

CITY OF SEGUIN

AN ORDINANCE OF THE SEGUIN CITY COUNCIL AMENDING SECTION 14-51 OF THE SEGUIN CODE OF ORDINANCES BY CHANGING THE NAME OF THE ANIMAL CONTROL DEPARTMENT TO SEGUIN ANIMAL SERVICES; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, to promote better public relations and to improve the image of the City of Seguin, city staff has recommended changing the name of the Animal Control Department to Seguin Animal Service and Seguin Animal Services Facility; and

WHEREAS, to facilitate the change in name and maintain clarity changes in the City's animal ordinances need to be made.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION ONE. Section 2-161 of the Seguin City Code is amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Chapter 14 - Animals

Sec. 14-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control department means ~~the city animal control office with authority over the area where the dog or cat is kept~~ Seguin Animal Services and the Seguin Animal Services Facility.

Animal control officer means the person appointed by the city to manage Seguin Animal Services and the Seguin Animal Services Facility ~~the animal control officer appointed by the city.~~

At large means any dog or cat not under restraint of a person capable of controlling the dog or cat on or off the premises of the owner.

Bodily injury means an injury which results in bite wounds, tears or scratches requiring medical attention, and includes serious bodily injury or death which results from any such injury.

Cat means any live or dead *Felis catus*.

Dangerous dog means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than a secure enclosure as defined by this chapter;
- (2) Commits unprovoked acts in a place other than a secure enclosure that cause a person to reasonably believe that the dog will attack and cause bodily injury to that person;
- (3) Outside of a secure enclosure, makes an unprovoked attack which causes serious bodily injury or death to a domestic animal;
- (4) Is the subject of a final, non-appealable determination that it is dangerous under the provisions of this article; or
- (5) Has been registered as, or finally determined or declared to be a dangerous dog in another city or county in Texas and has made an unprovoked attack on another person or domestic animal outside a secure enclosure, regardless of whether bodily injury results from the attack.

Dog means any live or dead *Canis familiaris*.

Dog or cat license means a privilege granted, in compliance with this chapter, to own, keep, harbor or have custody or control of a dog or cat legally within the city during the calendar year.

Harbor means the act of keeping and caring for an animal or of providing a location to which the animal returns for food, shelter, or care for a period of three days or longer.

Impound means to take into custody or place in the city animal shelter.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

Owner means any person owning, keeping or harboring one or more dogs or cats.

Public nuisance animal means and includes any animal that:

- (1) Is repeatedly at large (defined as three or more impoundments or citations for violation of the restraint provisions of this chapter during a 12-month period);
- (2) Causes more than \$100.00 in damages to the property of someone other than its owner;
- (3) While not in a secure enclosure, molests or intimidates pedestrians;

(4) Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or other in close proximity to the premises where the animal is kept or harbored;

(5) Attacks and causes bodily injury to other domestic animals; or

(6) Has been previously determined to be a dangerous dog and which is in violation of the dangerous dog requirements of division 3 of this article.

Restraint means any dog secured by a leash or lead and under the control of a responsible person and obedient to that person's commands.

Secure enclosure means a house, building, fenced area, structure or pen that:

(1) Is at least six feet in height;

(2) Has minimum dimensions of five feet by ten feet;

(3) Forms an enclosure suitable to prevent entry of young children;

(4) Is locked and secured such that the dog cannot climb, dig, jump or otherwise escape of its own volition; and

(5) Provides the animal with protection from the elements.

Seguin Animal Services and Animal Services Facility means the City of Seguin animal facility and all services related to the operation of that facility, including the enforcement of animal related state law and city ordinances;

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Unprovoked, with respect to an attack by an animal, shall mean that the animal was not hit, kicked, or struck by a person with an object or part of a person's body nor was any part of the animal's body pulled, pinched, or squeezed by a person.

Vaccinated means properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

SECTION TWO. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION THREE. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION FOUR. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

SECTION FIVE. This ordinance shall be effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on first reading on the 6th day of September, 2011.

PASSED AND APPROVED on second reading on the 13th day of September, 2011.


BETTY ANN MATTHIES
Mayor

ATTEST:


Thalia Stautzenberger
City Secretary