

## **ORDINANCE # 2005-07**

### **AN ORDINANCE OF THE CITY OF RIESEL, TEXAS AMENDING ORDINANCE NO. 2003-03, ANIMAL CONTROL ORDINANCE, TO ADD PROVISION REGARDING AGGRESSIVE DOGS, PROVIDING FOR REGULATION OF AGGRESSIVE DOGS, REQUIRING SECURE ENCLOSURE OF AGGRESSIVE DOGS, MAKING VIOLATION PUNISHABLE AS A MISDEMEANOR BY FINE NOT TO EXCEED \$500 PER DAY OF VIOLATION, AND ESTABLISHING AN EFFECTIVE DATE**

**Whereas**, the City Council of the City of Riesel is empowered by Chapter 215 of the Texas Local Government Code and Chapters 821, 822, and 826 of the Texas Health and Safety Code to enact ordinances pertaining to the regulation of animals and the control of rabies, and

**Whereas**, the City Council of the City of Riesel has heretofore passed Ordinance No. 2003-03, its Animal Control Ordinance, and

**Whereas**, significant concerns exist as to the presence of Aggressive Dogs in enclosures or on chains which could allow such animals to come in contact with members of the public, especially children, and

**Whereas**, the City council finds that amendment of Ordinance No. 2003-03 is necessary and proper to address these serious concerns.

**Now, Therefore, Be It Ordained By the City Council of the City Of Riesel, Texas:**

#### **Section VII. Aggressive Dogs**

7.01. Under this section, "Aggressive Dog" shall mean a dog which is unruly, refractory, or has displayed an inclination to approach or growl at a person in an angry, threatening or ill-tempered manner, to bite or bite at, attack or snap at a person, when such person was not doing acts ordinarily calculated to cause well-tamed dogs to respond in such manner, has displayed habits indicating a lack of docility or lack of complete training, or has attacked and seriously injured or killed another dog, cat or other domestic pet, fowl or livestock that was properly confined or under the physical control of its owner.

7.02 Under this section, "Owner" means any person who owns or has custody of the dog.

7.03 Under this section, "Secure Enclosure" means a well maintained fence or other enclosure that is securely locked providing for only key or combination access, provides a Safety Zone of two feet or more to prevent inadvertent access to the animal by children or other persons, including through the enclosure, **or** keeps the animal completely out of sight of the public with no openings, that could allow a child or other person to gain inadvertent access, and is securely locked, providing for only key or combination access.

7.04 It shall be unlawful for any person knowingly to keep or harbor any dog which is an Aggressive Dog in any place other than a Secure Enclosure. Such dogs are hereby declared to be a public nuisance.

7.05 Whenever any person shall complain to the Animal Control Officer that an Aggressive Dog is being kept by any person in the City or the Animal Control Officer has reason to believe such condition to exist, the Animal Control Officer shall give notice to the Owner of said dog that a complaint has been received or reason to believe exists, and shall make a determination as to whether the dog is an Aggressive Dog. If the dog is determined to be an Aggressive Dog, the Animal Control Officer shall communicate that finding to the Owner in writing, and notify the Owner that the Owner must take whatever steps are necessary to domesticate or remove the animal, or to create a Secure Enclosure. Upon receipt of a second complaint or observation by the Animal Control Officer, the Animal Control Officer shall promptly investigate the problem and, upon confirming the existence of a violation of this Ordinance, shall file a complaint alleging the violation.

7.06 Any Aggressive Dog found at large may be impounded by the Animal Control Officer with whatever force is reasonably necessary to safely secure impoundment. The Animal Control Officer shall also be authorized, upon obtaining a search warrant, to impound any Aggressive Dog which the Animal Control Officer has probable cause to believe is being kept in violation of this Ordinance. The impoundment remedies in this section shall not be exclusive. The City shall have the right to exercise any and all other remedies available at law or in equity.

7.07 The Owner of any impounded Aggressive Dog shall be liable to the City for the amount of the impoundment and boarding fees charged for other impounded animals pursuant to the provisions of this Ordinance or for such fee as may be set by ordinance. No impounded Aggressive Dog shall be released until all required fees and costs have been paid. Prior to release of an impounded dog to the Owner, the Animal Control Officer shall determine that adequate provision has been made for a Secure Enclosure for the keeping of the dog or the removal of the dog to a place outside the City.

7.08 A person may appeal the determination of his dog as an Aggressive Dog to the Municipal Court, by providing written notice to the Court within 10 days after being served with notice by a Peace Officer or other Animal Control Authority that an Animal is Aggressive Dog and subject to the conditions under this ordinance.

7.09 An offense under this Ordinance a Class "C" misdemeanor which is punishable by a fine not to exceed \$500 per day for each dog kept in violation of this ordinance.

7.10 This Amendment shall become effective upon publication in accordance with Section 52.011 of the Local Government Code.

**Adopted this 3rd day of May, 2005.**

**CITY OF RIESEL, TEXAS**



Mayor

ATTEST:



City Secretary