

ORDINANCE NO. 957

AN ORDINANCE OF THE CITY OF LEVELLAND, TEXAS AMENDING LEVELLAND CITY CODE ARTICLE 2.100 REGULATING DOGS; PRESCRIBING PENALTIES FOR VIOLATIONS; PROVIDING FOR PUBLICATION BY CAPTION ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that the existing ordinances regulating dogs is inadequate and in need of substantial revision,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LEVELLAND, TEXAS:

All references herein to "the Code" refer to the Code of Ordinances, 1997, City of Levelland, Texas as previously amended.

SECTION 1. Article 2.100 of the Code, Dogs, is hereby repealed.

SECTION 2. There is hereby enacted a new Article 2.100, Dogs, to read as follows:

ARTICLE 2.100 DOGS

SEC. 2.101 Definitions. The following definitions are provided:

- (a) Dog shall mean all domesticated animals, both male and female, that are members of the canine family.
- (b) Owner shall include any person who either owns any dog or who, regardless of any claim or denial of ownership, keeps, harbors, provides food or water to any dog, or who permits a dog to remain on or about any premises owned, occupied, or controlled by that person.
- (c) At large shall include and intended to mean any dog not within a secure enclosure:
 - (1) not under the physical control and restraint of the owner, by means of a leash or other suitable device attached to a collar or harness, or
 - (2) if in a location outside of a secure enclosure, but not in the vicinity of other persons or animals, is not demonstrably obedient to the owner's commands.
- (d) Secure enclosure means a fenced area or structure that is:
 - (1) constructed and maintained in a manner so that the dog cannot escape,
 - (2) is constructed and maintained so that it is capable of preventing the entry of the general public, including children,
 - (3) is of sufficient size to accommodate the dog, considering the size and number of dogs enclosed,
 - (4) has sufficient covering to provide protection from excessive sunlight and precipitation, and
 - (5) if the dog has been determined to be a dangerous dog in accordance with Chapter 822, Texas Health and Safety Code, is

- (i) locked, and
- (ii) clearly marked as containing a dangerous dog.

(e) Animal Control Officer is the employee of the Levelland Police Department designated by the Chief of Police.

SEC. 2.102 Dogs Running at Large.

No person, including but not limited to an owner, shall suffer or permit their dog to be at large.

SEC. 2.103 Enclosures.

All dogs shall be maintained in a secure enclosure. The fact that a dog is found at large shall be *prima facia* proof that the enclosure provided by the owner is not secure, and is a violation of this Article.

SEC. 2.104 (a) It shall be unlawful to restrain any dog, whether or not within a secure enclosure, by means of any chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object.

(b) It shall not be a violation of this Section if the dog is unattended and is outside of a secure enclosure, and is restrained to a running line, pulley or trolley system, and

- (i) the restraint does not unreasonably limit the dog's movement,
- (ii) the duration of the restraint does not exceed eight hours,
- (iii) the restraint does not occur during extreme weather conditions, including heat, cold, or precipitation if adequate shelter easily accessible to the dog is not provided, and
- (iv) the dog, at the full extension of the restraint cannot be within ten feet (10') of any sidewalks or the boundary of the owner's property.

(c) The fact that a dog outside of a secure enclosure, is restrained as provided in (b) above shall not be a defense in the event of any lawsuit arising from any injury to any person caused by the dog.

SEC. 2.105 It shall be unlawful to maintain any dog either within or outside of a secure enclosure (1) without providing sufficient water and food, and (2) without regularly cleaning the enclosure or the area in which the dog can move to prevent the accumulation of waste, feces, and any thing else that could result in a public nuisance or otherwise constitute a condition constituting a health and safety concern.

SEC. 2.106 Dog May Be Inspected

- (a) The Animal Control Officer or his authorized deputies shall have the right at any reasonable time to inspect any dog that is not within a secure enclosure to determine if the dog is licensed and vaccinated as required by this Article.
- (b) The Animal Control Officer or his authorized deputies shall have the right to inspect any dog that is within a secured enclosure to determine if the dog is licensed and vaccinated and is being maintained in accordance with this Article either (1) after

obtaining consent from the owner or other person occupying the premises or (2) if consent is not given, upon obtaining an order from the Municipal Judge upon a showing that the Animal Control Officer has reason to believe that one or more provisions of this Article are being violated.

