

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Sec. 3-21. Impoundment.

- (a) The animal control officer may take into custody any animal found roaming at large or straying in the city. Such animal shall be impounded at the city animal shelter, or other place which the animal control officer may designate or deem suitable for purposes of impounding the animal.
- (b) The animal control officer shall make a reasonable effort to contact the owner of an impounded animal wearing a current city license tag or rabies vaccination tag and advise them of the impoundment location of the animal; however, final responsibility for location of any impounded animal shall be that of the owner or custodian.
- (c) An impounded stray animal shall be held in the custody of the animal control officer for a period of at least five consecutive days, not including the date the animal was taken into custody; this holding period shall also include at least one Saturday. During this holding period, the animal may only be redeemed by its owner. If the impounded animal is not redeemed prior to the expiration of the holding period, it shall be presumed that the owner has chosen to waive any further ownership rights or interest in the animal, and it may be offered for adoption to the general public, offered for placement with a humane organization, euthanized, or otherwise humanely disposed of as determined by the animal control officer.
- (d) An animal which is surrendered to the animal control officer by its owner may be offered for adoption to the general public, offered for placement with a humane organization, euthanized, or otherwise humanely disposed of at any time after the owner has released the animal to the animal control officer.
- (e) If an owner surrenders an animal to the animal control officer and thereafter chooses to regain possession of such animal, he will be required to comply with all established adoption procedures and requirements, including completion of adoption forms, payment of applicable fees and charges, vaccination requirements, and sterilization requirements.
- (f) The animal control officer shall be authorized to euthanize, or cause to be euthanized, any impounded animal prior to the expiration of any holding periods stated herein under the following conditions:
- (1) To prevent further suffering of an animal which appears to be seriously injured, ill, or diseased;
 - (2) To prevent further suffering of any nursing or similarly dependent infant animal which is impounded without its mother, or where the mother cannot or refuses to nurse or care for the infant animal;
 - (3) To prevent suffering of an animal which is unable to feed or otherwise sustain itself; or
 - (4) As may otherwise be authorized by law.
- (g) An animal impounded into the protective custody of the animal control officer shall be held in custody, and may be disposed of in the same manner as an impounded stray animal unless otherwise prescribed by law or judicial order.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-22. Detaining of stray animals by individuals.

- (a) A person who finds a stray animal upon premises under their control or upon any public place within the city may detain such animal only for so long as reasonably necessary to notify the animal control officer and have the animal impounded.
- (b) A person may release a stray animal found within the city into the custody of the animal control officer by delivering it to the city animal shelter and completing the applicable release forms. The animal control officer may only accept custody of stray animals which have been found within the city limits.

(c) In attempting to detain a stray animal, a person shall not knowingly or intentionally use any force or method of detainment which causes or is intended to cause the serious injury or death of the animal.

(d) A person who chooses to maintain possession of a stray animal, rather than release it into the custody of the animal control officer, shall be presumed to have accepted custodial responsibility for the animal, and shall be responsible for its care and control; however, this section shall not be construed as conveying legal title or other ownership rights to a stray animal which has been found by another person, except as otherwise may be provided by law.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-23. Requirements to redeem an impounded animal.

(a) An animal which has been impounded under the provisions of this chapter may be redeemed by its owner or his lawful representative, provided that the redeeming person:

- (1) Is at least 18 years of age;
- (2) Identifies himself as the owner of the impounded animal or provides proof that he is a lawful representative of such owner;
- (3) Presents identification which verifies his identity and date of birth;
- (4) Properly completes all applicable redemption forms as required by the animal control officer; and
- (5) Pays the applicable redemption fees and charges as prescribed by section 2-201 of the City Code.

(b) The owner of an impounded animal, which is subject to the rabies vaccination requirements of this chapter, shall be required to provide positive proof that the animal is currently vaccinated against rabies at the time it is redeemed. If the owner cannot or refuses to provide proof that the animal is currently vaccinated against rabies at the time of redemption, the owner shall also be required to:

- (1) Sign an agreement, as prescribed by the animal control officer, and cause the animal to be vaccinated against rabies as specified therein; and
- (2) Purchase a rabies vaccination coupon from animal control, which shall be used to obtain a rabies vaccination for the animal as specified therein.

(c) The owner of an impounded animal, which is not currently registered with animal control as required by this chapter, shall be required to register such animal at the time it is redeemed. If such animal cannot be registered at the time of redemption, the owner shall also be required to:

- (1) Sign an agreement, as prescribed by the animal control officer, and cause such animal to be registered with animal control as specified therein; and
- (2) Purchase a city registration coupon from animal control which shall be used to obtain a current registration certificate and tag for the animal as specified therein.

