

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 009-008

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN BY AMENDING VARIOUS SECTIONS OF CHAPTER 10, ANIMALS, INCLUDING ADDING A PROVISION REGARDING LEAVING UNATTENDED ANIMALS IN A VEHICLE AND A PROVISION PROHIBITING THE REGULAR FEEDING OF WATERFOWL, AMENDING THE PROVISION REGARDING THE NUMBER OF DOGS AND OTHER ANIMALS THAT MAY BE HARBORED OR KEPT WITHIN ANY RESIDENCE, AND PROVIDING FOR OTHER AMENDMENTS AND MODIFICATIONS TO THE SAID CHAPTER 10, ANIMALS; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY, UPON CONVICTION, FOR ANY VIOLATION, NOT TO EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendment. The Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby (additions are underlined; deletions are ~~struck through~~):

A. Chapter 10, Animals, of the Code of Ordinances is hereby amended in part as follows:

1. Section 10-8 of the Code is amended to read as follows:

Section 10-8. Harassing, harming or killing of animals or fowl prohibited.

A person commits an offense if the person intentionally harasses, terrorizes, wounds, harms, maims, cripples or kills or causes to be harassed, terrorized, wounded, harmed, maimed, crippled or killed, any animal or fowl in the town with the exception of those of the class Reptilia or rats and other rodents not protected by state law.

2. A new Section 10-10 is hereby added to the Code to read as follows:

Section 10-10. Leaving Animals Unattended in Vehicle.

A person having charge or custody of an animal shall not place or confine such animal or allow such animal to be placed or confined in a motor vehicle or trailer under such conditions or for such a period of time as may endanger the health of the animal due to heat, lack of food or water, or such other circumstances as may cause injury or death of the animal. The animal control officer finding an animal being held in violation of this provision may cite the owner for violating this Ordinance, obtain a search warrant pursuant to state or federal law, and/or use reasonable force to remove an animal from a vehicle whenever it appears the animal's health or safety is, or soon will be endangered, and said neglected or endangered animal shall be impounded and held pending a hearing. It shall be the responsibility of the animal's owner to repair any damaged caused by the removal of the animal from the dangerous situation by the animal control officer or police officer.

3. A new Section 10-11 is hereby added to the Code to read as follows:

Section 10-11. Feeding of Waterfowl.

(a) The large number of waterfowl attracted by feeding in and around small ponds and lakes within the town increases the presence of fecal matter from such waterfowl and corresponding harmful bacteria, which create a potential health hazard and a nuisance. The purpose of this section is to control the regular or habitual feeding of waterfowl in order to protect the public health and public property and the water quality of such ponds and lakes, by reducing the amount of fecal matter deposited by waterfowl in such waters and on the adjacent shoreline and public property.

(b) For purposes of this section, "waterfowl" means those species of birds commonly known as ducks, swans, and geese, and any other waterfowl, whether or not migratory.

(c) No person shall engage in the regular, routine, or habitual practice of feeding any waterfowl within any pond or lake within the town or within any public property adjacent thereto. No person shall regularly, routinely, or habitually create or foster any condition or allow any condition to exist or continue which results in a congregation or congestion of waterfowl.

4. Section 10-52 of the Code is amended by amending subsection (a) thereof to read as follows:

Section 10-52. Authority to impound; procedures.

(a) The supervisor of animal control is authorized to impound such animals running at large, other than a cat, and may impound a cat under conditions specified in this division and when the supervisor has received a complaint that the cat causes a nuisance or hazard to the health or welfare of human or animal population.

5. Section 10-57 of the Code is amended by amending subsections (b) and (c) thereof to read as follows:

Section 10-57. Adoption; conditions.

* * * * *
*

(b) The supervisor of animal control may refuse to allow a person to adopt a cat or dog whom the supervisor has reason to believe:

- (1) Would not be able to obtain a registration certificate under restrictions of this chapter;
- (2) Would not have proper facilities to contain or care for the animal as required by this chapter;
- (3) Wants the dog or cat for the purpose of resale or for purposes other than pet ownership; and
- (4) Would not be a suitable owner within the sole discretion of the supervision of animal control.

(c) Notwithstanding any of the provisions of this section, the supervisor of animal control shall have the authority to waive any and all impoundment, handling, quarantine, or adoption fees whenever it is appropriate in the supervisor's opinion to do so.

6. Section 10-58 of the Code is amended by amending subsection (b) thereof to read as follows:

Section 10-58. Impoundment fees.

* * * * *
*

(b) *Daily handling fees for animals in town pound.* A daily handling fee shall be charged for every day, or fraction thereof, that an animal is in the town's custody ~~at the animal shelter~~. The daily handling fee shall be \$10.00 per day or

reasonable fees commensurate with fees charged the town by outside contractor for quarantine or boarding.

* * * * *
*

7. Section 10-82 of the Code is amended to read as follows:

Section 10-82. Manner of disposing of animals exposed to rabies.