- (c) The Animal Control Officer or his authorized deputies may inspect any dog that has been found to be a dangerous dog pursuant to Texas Health and Safety Code Chapter 822, and may inspect any such dog's secure enclosure, at any time.

SEC. 2.107 Vaccinations Required

All dogs shall be vaccinated for rabies, distemper, and parvo annually, except that vaccines having an effective term longer than one year may be administered. Vaccinations may be administered by a licensed veterinarian or by the owner, provided that the owner maintains documentation showing that the dog is currently vaccinated. Upon request of the Animal Control Officer, the owner shall produce this documentation.

SEC. 2.108 Dog Licenses

- (a) All dogs kept, harbored, or maintained within the City of Levelland which are over the age of six months shall have a license issued by the City of Levelland. Licenses may be issued for a period of up to three years.
- (b) All dog licenses shall be issued by, or under the authority of the City Secretary, which shall include a license certificate and a metallic or plastic tag to be affixed to a suitable collar or harness worn by the dog.
- (c) No dog license shall be issued by the City Secretary unless the owner presents adequate documentation showing that the dog has been vaccinated in accordance with Sec. 2.107, above.
- (d) Dog license tags shall not be transferable from one dog to another, and it shall be unlawful for any person to transfer any license tag from the dog for which it was issued to any other dog.
- (e) No refunds shall be made for any dog license fee because of the death of the dog, or the owners leaving the city before its expiration.
- (f) The fees to be charged for all dog licenses are as set forth in Appendix A, Article 1.000.

SEC. 2.109 Impoundment of dogs at large

- (a) The Animal Control Officer, any of his deputies, or any Police Officer, shall have the authority to impound any dog found at large on any publicly or on any privately owned property not owned or occupied by the owner of the dog.

Any person shall have the authority to impound any dog found at large on any publicly owned property or privately owned property owned or occupied by that person, provided that such person shall promptly notify the Animal Control Officer.

- (b) Any licensed dog impounded, if not redeemed, shall be disposed of at any time after seven (7) days after the date of impounding.

The Animal Control Officer shall promptly notify the person to whom the dog is registered.

- (c) Any unlicensed dog impounded, if not redeemed, shall be disposed of at any time after forty-eight (48) hours after the date of impounding.
If the Animal Control Officer can ascertain who is the owner of the dog, he shall make a reasonable effort to inform such owner of the dog's impoundment.
- (d) The owner of any licensed dog impounded may redeem the dog prior to being disposed of by paying the redemption fee provided in Appendix A, Article 1.000.
- (e) The owner of any unlicensed dog impounded may redeem the dog prior to its being disposed of by paying the redemption fee provided in Appendix A, Article 1.000, and by having the dog duly licensed and vaccinated.
- (f) At any time after the expiration of time for redemption of any impounded dog the Animal Control Officer is authorized, without further notice and without advertising in any manner, to either
 - (i) permit adoption of the dog,
 - (ii) turn the dog over to an approved animal shelter, or
 - (iii) euthanize the dog in a manner permitted by Texas Health and Safety Code Chapter 821, Subchapter C.

SEC. 2.110 Records

The Animal Control Office shall keep accurate records showing the disposition of all dogs impounded, of all money collected, and such other records as are required by law or the City Council.

SEC. 2.111 Any violation of any provision of this Article shall, upon conviction, be punished as a Class "C" misdemeanor.

In addition thereto, the City shall have the authority to seek civil relief, including temporary and permanent injunctive relief, for any violation.

These remedies shall be cumulative.

SEC. 2.112 The provisions of Texas Health & Safety Code, Chapters 821 Subchapter B, Disposition of Cruelly Treated Animals and Chapter 822, Subchapter D, Dangerous Dogs, as these provisions exist or may be amended, are incorporated herein.

Section 3. Sections 1.100 and 1.200 of Appendix A, Article 1.000, entitled Animal Control Related Fees, are amended to read as follows:

SEC. 1.100 Dog License Fee

The license fee for all dogs shall be:

One-year license: \$10.00

Three-year license: \$15.00

For spayed or neutered dogs:

One-year license: \$1.00

Three-year license: \$2.00

SEC. 1.200 Redemption Fee

- (a) The redemption fee for all impounded dogs shall be \$10.00 plus \$5.00 per day that the dog was impounded.
- (b) The redemption fee for all impounded dogs that have been impounded once previously shall be \$20.00 plus \$10.00 per day that the dog was impounded.
- (c) The redemption fee for all impounded dogs that have been impounded more than twice previously shall be \$30.00 plus \$15.00 per day that the dog was impounded.

