

CITY OF TEHUACANA, ORDINANCE NO. 021103

ANIMAL CONTROL ORDINANCE

Whereas, the City of Tehuacana is a residential city, and seeks to promote the health, safety, and general welfare of its citizens; and

Whereas, it is necessary for the City to control the keeping of animals within the city limits, so as to prevent animals from becoming a public nuisance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEHUACANA:

Section I. Running at large generally, nuisances

- A. Owners of dogs and cats shall not permit the animals to run at large.
- B. Every owner of a dog or cat shall exercise proper care and control of his animal to prevent the animal from becoming a public nuisance. It is unlawful and a nuisance to allow a dog or cat while under a person's control to deposit excretory matter on property other than that of the owner of the dog or cat or damage property.
- C. It shall be unlawful to permit a dog or cat which has the propensity to bite or attack human beings to run loose on or within the owner's premises in such a manner as to endanger the safety of any person lawfully entering such premises.

Section II. Vaccination

All dogs and cats owned, kept, harbored or in the custody of any person within the city are hereby required to be vaccinated against rabies by some licensed veterinarian once each year, or such person must receive a waiver once each year from some licensed veterinarian stating that the animal does not need vaccinating that year. Every veterinarian who vaccinates any dog or cat for any such person, or issues such waiver of nonvaccination, shall collect his fee for same from the person and shall issue a certificate of vaccination or a certificate of waiver to such person, stating the name of the owner, a brief description of the dog or cat, the date of vaccination or waiver, and the fee collected by him for same. The owner of the dog and/or cat shall receive and secure from the veterinarian a tag consisting of either metal or plastic, which shall be fastened to the collar around the neck of the dog or cat. Whenever any person has complied with the provisions of this section and the dog or cat tag is lost or otherwise destroyed, it shall be the duty of the owner or keeper of the dog or cat to procure another tag from the veterinarian by paying the value of the tag to the veterinarian.

Section III. Impoundment

Any dog or cat found within the city in violation of any of the provisions of this article shall immediately be impounded and kept for a period of seventy-two (72) hours. If the animal is properly tagged in accordance with section II of this ordinance, the animal warden shall issue a notice to the owner that the dog or cat has been impounded. If the animal is untagged when impounded and is not claimed by the owner thereof within seventy-two (72) hours, the animal warden may dispose of the animal by adoption or destruction.

Section IV. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person, entity, or corporation, or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance for the application to such other persons, entities or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Tehuacana, in adopting this Ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

Section V. All Ordinances of parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

Section VI. This Ordinance shall become effective in accordance with state law and shall remain in full force and effect from and after the date of publication.

PASSED AND APPROVED THIS THE 11 DAY OF February
2003.

E. B. Trotter
Mayor

ATTEST:

Bonnie H. Duke
City Secretary