

EXCERPT FROM

RGC CODE BOOK

Chapter 4

Animals and Fowl

Ordinance No. 1995-10 Rabies Control

Ordinance No. 2006-4 Registration of
Dogs/Cats

Ordinance No. 2010-4 Vicious Animals



ORDINANCE 2010 - 4

AN ORDINANCE OF RIO GRANDE CITY, TEXAS PROVIDING FOR REGULATION AND CONTROL OF VICIOUS ANIMALS WITHIN THE CITY BY AMENDING CHAPTER 4: ANIMALS AND FOWL BY AMENDING ARTICLE 1 SECTION 4-102-103 CONFINEMENT OF ANIMALS SUSPECTED OF HAVING RABIES AND BY ADDING ARTICLE 2: VICIOUS ANIMALS; PROVIDING PENALTY FOR VIOLATION; PROVIDING APPEAL; PROVIDING FOR SEVERALITY; PROVIDING FOR AN EFFECTIVE DATE; PROVING FOR PUBLICATION; AND ORDAINING OTHER PROVISIONS PERTAINING TO THE SUBJECT MATTER HEREOF

WHEREAS, Chapter 51 of the Local Government Code grants power to municipalities necessary to carry out purposes granted by law for the good of the people and the government; and

WHEREAS, Chapter 822 Subchapter D of the Health and Safety Code provides for control and regulation of dangerous dogs as applicable to municipalities.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF RIO GRANDE CITY that Chapter 4: Animals and Fowl of the Code of Ordinances of said City is amended by amending Article 1 Sections 4-102-103 and adding Article 2 as follows:

Section 4-102 Impoundment of Animals

It shall be the duty of the health authority to seize and deliver to the Rio Grande City Animal Shelter or comparable state licensed facility, any and all animals, found in violation of the provisions of this Article. The owner or any animal impounded under the provisions of this Article may claim such animal after paying an applicable fee and otherwise following the rules and regulations of the Rio Grande City Animal Shelter.

Section 4-103 Confinement of Animals Suspected of Having Rabies, etc.

(a) Any person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as being capable of transmitting rabies, or who knows of any animal that the person suspects as rabid, shall report the incident or animal to the health authority/animal control officer. The report to be given under this section shall contain the name and address of the victim and of the animal's owner if known, and

other information that may help in locating the victim or animal. In addition, upon written complaint of any person that any kind of animal has bitten any person or other animal, the owner of such animal, if known, shall be notified by the health authority/animal control officer, by the most expedient means available, which notification shall be documented in writing, to properly confine such animal for a period of not less than 10 days from the date of the attack. The term "properly confine" shall be construed to include:

- (1) Confinement in the Rio Grande City Animal Shelter or comparable state-licensed quarantine facility and observed at least twice daily by the local rabies control authority; or
- (2) Confinement in a veterinary clinic under the supervision of a licensed veterinarian, who shall notify the health director by telephone the same day such animal is received and further notify the health authority/animal control officer by telephone immediately upon the development of any symptoms suspicious of rabies; or
- (3) Confinement in the owner's home and observed at least twice daily by the local rabies control authority.

(b) The method of confinement of any animal is at the discretion of the local health authority/animal control officer.

ARTICLE 2: VICIOUS ANIMALS

Section I: The Chapter shall be entitled VICIOUS ANIMALS;

Section II: This Chapter shall be as follows

SECTION 2: VICIOUS ANIMALS

SECTION 4-201 DEFINITION.

(A) For the purpose of this subchapter, *VICIOUS ANIMALS* shall mean:

(1) Any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of human beings or domestic animals;

(2) Any animal which, without provocation, has attacked or injured a human being or domestic animals;

(3) Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting;

(4) Any animal which, without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack; or

(5) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or other animals.

(B) All other definitions provided for in this chapter shall be applicable to this subchapter.

SECTION 4-202 VICIOUS ANIMALS DECLARATION.

(A) *Generally.* If the Health Director/Animal Control Officer has cause to believe that an animal is vicious, the Health Director/Animal Control Officer may find and declare that animal a vicious animal and order its confinement under the provisions of division (B) of this section or may order its destruction under the provisions of division (B) of this section, if applicable.

(B) *Notice.* Within five days of declaring an animal vicious, the Health Director/Animal Control Officer shall notify the animal's owner in writing of the declaration. The notice shall identify the requirements and conditions for maintaining a vicious animal as set forth in this chapter. If the owner cannot be located, the animal may be immediately impounded and notice shall be posted on the owner's property or sent by certified mail to the owner's last known address.

(C) *Hearing.*

(1) The owner of an animal declared vicious shall have the right to file, within five days after receiving notice, a written request for a hearing to contest the vicious animal declaration. The hearing shall be held within five days after the Health Director/Animal Control Officer receives the owner's written request.

(2) The hearing under this section shall be before the Municipal Judge of the city and shall be informal, and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross examine witnesses.

(3) The Municipal Judge shall issue a decision within two days after the close of the hearing under this division (C) and shall notify the owner in writing of the decision.

(4) The Municipal Judge may uphold the vicious animal declaration, in which event the owner shall comply with all the requirements and conditions for maintaining a vicious animal as set forth in this subchapter, or may unconditionally release the animal to its owner.

(5) The decision of the Municipal Judge on the vicious animal declaration is final.

SECTION 4-203 REQUIREMENTS FOR KEEPING VICIOUS ANIMALS.

