

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY OF LOCKHART AMENDING SECTION 10-5 OF CHAPTER 10 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH CITY OWNERSHIP OF IMPOUNDED ANIMALS NOT RECLAIMED BY AN OWNER; PROVIDING CLAUSES FOR REPEALER, SEVERABILITY, SAVINGS, PUBLICATION, AND EFFECTIVE DATE

WHEREAS, the City of Lockhart is a home rule city acting under its charter pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Lockhart periodically impounds animals to protect the health and safety of the general public and the animal population; and

WHEREAS, the City Council now deems it necessary to establish and clarify city ownership of impounded animals not reclaimed by an owner;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS that:

SECTION 1: Recitals adopted. The foregoing recitals are adopted and incorporated herein for all purposes.

SECTION 2: Amendment. Section 10-5 of Chapter 10 of the Lockhart Code of Ordinances is hereby amended so that it shall hereafter read as follows:

Sec. 10-5. - Impoundment and violation notice.

- (a) For purposes of discharging the duties imposed by the provisions of this chapter or other applicable laws and to enforce such provisions, duly authorized representatives or employees (being those described in subsection 10-2(a)) may enter upon private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private, fenced property when in pursuit of any animal which they have reason to believe is subject to impoundment pursuant to the provision of this chapter or other applicable laws. The following animals may be impounded:
- (1) Cats and dogs not exhibiting evidence of being vaccinated as described in this chapter;
 - (2) Any animal infected or kept under conditions which could endanger the public or animal health;
 - (3) Any animal that creates a nuisance as described in section 10-1;
 - (4) Any domestic species except for cats running at large as described in section 10-1, definitions;
 - (5) Any animal treated in a manner determined by the animal control officer to be cruel or inhumane;
 - (6) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, (as determined by an animal control officer); and
 - (7) Any animal violating any provision of this chapter.

- (b) Impoundment fees must be paid for capture of any animal, as referenced in Resolution No. 2010-15, as amended or succeeded by a resolution of the City Council establishing fees related to animals and the animal shelter.
- (c) If any of the animals named in this section are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he/she can notify the animal control officer to come and impound such animal. When so notified, it shall be the duty of the animal control officer to have such animal impounded as herein provided.
- (d) It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim such pets. The owner can resume possession of any impounded animal prior to completion of the impoundment period specified in (j) upon payment of impoundment fees, boarding fees, and any medically necessary veterinarian bills incurred by animal control for the welfare of the animal to alleviate immediate suffering, and upon compliance with vaccination provisions of this Code, except where prohibited in subsections (e) and (f) of this section.
- (e) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the animal control supervisor or animal control officer or court of competent jurisdiction.
- (f) If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.
- (g) The city council shall select and establish a place for impounding all animals impounded under any provision of this chapter.
- (h) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.
- (i) Any impounded vicious or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the supervisor of animal control or his/her designee. Feral cats, dogs or other animals may be euthanized at the discretion of the animal control officer.
- (j) Any impounded cat, dog, or other domestic animal shall be kept for not fewer than three business days unless sooner reclaimed by its owner, except under quarantine. Upon expiration of such three business days, title to and ownership of any such animal not reclaimed shall pass to and vest in the City.
- (k) Sick or injured and suffering animals may be euthanized at the discretion of the animal control officer or animal shelter staff under the direction and control of the animal control officer.
- (l) An owner who no longer wishes responsibility for an animal or believes the animal to be in ill or injured condition, may sign a written waiver supplied by the City surrendering title to the animal and allowing the animal to be immediately placed up for adoption or euthanized in a humane manner. If the animal is unvaccinated and has bitten a human being, the animal may be euthanized before expiration of the ten-day quarantine period and its head sent off for testing. A fee is collected for owner release animals as described in city Resolution 2010-15, as amended or succeeded by a resolution of the City Council establishing fees related to animals and the animal shelter.
- (m) Final location of an animal after impoundment shall be the responsibility of its owner. If, by a license tag or other means, the owner of an impounded animal is identified, the animal

control officer may, but shall not be required to, notify the owner by direct contact, telephone, mail, text, or email.

- (n) In addition to or in lieu of impounding an animal found at large, the animal control supervisor, his/her designee or a police officer may issue to the known owner of such animal a notice of ordinance violation. A person who is convicted of owning an animal at large shall pay a fine as listed in the penalty schedule of this chapter.

SECTION 3. Repealer. All provisions of the Code of Ordinances of the City of Lockhart in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Code of Ordinances of the City of Lockhart codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Severability. It is hereby declared to be the intention of the City Council that the components of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining component of this Ordinance.

SECTION 5. Publication. The City Secretary shall cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

SECTION 6. Effective Date. This ordinance shall become effective and be in full force from the date of its passage.

PASSED AND ADOPTED on this the 16th day of March, 2021.

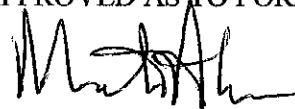
CITY OF LOCKHART


Lew White, Mayor

ATTEST:


Connie Constancio, TRMC, City Secretary

APPROVED AS TO FORM:


Monte Akers, City Attorney

