

ORDINANCE NO. 2013-11

AN ORDINANCE OF THE CITY OF RIESEL, TEXAS AMENDING ORDINANCE NO. 2003-3, ANIMAL CONTROL ORDINANCE, TO ADD PROVISIONS REQUIRING MICROCHIPS AND REQUIRING THE SPAYING/NEUTERING OF ANIMALS WITH EXCEPTIONS, 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. 2003-3, its Animal Control Ordinance, and

Whereas, the City council finds that amendment of Ordinance No. 2003-3 is necessary and proper to address serious concerns and to allow the City of Riesel to continue to contract with the Waco Animal Shelter.

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

1. Ordinance 2003-3 is hereby amended to add the following provisions:

Section VIII Microchips

Sec. 8.01. Definitions.

The following definitions shall apply throughout this chapter:

Microchip means a small radio frequency identification device that is inserted between the shoulder blades of an animal and is inert until activated by a scanner. The microchip provides specific information about an animal's identity.

Sec. 8.02. Microchip required.

- (a) All dogs or cats in the corporate city limits must be microchipped.
- (b) All dogs or cats will be microchipped prior to leaving the animal shelter.
- (c) All impounded dogs or cats shall have a microchip inserted between its shoulder blades before being released to its owner. The owner of the dog or cat shall pay the cost for this procedure in addition to the impoundment fees.
- (d) Any dog or cat that is adopted from the animal shelter shall have a microchip inserted between its shoulder blades and the animal's new owner shall pay the cost for this procedure.
- (e) The microchip fee is not refundable and may be used only for the dog or cat for which it was issued.

- (f) Subsections (a) and (b) do not apply to a community ear tipped cat.

ARTICLE IX. SPAY/NEUTER

Sec. 9.01. Required; exceptions.

- (a) All dogs or cats in the corporate city limits shall be spayed/neutered. The owner of such animals must retain documentation of the spay/neuter of their animals.
- (b) All dogs or cats impounded within the corporate city limits will be spayed/neutered prior to being released to the owner. The cost to spay/neuter the animal shall be paid by the owner along with the impound fees.
- (c) The following animals will not be spay/neutered as directed under subsection (a):
- (1) The animal is under four months of age;
 - (2) A licensed veterinarian certifies that the dog or cat should not be spayed/neutered for health reasons or is permanently non-fertile;
 - (3) The animal is a trained animal used by or under the authority of a governmental agency in police or rescue work;
 - (4) Animals transferred to another animal shelter that provides a written agreement to the city that the animal will be sterilized before being placed into a new home located within the corporate limits of the city; or
 - (5) Animals, picked up for the first time, belonging to a breeder that has:
 - a. The animal's microchip number;
 - b. A copy of the animal's health statement; and
 - c. Paid the fee for first offense and all other fees associated with the impoundment of the animal. Should the animal be impounded a second time it will be spay/neutered prior to being released to the owner.

2. OFFENSE/PENALTY

Violation of a prohibition set forth in this Ordinance shall be an offense (class C misdemeanor) punishable by a fine not to exceed \$500.00 except as set forth below. Each day of violation shall constitute a separate offense.

3. SEVERABILITY CLAUSE

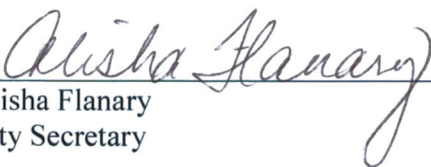
If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this Ordinance, and all the remainder of this Ordinance not so declared to be invalid shall continue to be in full force and effect. The City Council of the City of Riesel, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clause or phrases be declared unconstitutional.


4. EFFECTIVE DATE

This Ordinance shall be effective from the date of enactment, and after publication in accordance with the *Local Government Code*.

PASSED AND APPROVED this 12 day of November, 2013.

ATTEST:


Alisha Flanary
City Secretary


~~Dave Ross~~
Mayor