SECTION 4. The provisions of Article 2.100 as it existed prior to the effective date of this Ordinance are saved for any proceeding now pending.

SECTION 5. This Ordinance may be published by caption only.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2010, by the City Council of the City of Levelland, Texas by a vote of _____ in favor and _____ in opposition to its passage.

R. L. "BO" BOWMAN, Mayor

Attest:

BETH A. WALLS, City Secretary

PASSED APPROVED AND ADOPTED on second reading this _____ day of _____, 2010 by a vote of _____ in favor, and _____ in opposition to its passage.

R. L. "BO" BOWMAN, Mayor

Attest:

BETH A. WALLS, City Secretary

ORDINANCE NO. 958

AN ORDINANCE OF THE CITY OF LEVELLAND, TEXAS AMENDING LEVELLAND CITY CODE ARTICLE 2.500 REGULATING CATS; PRESCRIBING PENALTIES FOR VIOLATIONS; PROVIDING FOR PUBLICATION BY CAPTION ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that the existing ordinances regulating cats is inadequate and in need of substantial revision,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LEVELLAND, TEXAS:

All references herein to "the Code" refer to the Code of Ordinances, 1997, City of Levelland, Texas as previously amended.

SECTION 1. Article 2.500 of the Code, Cats, is hereby repealed.

SECTION 2. There is hereby enacted a new Article 2.500, Cats, to read as follows:

ARTICLE 2.500 CATS

SEC. 2.501 Definitions. The following definitions are provided:

- (a) Cat shall mean all domesticated animals, both male and female, that are members of the feline family.
- (b) Owner shall include any person who either owns any cat or who, regardless of any claim or denial of ownership, keeps, harbors, provides food or water to any cat, or who permits a cat to remain on or about any premises owned, occupied, or controlled by that person.
- (c) Animal Control Officer is the employee of the Levelland Police Department designated by the Chief of Police.
- (d) Secure enclosure means a fenced area or structure that is:
 - (1) constructed and maintained in a manner so that the cat cannot escape,
 - (2) is constructed and maintained so that it is capable of preventing the entry of the general public, including children,
 - (3) is of sufficient size to accommodate the cat, considering the size and number of cats enclosed, and
 - (4) has sufficient covering to provide protection from excessive sunlight and precipitation.

SEC. 2.502 It shall be unlawful to restrain any cat, whether or not within a secure enclosure, by means of any chain, rope, tether, leash, cable, or other device that attaches a cat to a stationary object.

SEC. 2.503 It shall be unlawful to maintain any cat within a secure enclosure (1) without providing sufficient water and food, and (2) without regularly cleaning the enclosure to

prevent the accumulation of waste, feces, and any thing else that could result in a public nuisance or otherwise constitute a condition constituting a health and safety concern.

SEC. 2.504 Cat May Be Inspected

- (a) The Animal Control Officer or his authorized deputies shall have the right at any reasonable time to inspect any cat that is not within a secure enclosure to determine if the cat is licensed and vaccinated as required by this Article.
- (b) The Animal Control Officer or his authorized deputies shall have the right to inspect any cat that is within a secured enclosure to determine if the cat is licensed and vaccinated and is being maintained in accordance with this Article either (1) after obtaining consent from the owner or other person occupying the premises or (2) if consent is not given, upon obtaining an order from the Municipal Judge upon a showing that the Animal Control Officer has reason to believe that one or more provisions of this Article are being violated.

SEC. 2.505 Vaccinations Required

All cats shall be vaccinated for rabies, distemper, and parvo annually, except that vaccines having an effective term longer than one year may be administered. Vaccinations may be administered by a licensed veterinarian or by the owner, provided that the owner maintains documentation showing that the cat is currently vaccinated. Upon request of the Animal Control Officer, the owner shall produce this documentation.