Every animal that has been bitten by another animal shall be immediately confined by the owner, who shall promptly notify animal control of the place where such animal is confined and the reason therefor. The owner shall not permit such animal to come in contact with any person or animal. Any animal exposed to rabies shall be handled in one of the following manners:

(1) Humane destruction, with notification to, or under supervision of, animal control;

(2) If not currently vaccinated, the animal must be given an immediate vaccination with appropriate boosters there after at the appropriate intervals and be placed in quarantine at a veterinary hospital for at least ninety (90) days~~six months~~ immediately following the date of the exposure; or

(3) If currently vaccinated, immediate booster vaccination~~revaccination~~ and quarantine for at least forty-five (45)~~30~~ days immediately following the date of the exposure.

8. Article III of Chapter 10 of the Code is hereby renamed to read as follows:

ARTICLE III DOGS, AND CATS AND OTHER ANIMALS

9. Section 10-111 of the Code is amended to read as follows:

Section 10-111. Numbers of animals~~dogs~~ allowed.

No residence within the town shall harbor or keep more than four (4) adult dogs, and/or five of any other type of animal, bird or reptile over the age of sixteen (16) weeks. No residence within the town shall harbor or keep more than one (1) litter of puppies and/or one (1) litter of kittens.~~It shall be unlawful and an offense to keep or harbor more than four dogs six months of age or older on any lot within the town.~~

10. Section 10-114 of the Code is amended to read as follows:

Section 10-114. Vaccination of dogs and cats required; metal and paper certificates.

All dogs and cats over four months of age must be vaccinated annually for rabies with an antirabies vaccine ~~approved by the town sanitarian and~~ administered by a duly authorized veterinarian. A metal certificate of vaccination with the year of vaccination, a certificate number and the name, address and phone number of the vaccinating veterinarian must be securely attached to a collar or harness that must be worn by the dog or cat at all times. In addition to the metal certificate, a paper certificate must be issued stating the name of the owner, the address of the owner, a description of the dog or cat, the date of the vaccination, the number of the metal certificate and the kind of vaccine used.

11. Section 10-156 of the Code is amended to read as follows:

Section 10-156. Vicious or dangerous dogs prohibited.

It shall be unlawful for any person to keep or harbor any dangerous dog within the town limits, except for dangerous dogs which were registered pursuant to division 2 of this article with the town ~~immediately preceding July 28, 1987.~~

12. Section 10-157 of the Code is amended to read as follows:

Section. 10-157. Registration required.

All persons keeping or harboring dangerous dogs within the town ~~immediately preceding July 28, 1987,~~ shall register such dog ~~within 30 days from July 28, 1987,~~ with the animal control authority and provide the authority with the following:

- (1) The name, address and telephone number of persons keeping or harboring a dangerous dog.
- (2) A \$50.00 registration fee for each dangerous dog being kept.
- (3) Proof that each dangerous dog is four months of age or over, has been vaccinated against rabies by a licensed veterinarian and supply name, address and phone number of veterinarian.
- (4) Two identification photographs, color photos at least three inches by five inches, of each dog with one photograph showing the frontal view and the other showing a side view of each dog.
- (5) Proof of a current public liability insurance policy in the amount of at least \$250,000.00 for personal injury or death and \$50,000.00 for property damage to cover injury or damage caused by a dangerous dog, which policy shall name the town as a co-insured.

13. Section 10-159 of the Code is amended by amending subsection (g) thereof to read as follows:

Section 10-159. Outdoor confinement.

* * * * *
*

(g) For dangerous dogs confined in kennels, pens or structures outdoors, the kennels, pens or structures must comply with this section no later than 60 days from the day the dangerous dog is brought into the Town's limits~~after July 28, 1987.~~

14. Section 10-162 of the Code is amended by amending to read as follows:

Section 10-162. Signs required.

Any person keeping or harboring a dangerous dog within the town shall, ~~within ten days of July 28, 1987,~~ display in a prominent place on the premises a sign easily readable from the public street stating, "BEWARE OF DOG." A similar sign shall be posted on the kennel, pen or structure where a dangerous dog is kept.

15. Section 10-167 of the Code is amended by amending to read as follows:

Section 10-167. Authority to immediately impound.

In the event that the supervisor of animal control shall determine that a dog is dangerous and presents an immediate and imminent threat and danger to the health and safety of the public or of other animals, the supervisor~~he~~ is hereby authorized to immediately impound such animal and keep such animal impounded through the pendency and resolution of the hearing provided for in subsection 10-166(c) and section 10-168. The owner of such dangerous dog shall be responsible to pay all impoundment fees which accrue pursuant to section 10-58.

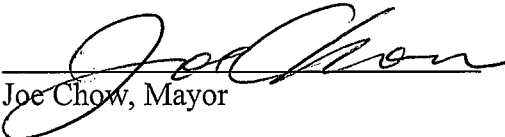
Section 2. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 3. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 4. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues. In addition to and cumulative of all other penalties, the Town of Addison shall have the right to seek injunctive relief (and any other available actions or relief) for any and all violations of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law (including, without limitation, the City Charter, and the ordinances of the City).

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 28th day of April, 2009.


Joe Chow, Mayor

ATTEST:

By: 
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 
John Hill, City Attorney