

AN ORDINANCE AMENDING THE DOG, CAT, AND ANIMAL CONTROL ORDINANCE IN THE CITY OF MILES, PASSED THE 3rd DAY OF MARCH, 2014; ESTABLISHING RULES AND REGULATIONS GOVERNING DOGS AND CATS; PROVIDING EXCEPTIONS THERETO; PROVIDING ENFORCEMENT PROCEDURES AND ESTABLISHING PENALTIES, DATED THE 3RD DAY OF MARCH, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILES:

DOG, CAT, AND ANIMAL CONTROL

SECTION 1: LICENSE REQUIRED

All dogs four (4) months of age or older which are kept, harbored, or maintained within the Corporate limits of the City shall be licensed. Dog licenses shall be issued by the City Secretary upon the payment of the required fee for each dog. The license fee for dogs shall be five and no/100 (\$5.00) dollars. Before a license will be issued the owner of the cat or dog must present a certificate from a licensed veterinarian showing that said dog has been vaccinated within the preceding twelve (12) months for rabies.

Licensed dogs found running loose, but not considered a nuisance, will be returned to the owner or caretaker. Unlicensed dogs running loose, but not considered a nuisance, will be impounded and returned to the owner or caretaker only upon presentation of current rabies certificate (and subsequent purchase of license or said dog).

A. TAG AND COLLAR

Upon payment of the license fee, the City shall issue to the owner or caretaker a license certificate and a metal tag having stamped thereon the year for which it is issued and the number corresponding with the number of the certificate. Such tag shall be securely attached to a collar, or harness around the neck of the animal, whenever the dog shall be off the premises of the owner or caretaker. In case a tag is lost, a duplicate will be issued by the City Secretary upon presentation of the receipt showing the payment of the license fee. Tags shall not be transferable from one animal to another. NO REFUNDS SHALL BE MADE.

B. IMPOUNDING

Animals found to be in violation of this chapter or found to be in circumstances in which impoundment is authorized by the provisions of this chapter shall be taken into the custody of the animal control authority and impounded at the City's discretion. Unrestrained animals or animals at large may be taken by any law enforcement officer, City Animal Control Officer, or designated representative thereof and impounded in an appropriate place and there confined in a humane manner. Impounded animals shall be kept for not less than three (3) days unless reclaimed by their owner or caretaker. If the owner or caretaker can be identified, the City Hall shall immediately upon impoundment notify the owner or caretaker in person, by telephone, or mail of the impoundment of the animal. Dogs and cats will be released to an owner or caretaker only after an impoundment fee of ten and no/100 (\$10.00) dollars per day per animal is paid.

Animals not claimed by their owners or caretakers within three (3) days shall be available for adoption or humanely disposed of. If the owner or caretaker is located and elects not to reclaim his pet, a disposal fee of fifty and no/100 (\$50.00) dollars shall be collected by the City from the owner or caretaker. If the owner or caretaker refuses to pay the disposal fee, the Animal Abandonment Ordinance (Section 1.C) will apply. (amended 5-7-07)

C. ABANDONMENT

Abandon shall mean to dump, desert, throw away, or leave any animal by the roadside, or on public or private property with the intent of terminating any further responsibility for said animal and shall also mean failing to properly redeem or reclaim any animal impounded or quarantined by the City.

In the event that an animal is found so abandoned, such animal will be taken by the City of Miles, designated representative, or law enforcement officer and impounded in the City Pen, and there confined in a humane manner. Such animal shall be kept for not less than the prescribed period in accordance with the procedures set forth in the impounding section. In the event that an animal is so abandoned, the owner, keeper, or caretaker (even if not the owner) who has been charged with the animal's care, shall be charged with violation of this ordinance and shall be notified by certified letter from the City of Miles requiring said person to appear before the City Judge in the Municipal City Court in the City of Miles. If determined to be guilty of violation of the Abandonment Ordinance, said person shall be required to pay a fine of two hundred and no/100 (\$200.00) dollars per animal and will lose all rights to the animal. At the discretion of the City, said person shall also be reported to the Runnels County Sheriff's Department, at which time said person may also be charged with a Class A Misdemeanor under Texas Cruelty to Animals Statute 42.09.a2 and a3. (amended 5-7-07)

