PROVISIONS

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE VII. EFFECTIVE DATE

That this Ordinance shall take effect August 1, 2007.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS, ON THIS THE 18th DAY OF April, 2007.

APPROVED:

Jimmy J. Salazar
Mayor

ATTEST:

D.G. Sommers
City Secretary