

ORDINANCE NO. 14-D

AN ORDINANCE AMENDING CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF PROVIDING REQUIREMENTS CONCERNING MICROCHIP PLACEMENT IN CERTAIN ANIMALS AND AUTHORIZING TREATMENT FOR IMPOUNDED ANIMALS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE, AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the proper care, regulation and control of certain animals is necessary for the health, safety and quality of life of the citizens of the City of Alvin, Texas (herein the "City"); **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. That all of the above recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Alvin, Texas.

Section 2. That the City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public's health, safety and quality of life.

Section 3. That the Code of Ordinances of the City of Alvin, Texas, is hereby amended by amending Chapter 4, Animals, as follows:

ARTICLE I. IN GENERAL

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Sec. 4-5. Licensing of canines, felines and ferrets.

(a) *Identification tag and microchip requirements.* It shall be unlawful for the owner or custodian of any canine or feline, including ferrets, to keep such canine, feline or ferret within the corporate limits of the city without having first secured an identification tag from the city, which tag shall be securely attached to such animal. The owner shall state his/her name and address, and the breed, color and sex of the animal to be licensed on the application form. All animals adopted from the City of Alvin animal shelter shall be microchipped unless such procedure is determined by a licensed veterinarian to be adverse to the animal's health.

Animal owners registering or redeeming their animals may opt out of the microchip if they so choose.

(b) *Inoculation against rabies prerequisite to issuance of identification tag.* The city shall issue an identification tag and offer microchip implant registration to any person representing himself to be the owner or custodian of a canine, feline or ferret which is kept, harbored or

maintained within the corporate limits of the city, but no such tag shall be issued or microchip implanted unless and until satisfactory evidence has been presented that such animal has been fully inoculated against rabies by a veterinarian licensed and duly authorized to practice veterinary medicine in the state within thirty (30) days of the issuance of such tag and microchip.

(c) *When received; fee; receipt for fee.*

- (1) Identification tags and microchip registration of all canines, felines or ferrets within the city shall be valid for one (1) year from the date of issuance. An owner shall renew tags and update microchip registrations, when applicable, within thirty (30) days prior to the expiration date of the tag or microchip registration date.
- (2) A fee in the amount set forth in chapter 28 of this Code shall be required for each identification tag and microchip registration issued by the city under the provisions of this chapter.

(d) *Exemptions.* The licensing provisions of this section shall not apply to the following:

- (1) Canine and feline animals under the age of four (4) months if kept within an enclosure.
- (2) Canine and feline animals brought to the city exclusively for the purpose of entering same in any "dog or cat" show or exhibition.
- (3) Animal rescuer.
- (4) Assistance animal.

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Sec. 4-12. Impounding of animals.

(a) Any animal found running at large on the streets, sidewalks, or other public or private places, and not under direct physical control of its owner or keeper, may be captured and picked up by the animal control officer and impounded.

The City of Alvin animal shelter is the temporary caregiver for animals impounded and is authorized to provide care, including vaccinations, under the direction of a licensed veterinarian to insure the health of the shelter's animal population. Impounded animals will be kept for seventy-two (72) hours unless redeemed by their owner prior to that time. After seventy-two (72) hours, and if the owner is not identified, the animal may be adopted, rescued, or euthanized as best determined by the animal control personnel. An animal determined to be a stray or feral may be euthanized prior to seventy-two (72) hours if it is injured, ill, or so aggressive that it is a danger to animal control personnel or other persons. A registered animal that is impounded and found to be seriously injured, ill, or so aggressive that it is an immediate danger, may be euthanized only after reasonable efforts to contact the registered owner has been attempted.

(b) Every person, other than a police officer or the city animal control officer and/or deputies, that takes up any animal under the provisions of this section shall immediately give

notice thereof to the city animal control officer, and every such person, or any person in whose custody such animal may in the meantime be placed, shall contact animal control to pick up or shall deliver such animal to the city animal control officer without fee or charge, and the city animal control officer shall thereupon hold and dispose of such animal as though such animal had been found running at large, and impounded by an officer.

Sec. 4-13. Release of impounded animals.

(a) If an animal has been impounded for running at large or for no city identification tag, the animal control officer shall release it to the owner if:

- (1) The owner pays:
 - a. The applicable fines;
 - b. The pound fees set forth in chapter 28; and
 - c. The fee set forth in chapter 28 for each animal for each day or part of a day after the first day on which such animal was impounded; and
- (2) The owner redeems his animal within seventy-two (72) hours after its capture and impoundment; and
- (3) The owner has an unexpired rabies vaccination certificate and; if the owner is a resident of the city, has a current license and microchip, when applicable, for the animal; and
- (4) The owner presents proper identification and proof of ownership.

(b) If the animal has not been redeemed by the owner after an expiration of seventy-two (72) hours, it shall be disposed of humanely or it shall be placed for adoption or rescue after the city has claimed the animal.

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Section 4. Penalty. A violation of this ordinance is punishable as set out in Chapter 1-5, General Penalty, of the Alvin code of Ordinances. Prosecution in municipal court is separate from any other remedies provided within this ordinance.

Section 5. Publication. The City Clerk of the City of Alvin is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by *Chapter 52 of the Texas Local Government Code* and the *City of Alvin Charter*.

Section 6. Savings Clause. All rights and remedies of the City of Alvin, Texas are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code, and the City of Alvin Charter.*

Section 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code.*

PASSED on the first reading on the 6 day of March 2014.

PASSED on second and final reading on the 20 day of March 2014.

ATTEST:

CITY OF ALVIN, TEXAS:

By: Grace Cruzen
Grace Cruzen, Interim City Clerk

By: Gary Appelt
Gary Appelt, Mayor