D. PROVISION OF NECESSITIES

No owner or caretaker shall fail to provide his animal with good wholesome food and water (water to be available at all times), proper shelter and protection from the weather, veterinary care when needed to prevent suffering and to provide humane care and treatment. Any owner or caretaker of animals shall maintain a clean and healthy shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming into contact with any such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the animals being kept. All living areas shall be constructed and maintained to promote proper drainage of rain water to prevent the accumulation of mud or water. Shelters shall be constructed to protect the animal from precipitation and of a material which provides insulation from temperature extremes. In addition to the shelter, a shaded area shall also be provided by means of other structures, tree(s), or awning(s). The shelter shall have three (3) sides, a roof, and a floor augmented with resting boards if needed. The shelter shall be small enough to retain the animal's body heat but big enough for the dog to stand up and turn around.

If the owner or caretaker elects to keep a dog(s) in a pen, the above provision of necessities must be met, along with the following minimum standards for the pen itself. The pen shall be of a size to allow a minimum of 100 square feet per dog. The sides of the pen shall be high enough to prevent the dog from jumping over the fence. The mesh of the fencing shall be small enough to prevent the dog from putting its head through.

The owner or caretaker may elect to restrain a dog on the property by use of a tether, cable or chain. If so, in addition to the above provision of necessities, the owner or caretaker shall meet the following minimum standards. The chain, cable or tether shall have a minimum ten (10) foot radius of unobstructed movement in three directions for the dog. The chain shall have a minimum of two swivels to prevent kinking. The dog shall be attached to the restraint by use of a dog collar only. No wire, chain or rope around the dog's neck. The weight of the chain shall be appropriate to the weight and size of the dog. (amended 5-7-07)

E. ANIMALS IN DISTRESS

Any animal observed by the City of Miles, designated representative or law enforcement officer to be in immediate danger of death or serious injury may be removed from such situation by the quickest and most reasonable means available. Any animal observed by the above persons to be in distress may be immediately removed and placed in the City's care if the owner or caretaker is not available to help the animal. A written notice shall be left on the owner or caretaker's property. After the City has spoken to the owner or caretaker regarding the nature of the animal's distress, the City may opt to return the animal to the owner or caretaker if the situation causing the distress is immediately rectified. Impoundment fees will not apply. If the situation is deemed serious enough, the City may elect to contact the Runnels County Sheriff's Department to pursue animal cruelty charges against the owner or caretaker, and the animal shall not be returned to the owner or caretaker. (amended 5-7-07)

SECTION 2: NUISANCE COMPLAINTS; COMPLAINT PROCEDURE

A. LOOSE DOGS

1. It shall be unlawful for any person owning or having charge, care, custody, or control of any dog which causes, permits, or allows the same to be or to run at large upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody or control of such dog, in the City.
2. It shall be unlawful for any person to allow a dog to be off the owner's property while not being restrained by a leash held by a responsible person.

B. NUISANCES

1. Nuisance declared. Any dog or other animal kept, maintained or harbored within the city corporate limits which has fierce, dangerous or vicious propensities or which has bitten, scratched or otherwise attacked any person or other animal, or any dog or other animal

which by loud, unusual or prolonged barking, howling or other utterances shall cause the peace and quiet of the neighborhood, neighbor or occupant of any adjacent premises to be disturbed, is hereby declared to be a nuisance.

