

**ORDINANCE 25-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLS POINT, TEXAS, AMENDING CHAPTER 8 ANIMALS, ARTICLE VI "DANGEROUS DOGS" IN THE TITLE OF ARTICLE VI AND IN SECTIONS 8-139, 8-140, , AND 8-142 ; AND SPECIFICALLY SECTION 8-139 AMENDING THE DEFINITION OF DANGEROUS DOG; SECTION 8-140 PROVIDING CLARIFICATION FOR A DANGEROUS DOG DECLARATION, RIGHT OF OWNER TO APPEAL DECLARATION, AND RULES REGARDING APPEAL OF DECLARATION; AND SECTION 8-142 IMPOUNDMENT AND DESTRUCTION OF DANGEROUS DOGS.**

**WHEREAS**, Chapter 8 of the Code of Ordinances of the City of Wills Point, Texas provides for animal services within the City of Wills Point, Texas (the "City");

**WHEREAS**, pursuant to Texas Local Government Code section 51.001, the City Council may adopt an ordinance, rule or police regulation that is for the good government, peace, or order of the City or the trade and commerce of the City;

**WHEREAS**, the City is responsible for supporting and promoting the health, safety and welfare of its citizens;

**WHEREAS**, pursuant to Texas Local Government Code section 51.012, the City Council may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that the City Council considers necessary for the government, interest, welfare, or good order of the City as a body politic;

**WHEREAS**, the City Council of the City of Wills Point, Texas has determined that it is in their interest and in the interest of its citizens to amend certain provisions of Chapter 8 Animals, Article VI Dangerous Dogs, as contained in the City of Wills Point Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLS POINT, TEXAS:**

**SECTION 1.** The Code of Ordinances of the City of Wills Point, Texas, shall be amended by amending Chapter 8-Animals, Article VI– Dangerous Dogs; by amending Section 8-139 "Definition"; Section 8-140 "Dangerous dog declaration"; and Section 8-142 "Impoundment and destruction." The changes shall read as follows:

**"Article VI. – Dangerous Dogs**

**Sec. 8-139. - *Definition.***

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:

- (1) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.
- (2) "Dangerous dog" means a dog that:
  - (a) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
  - (b) commits unprovoked acts in a place other than an enclosure in which the dog was being kept that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.
- (3) "Dog" means a domesticated animal that is a member of the canine family.
- (4) "Secure enclosure" means a fenced area or structure that is:
  - (a) locked;
  - (b) capable of preventing the entry of the general public, including children;
  - (c) capable of preventing the escape or release of a dog;
  - (d) clearly marked as containing a dangerous dog; and
  - (e) in conformance with the requirements for enclosures established by the local animal control authority.
- (5) "Owner" means a person who owns or has custody or control of the dog.

*Sec. 8-140. – Dangerous Dog Declaration.*

(a) *Generally.* If the animal control authority or its designee receives sworn statements from any witnesses, the animal control authority or its designee will determine if the dog is a dangerous dog. The animal control authority or its designee shall notify the owner in writing of the determination.

(b) *Notice.* Notwithstanding any other law including a municipal ordinance, an owner, not later than the 15<sup>th</sup> day after the date the owner is notified that the dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority or their designee to the municipal court of competent jurisdiction.

(c) *Hearing.*

(1) The owner of a dog declared dangerous and in violation of compliance with section 8-141 shall have the right to appear before the municipal judge, no later than the 10<sup>th</sup> day after the date on which the dog is seized or delivered.

(2) The court shall give written notice of the time and place of the hearing to:

financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the City Secretary of the City on an annual and quarterly basis for as long as the dog remains in the City limits.

(e) *Failure to comply.* The owner of a dangerous dog that does not comply with Section 8-141 shall deliver the dog to the animal control authority not later than the 30<sup>th</sup> day after the owner learns that the dog is a dangerous dog. If on application of any person the municipal court finds, after notice and hearing that the owner of a dangerous dog has failed to comply with Section 8-141 the court shall order the animal control authority or their designee to seize the dog and shall issue a warrant authorizing the seizure and impoundment of the dog. The owner shall pay any costs incurred in seizing/impoundment of the dog.

*Sec. 8-142. - Impoundment and destruction.*

The Police Chief, or the Chief's designee, may order the impoundment and destruction of any dog where:

(a) The dog has attacked, bitten or injured a human being and the circumstances indicate that there is a probability of additional occurrences relating to such dog; or

(b) The dog is a dangerous dog as defined in section 8-139 or 8-140, and the owner has failed to comply with the requirements and conditions for keeping a dangerous dog as defined in section 8-141; or

(c) The dog poses a threat of serious harm to the public health or safety.

*Sec. 8-143. - Exemptions.*

(a) This article shall not apply to dogs used by a police department or law enforcement agency.

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

*Sec. 8-144. - Penalties.*

Any person violating this article shall be subject to the penalties in section 1-12."

**SECTION 2.** That all provisions of the Code of Ordinances of the City of Wills Point, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 4.** That should any word, phrase, paragraph, section or portion of this ordinance or of the Code of Ordinances, as amended hereby, be held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of this ordinance or of the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 5.** That any person who violates any provision of this ordinance, as may be amended, shall be guilty of a misdemeanor and subject to a fine upon conviction in Municipal Court and shall be subject to the penalties for a violation of an ordinance governing public health found in section 1-12 of the City of Wills Point Code of Ordinances.

**SECTION 6.** That this ordinance shall become effective immediately from and after its passage and after publication of the caption as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WILLS POINT, VAN ZANDT COUNTY, TEXAS, ON THIS THE 11 DAY OF MARCH 2025.**



*Mike D. Jones*  
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Mike D. Jones, Mayor

**ATTEST:**

*Leann Holley*  
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Leann Holley, City Secretary

**APPROVED AS TO FORM:**

*Jeff Moore*  
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Jeff Moore, City Attorney