The owner of a vicious animal shall be subject to the following requirements:

(A) *Confinement.* All vicious animals shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five feet by ten feet and must have secure sides and top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet. All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the animal from the elements.

(B) *Leash and muzzle.* The owner of a vicious animal shall not allow the animal to go outside its kennel, pen or structure unless the animal is muzzled, restrained by a chain or leash not more than four feet in length, and under the physical control of a person. The muzzle must not cause injury to the animal or interfere with its vision or respiration, but must prevent the animal from biting any human or animal.

(C) *Signs.* The owner of a vicious animal shall display in a prominent place on the owner's premises a clearly visible warning sign indication that there is a vicious animal on the premises. The sign must be readable from the public highway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a vicious animal. Similar signs shall be posted on the animal's kennel, pen or enclosed structure.

(D) *Insurance.* The owner of a vicious animal must provide proof to the City Secretary that the owner has procured public liability insurance of at least \$100,000.00 insuring the owner for any damage or personal injury which may be caused by such owner's vicious animal.

SECTION 4-204 IMPOUNDMENT AND DESTRUCTION

The Health Director/Animal Control Officer may order the impoundment and destruction of any animal where:

(A) The animal has attacked, bitten, or injured a human being or domestic animal and the circumstances indicate that there is a probability of additional occurrences relating to such animals.

(B) The animal is a vicious animal as defined in §4-201 of this subchapter and the owner has failed to comply with the requirements and conditions for keeping a vicious animal as defined in §4-203 of this subchapter; or

- (C) The animal poses a threat of serious harm to the public health or safety.

SECTION 4-205 NOTICE OF IMPOUNDMENT.

Within two days of an impoundment under this subchapter, the Health Director/Animal Control Officer shall notify the animal's owner in writing of the impoundment.

SECTION 4-206 HEARING ON IMPOUNDMENT/DESTRUCTION.

(A) The owner of an impounded animal shall have the right to file, within five days after receiving notice, a written request for a hearing to contest the impoundment, which hearing shall be before the Municipal Judge of the city.

(B) The impoundment hearing shall be informal, and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross examine witnesses.

(C) The Municipal Judge shall issue a decision within two days after the close of the hearing under this section and shall notify the owner in writing of the decision.

(D) After considering all of the relevant evidence, the Municipal Judge may order the destruction of the impounded animal or may release the animal to its owner, conditional on the owner complying with the requirements for keeping a vicious animal as set forth in §4-203 of this subchapter or complying with any other requirements necessary to protect the public health or safety, or may unconditionally release the animal to its owner.

(E) If the owner of an animal impounded under this subchapter fails to appear at a hearing or fails to request a hearing, the animal shall be destroyed.

SECTION 4-207 EXEMPTIONS.

(A) This subchapter shall not apply to animals used by a Police Department or law enforcement agency.

(B) No animal may be declared vicious for injury or damage sustained by a person who was committing a willful trespass or other tort upon the premises of the animal's owner.

(C) No animal may be declared vicious for injury or damage sustained by a person who was teasing, tormenting, abusing or assaulting the animal.

SECTION 4-208 CHANGE OF STATUS; NOTIFICATION OF HEALTH DIRECTOR/ANIMAL CONTROL OFFICER.

The owner of a vicious animal shall notify the Health Director/Animal Control Officer within three hours if the vicious animal is unconfined and on the loose or has attacked a human being or domestic animal.

SECTION 4-209 CHANGE OF OWNERSHIP.

If the owner of a vicious animal sells, gives away or otherwise transfers custody of a vicious animal, the owner shall, within days, provide the Health Director/Animal Control Officer with the name, address, and telephone number of the new owner. The previous owner shall notify the new owner of the animal's designation as a vicious animal and the requirements and conditions for keeping a vicious animal.

Section III. Severability: If any section, or part of any section, paragraph, or clause of this ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to impair or invalidity, force or effect of any other section, parts of any section, paragraph, or clause of this ordinance.

Section IV. This ordinance shall be effective after passage and signature by the Mayor of Rio Grande City, Texas.

Section V. The City Secretary is hereby authorized to publish a notice of this Ordinance in the official newspaper for Rio Grande City, Texas, according to law.

FIRST READING

READ, PASSED AND APPROVED BY THE CITY COMMISSION OF RIO GRANDE CITY, TEXAS at a regular meeting called and held on this 13th day of July, 2010, held in accordance with the provision of Chapter 551 of the Texas Government Code.

SECOND READING

READ, PASSED AND APPROVED BY THE CITY COMMISSION OF RIO GRANDE CITY, TEXAS at a regular meeting called and held on this 4th day of August, 2010, held in accordance with the provision of Chapter 551 of the Texas Government Code.

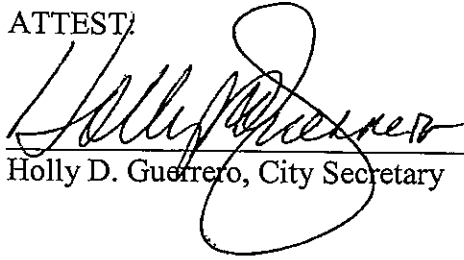
Signed this 4th day of August, 2010.

RIO GRANDE CITY, TEXAS

By: 

Ruben O. Villarreal, Mayor

ATTEST:



Holly D. Guerrero, City Secretary

APPROVED AS TO FORM:

Jacqueline R. Salinas, City Attorney