SEC. 2.506 Cat Licenses

- (a) All cats kept, harbored, or maintained within the City of Levelland which are over the age of six months shall have a license issued by the City of Levelland. Licenses may be issued for a period of up to three years.
- (b) All cat licenses shall be issued by, or under the authority of the City Secretary, which shall include a license certificate and a metallic or plastic tag to be affixed to a suitable collar or harness worn by the cat.
- (c) No cat license shall be issued by the City Secretary unless the owner presents adequate documentation showing that the cat has been vaccinated in accordance with Sec. 2.505, above.
- (d) Cat license tags shall not be transferable from one cat to another, and it shall be unlawful for any person to transfer any license tag from the cat for which it was issued to any other cat.
- (e) No refunds shall be made for any cat license fee because of the death of the cat, or the owners leaving the city before its expiration.
- (f) The fees to be charged for all cat licenses are as set forth in Appendix A, Article 1.000.

SEC. 2.507 Impoundment of cats at large

- (a) The Animal Control Officer, any of his deputies, or any Police Officer, shall have the authority to impound any cat found at large on any publicly or on any privately owned property not owned or occupied by the owner of the cat.

Any person shall have the authority to impound any cat found at large on any publicly owned property or privately owned property owned or occupied by that person, provided that such person shall promptly notify the Animal Control Officer.

- (b) Any licensed cat impounded, if not redeemed, shall be disposed of at any time after seven (7) days after the date of impounding.
 - The Animal Control Officer shall promptly notify the person to whom the cat is registered.
- (c) Any unlicensed cat impounded, if not redeemed, shall be disposed of at any time after forty-eight (48) hours after the date of impounding.
 - If the Animal Control Officer can ascertain who is the owner of the cat, he shall make a reasonable effort to inform such owner of the cat's impoundment.
- (d) The owner of any licensed cat impounded may redeem the cat prior to being disposed of by paying the redemption fee provided in Appendix A, Article 1.000.
- (e) The owner of any unlicensed cat impounded may redeem the cat prior to its being disposed of by paying the redemption fee provided in Appendix A, Article 1.000, and by having the cat duly licensed and vaccinated.
- (f) At any time after the expiration of time for redemption of any impounded cat the Animal Control Officer is authorized, without further notice and without advertising in any manner, to either
 - a. permit adoption of the cat,
 - b. turn the cat over to an approved animal shelter, or
 - c. euthanize the cat in a manner permitted by Texas Health and Safety Code Chapter 821, Subchapter C.

SEC. 2.508 Records

The Animal Control Office shall keep accurate records showing the disposition of all cats impounded, of all money collected, and such other records as are required by law or the City Council.

SEC. 2.509 Any violation of any provision of this Article shall, upon conviction, be punished as a Class "C" misdemeanor.

In addition thereto, the City shall have the authority to seek civil relief, including temporary and permanent injunctive relief, for any violation.

These remedies shall be cumulative.

SEC. 2.510 The provisions of Texas Health & Safety Code, Chapters 821 Subchapter B, Disposition of Cruelly Treated Animals, as these provisions exist or may be amended, are incorporated herein.

Section 3. Appendix A, Article 1.000, entitled Animal Control Related Fees, is amended to read as follows:

SEC. 1.501 Cat License Fee

The license fee for all cats shall be:

One-year license: \$5.00

Three-year license: \$10.00

For spayed or neutered cats:

One-year license: \$1.00

Three-year license: \$2.00

SEC. 1.502 Redemption Fee

- (a) The redemption fee for all impounded cats shall be \$10.00 plus \$5.00 per day that the cat was impounded.
- (b) The redemption fee for all impounded cats that have been impounded once previously shall be \$20.00 plus \$10.00 per day that the cat was impounded.
- (c) The redemption fee for all impounded cats that have been impounded more than twice previously shall be \$30.00 plus \$15.00 per day that the cat was impounded.

SECTION 4. The provisions of Article 2.500 as it existed prior to the effective date of this Ordinance are saved for any proceeding now pending.

SECTION 5. This Ordinance may be published by caption only.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2010, by the City Council of the City of Levelland, Texas by a vote of _____ in favor and _____ in opposition to its passage.

R. L. "BO" BOWMAN, Mayor

Attest:

BETH A. WALLS, City Secretary

PASSED APPROVED AND ADOPTED on second reading this _____ day of _____, 2010 by a vote of _____ in favor, and _____ in opposition to its passage.

R. L. "BO" BOWMAN, Mayor

Attest:

BETH A. WALLS, City Secretary