(d) The animal control officer may refer the impoundment of stray livestock to county authorities as provided by law. Redemption or other disposition shall be as prescribed by the impounding authority.

(e) In addition to the payment of impoundment fees and charges, nothing in this section shall prevent a person from also being subject to criminal penalties for violations of this chapter.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-24. Elective Euthanasia.

(a) The owner of a dog, cat, or similar small animal may release such animal to the animal control officer for euthanasia, provided that the owner:

- (1) Is at least 18 years of age;

- (2) Presents identification which verifies their identity and date of birth;
- (3) Completes the applicable euthanasia forms as prescribed by the animal control officer; and
- (4) Pays the applicable euthanasia fees and charges prescribed by section 2-201 of the City Code.

(b) The animal control officer may advise the owner of an animal to seek the services of a veterinarian if sufficiently trained staff, equipment, or other resources are not available to safely and humanely perform euthanasia of an animal.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-25. Adoption.

(a) The animal control officer shall be the sole judge as to whether or not an animal is suitable to offer for adoption; however, a decision to offer a particular animal for adoption shall not constitute any warranty, expressed or implied, of the health, temperament, or age of the animal.

(b) City animal control may not release a dog, cat, ferret, rabbit, or potbellied pig for adoption unless the animal has previously been sterilized, or the release is made to a new owner who signs an adoption receipt and sterilization agreement. The new owner shall be solely and legally responsible for compliance with all requirements specified in the adoption receipt and sterilization agreement executed at the time the animal is adopted.

(c) City animal control may require the new owner to purchase a coupon from animal control entitling the new owner to spaying or neutering services at participating veterinarians.

(d) A person may adopt an animal from city animal control, provided that:

- (1) The person is at least 18 years of age;
- (2) The person presents identification which verifies his name and date of birth;
- (3) If the animal will be kept in the city, and such animal is subject to the rabies vaccination requirements of this chapter, the person shall be required to purchase a rabies vaccination coupon from animal control and cause the animal to be vaccinated against rabies as specified in the adoption receipt and sterilization agreement;
- (4) If the animal is subject to the registration requirements of this chapter, the person shall register the animal at the time it is adopted. If the animal cannot be registered at the time it is adopted, the person shall purchase a city registration coupon from animal control and cause the animal to be registered as specified in the adoption receipt and sterilization agreement;
- (5) The person complies with or meets all other adoption standards or requirements established by animal control;
- (6) The person pays all applicable adoption fees and charges; and
- (7) The adoption does not cause a violation of this chapter or other law.

(e) City animal control may establish an adoption receipt and sterilization agreement for use in the adoption process and violation of any term of such agreement shall constitute a violation of this chapter.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-26. Sterilization of adopted animal required.

(a) The new owner of an animal adopted from city animal control shall cause that animal to be sterilized by a veterinarian not later than the sterilization completion date specified within the adoption receipt and sterilization agreement executed at the time the animal is adopted. The sterilization completion date shall be:

- (1) The 30th day after the date of adoption of a dog or cat which the animal control officer estimates to be six or more months old, or the 30th day after a specified date estimated to be the date an adopted dog or cat becomes six months old;

(2) The 30th day after the date of adoption of a ferret or rabbit which the animal control officer estimates to be four or more months old, or the 30th day after a specified date estimated to be the date an adopted ferret or rabbit becomes four months old; or

(3) The 30th day after the date of adoption of a potbellied pig which the animal control officer estimates to be three or more months old, or the 30th day after a specified date estimated to be the date an adopted potbellied pig becomes three months old.

(b) If the sterilization completion date falls on a Saturday, Sunday, or city recognized holiday, the deadline is extended to the first day that is not a Saturday, Sunday, or city recognized holiday.

(c) City animal control may extend the sterilization completion date for 30 days upon receiving a written report from a licensed veterinarian which clearly describes the adopted animal and states that the life or health of the adopted animal may be jeopardized by surgery. A separate written report must be delivered to city animal control each time an extension is requested.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-27. Confirmation of sterilization required.

The new owner of an animal adopted from city animal control shall deliver a letter to city animal control stating that the animal was sterilized on or before the sterilization completion date specified in the adoption receipt and sterilization agreement executed at the time the animal was adopted. This letter must be signed by the veterinarian who performed the sterilization. The letter must be delivered to city animal control not later than the seventh day after the date on which the animal was sterilized, and must contain the following information:

- (1) A brief description of the animal, including breed, sex, age, and color;
- (2) A statement that the animal has been sterilized; and
- (3) The date the animal was sterilized.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-28. Letter required if adopted animal dies.