2. Complaint Procedure. Upon written complaint wherein any dog or other animal is alleged to be a nuisance, as defined in this article, the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog or other animal, and if such court shall determine at such hearing that such dog or other animal is vicious or dangerous to persons or animals or has bitten or attacked any person or other animal, the court may order that such dog or other animal be kept muzzled, or that same be kept within a sufficient enclosure, or that same be delivered to the animal authority and by them be destroyed, or assess a fine against the owner thereof as provided herein, or any combination of the foregoing.
3. Notice; determination by court. If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the city corporate limits or delivered to the animal authority and by him destroyed, and failure or refusal to do so within twenty-four (24) hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefore, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice.
4. Complete defenses. Provided, however, if it appears upon trial thereof that any person attacked or bitten was trespassing upon the property of the owner or person having control of such animal, or if any person attacked or bitten was provoking or teasing such animal(s) or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought hereunder.

C. PERSONS BITTEN BY DOG, CAT OR OTHER ANIMAL

1. Should any person or animal be bitten or scratched by a dog or cat ("suspect dog or cat" herewith), such suspect dog or cat shall be quarantined for observation for a period of not less than ten (10) days immediately following the date of the bite incident. For a temporary period of time pending quarantine, upon receipt of knowledge of the bite or scratch incident, such suspect dog or cat shall be confined by the owner in a building or secure enclosure or securely chained to prevent contact with other persons or animals.
2. Failure of the owner of a suspect dog or cat to act as herein described shall constitute an offense, and each hour of failure to comply with these provisions after receipt of knowledge of the incident by the owner will constitute a separate offense.
3. Should any person or animal be bitten or scratched by an animal of a species known to be a rabies carrier, not a dog or cat ("suspect animal"), and not a wild animal, such suspect animal shall be immediately delivered to the city animal shelter by the owner or person in control of the animal for examination and determination by the city veterinarian whether such suspect animal is to be quarantined (including the length and type of quarantine) after consultation with the veterinarian(s) who has previously attended said animal. Provided, however, if after examination and consultation as provided above, the city veterinarian determines that euthanasia for rabies determination is appropriate, such shall be done.

4. Quarantine arrangements for a suspect dog or cat or suspect animal shall be made by the owner of such suspect dog or cat or suspect animal within twenty-four (24) hours of receipt of knowledge by the owner of the bite or scratch with the animal services department of the city. Failure of the owner of such suspect dog or cat or suspect animal to make quarantine arrangements and so advise the animal services department shall constitute an offense and each hour of failure to comply with this provision following the twenty-four (24) hour time limit shall constitute a separate offense.
5. Quarantine of a suspect dog or cat or suspect animal shall be accomplished by one of the following methods:
 - a. Said animal may be quarantined by the city animal authority in the City Pen.
 - b. Said animal may be quarantined at the clinic or hospital of any licensed veterinarian in the immediate area.
 - c. Said animal may be home quarantined upon approval of the animal authority.
6. Regardless of the place of quarantine, the animal shall be examined at the initiation of the quarantine and again at the conclusion of the quarantine period by a licensed veterinarian, who shall notify the animal services department of his findings from said examinations.
7. Any quarantined suspect dog, cat or ferret not vaccinated against rabies nor registered with the city during the twelve (12) month period immediately preceding the date of the bite or scratch incident shall be vaccinated by the attending veterinarian at the conclusion of the quarantine period, and the animal shall be registered before being released.
8. The owner of the quarantined suspect dog or cat or suspect animal shall pay all fees incident to the quarantine prior to release of the animal from quarantine by the veterinarian except, if the animal bit or scratched the owner or a member of his immediate family, such animal may, at the discretion of the local rabies control authority, be quarantined at the home of the owner, provided the veterinary examination of said animal at the beginning of the quarantine period reveals no reason to suspect the presence of rabies in said animal. Should there be any doubt as to the rabies status of said animal by the examining veterinarian, then quarantine shall be accomplished by one of the methods described above, or the animal destroyed as described herein. Said animal must be examined at the conclusion of the quarantine by a veterinarian and all other portions of this section shall apply.
9. In the event the owner of a suspect dog, cat or ferret is unknown, said animal shall be considered a stray and it shall be quarantined at the city animal shelter. Should a person subsequently appear and claim said dog, cat or ferret, then said person shall be considered as the owner and be liable for all fees incident to the quarantine as described herein. If all fees are not paid within three (3) days following the quarantine period at the city animal shelter, said dog, cat or ferret may be sold or destroyed by the animal services director.
10. Any animal suspected of being infected with rabies may be destroyed immediately upon recommendation of a licensed veterinarian for determination of rabies.
11. Any wild animal that is not a domesticated animal, without a licensing tag, found within the city corporate limits and subject to this section, may be euthanized by the animal services department or killed by a peace officer and the head of said animal delivered to the animal shelter for rabies examination at the discretion of the local rabies control authority or peace officer.
12. Whenever any animal bites any other animal, all regulations and requirements herein described shall apply to both the attacking animal and the animal that is bitten.