(a) If an animal which was adopted from city animal control dies on or before the sterilization completion date specified within the adoption receipt and sterilization agreement executed at the time the animal was adopted, the new owner shall deliver a signed letter to city animal control stating that the animal is deceased. This letter must be delivered to city animal control not later than the seventh day after the date on which the animal dies, and must contain the following information:

- (1) A brief description of the animal, including breed, sex, age, and color;
- (2) The cause of death, if known; and
- (3) Date the animal died.

(b) The letter required by this section is in lieu of the letter required by section 3-27 of this chapter.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-29. Letter required if adopted animal is lost or stolen.

(a) If an animal which was adopted from city animal control is lost or stolen on or before the sterilization completion date specified within the adoption receipt and sterilization agreement executed at the time the animal was adopted, the new owner shall deliver a signed letter to city animal control stating that the animal is lost or stolen. This letter must be delivered to city animal control not later than the seventh day after the date on which the animal disappears, and must contain the following information:

- (1) A brief description of the animal, including breed, sex, age, and color;
- (2) Circumstances surrounding the animal's disappearance; and
- (3) Date the animal disappeared.

(b) If the new owner should regain possession of the animal at any time after delivering a letter to animal control stating the animal is lost or stolen, the new owner shall cause the animal to be immediately sterilized and deliver confirmation of sterilization as required by section 3-27 of this chapter.

(c) The letter required by this section is in lieu of the letter required by section 3-27 of this chapter.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-30. Failure to deliver confirmation of sterilization or other disposition.

It shall be a violation of this chapter if any new owner of an animal adopted from city animal control fails or refuses to deliver confirmation of sterilization or other written disposition for such animal as required by section 3-27, 3-28, or 3-29 of this chapter.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-31. Reclamation of adopted animal.

(a) If city animal control does not receive written confirmation of sterilization or other written disposition regarding an adopted animal, as required by section 3-27, 3-28, or 3-29 of this chapter, after the expiration of the seventh day after the sterilization completion date specified in the adoption receipt and sterilization agreement executed at the time the animal was adopted, city animal control may promptly reclaim the animal from the new owner, or require the new owner to return the animal to city animal control, or impose any other penalty as provided in this chapter.

(b) A person shall not be entitled to any refund, reimbursement, or other compensation regarding an animal reclaimed or returned under this section.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-32. Compliance with animal reclamation or notice to return required.

(a) A person may not prevent, obstruct, or interfere with a reclamation under section 3-31 of this chapter.

(b) It shall be a violation of this chapter if a person fails or refuses to comply with a notice which requires the return of an animal under section 3-31 of this chapter.

(Ord. No. 1999-2-95, § I, 2-6-95)

Secs. 3-33--3-44. Reserved.

DIVISION 2. ANIMAL CONTROL OFFICER

Sec. 3-45. Enforcement and authority.

- (a) The animal control officer, a health and code enforcement officer, or a police officer employed by the city shall be authorized to issue citations for any violation of this chapter which they observe.
- (b) If a person being cited for a violation of this chapter is not present or cannot be contacted in person, the citation may be sent to the alleged offender by certified mail or registered mail, return receipt requested, whereupon service shall be deemed completed.
- (c) It shall be a violation of this chapter if a person intentionally or knowingly fails or refuses to appear before the municipal court in accordance with the terms of a citation issued under this chapter.
- (d) The animal control officer may carry chemical immobilization supplies and equipment on their person or in their city vehicle when acting within the course and scope of their duties. Such supplies and equipment may not be intentionally or knowingly used in a manner which conflicts with any department policies or applicable state laws.
- (e) The animal control officer may inspect premises where animals are kept or maintained at any reasonable hour of the day, provided that such inspection does not conflict with any department policies or applicable laws.
- (f) The animal control officer may destroy a dangerous or attacking animal by whatever means necessary to protect himself or another person from sustaining bodily injury, or to prevent the escape of an animal believed to be rabid or believed to have been exposed to rabies.
- (g) The animal control officer may place live traps in any public area, or upon private property with the consent of the owner or occupant of such property, for purposes of enforcing the requirements of this chapter or to conduct zoonosis control activities.
- (h) The animal control officer shall be designated as the local rabies control authority for purposes of implementing the requirements of chapter 826, Texas Health and Safety Code, (as it is now enacted, or as hereafter amended).
- (i) The animal control officer shall be designated as the animal control authority for purposes of implementing the requirements of Chapter 822, Subchapter D, "Dangerous Dogs", Texas Health and Safety Code (as it is now enacted, or as hereinafter amended).
- (j) The animal control officer shall be authorized to apply for and obtain a warrant or other legal writ from the municipal or justice court, to search for and seize an animal when reasonably necessary to protect the public from harm, or as provided by state law.