D. OFFENSIVE ODORS

It shall be unlawful for any person to keep any animals in such a manner as to endanger the public health by the accumulation of animal wastes, which causes foul and offensive odors, and which is considered to be a hazard to other animals or human beings.

SECTION 3: HARBORING ANIMAL DECLARED TO BE A NUISANCE

1. Any person, who owns, keeps or harbors a dog or other animal which is declared to be a nuisance under Section 2 shall be guilty of a misdemeanor.
2. Upon written complaint wherein any dog or other animal is alleged to be a nuisance as defined in Section 2, the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog or other animal, and if such court shall determine at such hearing that such dog or other animal is vicious or dangerous to persons or animals or has bitten or attacked any person, the court may order that such dog or other animal be kept muzzled, or that same be kept within a sufficient enclosure, or that same be delivered to the animal services director and by him be destroyed, or assess a fine against the owner thereof as provided within or any combination of the foregoing. If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant of any adjacent premises by loud, unusual, or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the city limits or delivered to the animal services director and by him destroyed; failure or refusal to do so within twenty-four (24) hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefore, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice.
3. Provided, however, if it appears upon trial thereof that any person attacked or bitten was trespassing upon the property of the owner or person having control of such animal, or if any person attacked or bitten was provoking or teasing such animals, or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought hereunder.

SECTION 4: INJURED DOGS AND CATS

- A. When an injured dog or cat is found with no tags and all reasonable attempts to find the owner have been exhausted and if these injuries are deemed serious enough and it would be inhumane to impound the dog or cat for the required three (3) days, the dog or cat will be disposed of humanely.
- B. When an injured dog or cat is found and the owner is known, and all reasonable attempts at finding the owner have been exhausted, and if these injuries are deemed serious enough and it would be inhumane to impound the dog or cat, the animal control authority (the County Sheriff in an area that does not have an animal control officer), will be contacted as to the disposition of the animal. (amended 5-7-07)

SECTION 5: DOGS THAT ARE A DANGER TO PERSONS

The laws of the State of Texas: Vernon's Texas Statutes and Codes Annotated Health and Safety Code, Title 10, Health and Safety of Animals, Chapter 822, Regulation of Animals and any amendments thereto are hereby adopted.

SECTION 6: APPOINTMENT AND DUTIES OF ANIMAL AUTHORITY

The Chief of Police shall be appointed as the animal authority and shall be responsible for the enforcement of all of the provisions of this chapter. If the Chief of Police is unable to act then his designee shall act in his behalf.

SECTION 7: PENALTY

Unless otherwise specified herein, any person, firm, corporation or association convicted of violating any provision of this chapter shall be fined in accordance with the State law by a fine of not less than twenty five and no/100 (\$25.00) dollars or more than two thousand and no/100 (\$2000.00) dollars.

This article shall be effective immediately from and after its passage and accordingly ordained on the 3rd day of MARCH 2014.

PASSED AND APPROVED THIS 3RD day of MARCH, 2014.

CITY OF MILES

BY:

Sylvester Schweertner
MAYOR



ATTEST:

Amy Fischer
CITY SECRETARY