(Ord. No. 1999-2-95, § I, 2-6-95; Ord. No. 2473-8-99, § IB, 8-9-99)

Sec. 3-46. Providing false identity or address.

It shall be a violation of this chapter for any person who is being cited by the animal control officer for a violation of this chapter to knowingly or intentionally give the animal control officer any name or address other than their true name and residence address.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-47. Interference.

It shall be a violation of this chapter for any person to knowingly or intentionally interfere with, obstruct, distract, or otherwise hinder the animal control officer in the performance of his duties.

(Ord. No. 1999-2-95, § I, 2-6-95)

Sec. 3-48. Tampering with traps.

It shall be a violation of this chapter for any person to remove, destroy, vandalize, render inoperable, render ineffective, or otherwise tamper with or damage an animal trap placed by the animal control officer for purposes of enforcing this chapter or conducting zoonosis control activities. Furthermore, it shall be a violation of this chapter for any person to remove or release any animal from such trap, without the expressed consent of the animal control officer.

(Ord. No. 1999-2-95, § I, 2-6-95)

Secs. 3-49, 3-50. Reserved.

DIVISION 3. ANIMAL CONTROL ADVISORY COMMITTEE*

*Editor's note--Section II of Ord. No. 2338-5-98, adopted May 18, 1998, amended the Code by adding § 3-155. For purposes of classification, such provisions, viz §§ A--E, were codified herein as §§ 3-51--3-55 at the discretion of the editor.

Sec. 3-51. Membership; terms; appointments.

- (a) The animal control advisory committee shall consist of seven members appointed by the city council and must be composed of at least one licensed veterinarian, one city official, one person whose duties include the daily operation of the shelter, and one representative from an animal welfare organization.
- (b) Members shall be appointed by Places Number 1 through 7.
- (c) Places 1, 3, 5 and 7 shall be appointed in odd-numbered years, and Places 2, 4 and 6 shall be appointed in even-numbered years so membership will be staggered.
- (d) Terms of office will be for a period of two years with terms expiring on June 30.
- (e) Initially, Places 2, 4, and 6 will be appointed for the full two-year term; and Places 1, 3, 5, and 7 will be appointed for a one-year term to maintain staggered positions.

(Ord. No. 2338-5-98, § II(A), 5-18-98)

Sec. 3-52. Qualifications, compensation, vacancy of members.

- (a) Members shall be citizens or business owners in the city.
- (b) Members shall serve without compensation.
- (c) In the event of a vacancy, the city council shall appoint a member to serve for the unexpired term. Any member may be removed by the city council.
- (d) If a replacement has not been designated by the end of the member's term, that member shall continue serving until a successor is appointed.

(Ord. No. 2338-5-98, § II(B), 5-18-98)

Sec. 3-53. Meetings.

- (a) The committee shall meet at least three times per year in compliance with state law or as necessary as determined by the chairman or by written notice sent to the chairman or vice-chairman by a majority of the committee's membership.
- (b) A majority of the members shall constitute a quorum.
- (c) The member(s) absent from any meeting shall be so stated in the minutes of such meeting. In the absence of a quorum for a meeting, the chairman will submit, or cause to have submitted, a report to the city council stating those members absent.

(Ord. No. 2338-5-98, § II(C), 5-18-98)

Sec. 3-54. Officers.

The committee shall elect yearly the following officers:

(1) Chairman. The chairman shall preside at all meetings, and shall perform such other duties as usually pertain to his/her office or as may be instructed by the committee or the city council.

(2) Vice-chairman. The vice-chairman shall perform the duties of the chairman in his/her absence.

(Ord. No. 2338-5-98, § II(D), 5-18-98)

Sec. 3-55. Powers and duties.

(a) The committee will serve in an advisory capacity to the city council in matters pertaining to the animal shelter or animal control issues.

(b) The committee shall assist the animal shelter in complying with the requirements of the state Animal Shelter Act.

(c) The committee shall perform such other duties as the city council may prescribe by ordinance or resolution.

(Ord. No. 2338-5-98, § II(E), 5-18-98)

Secs. 3-56--3-60. Reserved.