

DATED: November 20, 1990

An amendment (revision) of the City of Timpson, Texas, Ordinance No. 113 (Animal Control) in the category of Public Order, is hereby amended (revised) and provides for the following Laws/Controls for Dogs and Cats PROHIBITING DOGS OR CATS FROM COMMITTING ANY PUBLIC NUISANCE WHILE SAID ANIMALS ARE ON PUBLIC PROPERTY, IN A PUBLIC PLACE OR ON PRIVATE PROPERTY, as applicable, A PUBLIC NUISANCE INCLUDES, BUT IS NOT LIMITED TO, SAID ANIMAL(S) BEING LOOSE OR AT LARGE OR UNLEASHED, BARKING, HOWLING OR MEOWING LOUDLY, EXCESSIVELY TO ANY DEGREE OR EXTENT WHICH RESULTS IN THE PUBLIC'S PEACE AND QUIET BEING DISRUPTED OR INTERFERRED WITH, OR HINDERING THE FLOW OF VEHICULAR OR PEDESTRIAN TRAFFIC, AUTHORIZING A VETERINARIAN OR CITY MARSHALL TO SEIZE, OR IMPOUND AT THE ANIMAL OWNER'S OR CUSTODIAN EXPENSE OR RETURN TO THE ANIMALS OWNER OR CUSTODIAN ANY SAID ANIMAL FOUND TO BE COMMITTING A PUBLIC NUISANCE OR OTHERWISE IN VIOLATION OF THIS ORDINANCE, REQUIRING AN ANIMAL'S OWNER OR CUSTODIAN TO SHOW UPON DEMAND OF VETERINARIAN OR CITY MARSHALL A VALID (unexpired) ANTI-RABIES TAG OR RECEIPT FOR ANY DOG OR CAT WHICH IS THREE (3) MONTHS OF AGE OR OLDER, PROVIDING A PENALTY FOR OFFENSES COMMITTED AND PROVIDING AN EFFECTIVE DATE: AND PROVIDING FOR DEFINITIONS AS USED IN THIS ANIMAL CONTROL ORDINANCE.

WHEREAS; The Mayor and City Council were informed by the City Judge that the Animal Control Ordinance needs prompt amending (revision) to reduce it's volume, delete where known any conflict with State Law and enhance the overall understanding and effectiveness of the ordinance.

THEREFORE: It is deemed to be in the best interest of Public Order to approve and publish this ordinance as amended (revised).

BE IT ORDAINED BY THE CITY OF THE CITY OF TIMPSON, TEXAS

Section 1. Definitions. (a) as used in this Animal Control Ordinance:

- (1) "Public Property" means and includes, but is not limited to streets, roads, public right of ways, sidewalks, highways, and City Parks, and the City Hall Complex.
- (2) "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, the common areas of public schools, office buildings, shops, stores, service stations, and parking lots and drive through service lanes open to the public.
- (3) "Dog Or Cat" means both male and female of the canine and feline species, and dogs and cats are deemed to be animals for the purpose of this ordinance.
- (4) "Leash" means any device or instrument made of rope, nylon, leather, or metal chain(s), and used to restrict or control behavior, movements, motions, and distance of a dog or cat.
- (5) "Bodily Injury" means any degree of harm, damage, or injury inflicted upon a human being, by a dog or cat, which includes, but is not limited to bites, bite marks, scratches, lacerations of the human skin, wounds, and associated pain.
- (6) "Being At Large Or Loose" means that a dog or cat is not leashed and attended by said animal's owner or custodian, while the animal is on public property or in a public place, or said animal(s) is present on anyone's private property without that property owner's effective consent.
- (7) "Owner" means the primary person responsible for providing the humane care (food, shelter, etc.) normally given a dog or cat.
- (8) "Public Nuisance" means an act or omission involving dogs or cats and is in violation of this ordinance.
- (9) "Custodian" means a person who has been given custody of a dog or cat by it's owner, for a time and/or purpose and with the agreement or expectations that said animal(s) will be returned to it's owner.

(10) NOTE: In any instance where a definition is not provided for any term(s) or word(s), used anywhere in this Animal Control Ordinance, those terms or words, as applicable, shall be open to a fair but brief and reasonable interpretation, import or meaning, to promote justice and fairness and to effect the objectives of this Animal Control Ordinance.

Section 2: ANIMAL CONTROL VIOLATIONS: A. Each of the following acts or omissions are hereby declared to be unlawful, public nuisance prohibited; an offense, and in violation of this Animal Control Ordinance and contrary to the best interest to Public Order if committed within the City Limits of Timpson, Texas, by the owner or custodian of any dog or cat.

B. A person commits an offense if he or she intentionally or knowingly:

(1) Allows, permits, or causes any dog or cat that he or she owns or has custody of, to commit any public nuisance prohibited by this Ordinance, which includes, but is not limited to, said animal(s) being at large or loose, obstructing or hindering the flow of customer, pedestrian, and vehicular traffic, inflicting any degree of damage or loss to any public or private property and while said animal(s) is in or at a public place or on anyone's private property without that private property owner's effective consent, or while said animal(s) is on public property.

(2) Allow, permits, or causes, any dog or cat that he or she owns or has custody of, to bark, howl, or meow excessively, loudly, frequently, or habitually, or said animal(s) causes or makes any other vocal or physical noise(s), which is unreasonably loud or continuous to the degree, extent, or amount, that the peaceful enjoyment of any right, benefit or privilege of any person(s), is obviously or unreasonably disturbed or interrupted, while said animal(s) is on public property, in a public place, or on private property.

(3) Allows, permits, or causes any dog or cat, that he or she owns or has custody of, to be present at any time on any public property, or in or at any public place, unless said animal(s) is at all times, wearing a properly fitting and secure nylon or leather neck collar which is always secured to a human controlled and supervised leather, nylon, rope, or chain leash not exceeding 48" in overall length, which is of such quality and state of good repair and strength, sufficient to deter or restrain, with reasonable degree of certainty, said animal(s) from breaking free, escaping, or from posing, launching, or making any unwarranted, unprovoked, or unjustifiable threat, assault, attack, or bodily injury, to or upon any human being(s), or from committing any public nuisance(s) prohibited by this Ordinance.

(4) Fails to produce or show upon the demand or request of a veterinarian or the City Marshall a valid (unexpired) anti-rabies tag or receipt for any dog or cat that he or she owns or has custody of for any dog or cat that is three (3) months of age or older.

Section 3: A veterinarian and/or the City Marshall may seize, return to it's owner or custodian for safekeeping, or impound at the owner or custodian's expense, any dog or cat found loose or at large while on public property or in a public place within the City and in violation of this Ordinance.

#### SOME STATE LAW REFERENCES

1. "Keeping Vicious Dog" - Chapter 42, Sec. 42.12 Texas Penal Code
2. "Cruelty To Animals" - Chapter 42, Sec. 42.11 Texas Penal Code
3. "Destruction Of Vicious Dog" - Chapter 18, Art. 18.182 Texas Code Of Criminal Procedure.


Section 4: This Animal Control Ordinance, in the Public Order category, as amended (by revision), applies only to Animal Control offenses or violations committed or occurring on or after the effective date of this amended ordinance, shall be governed by the ordinance and the provisions therein, in effect when the violation or offense was committed or occurred, and that ordinance (No. 113, dated September 15, 1987) is retained for that purpose only.

Section 5: PENALTY FOR VIOLATION: Any person(s) who violates any provision or sections of this ordinance shall be deemed guilty of a misdemeanor offense, and upon conviction thereof, shall be punished by a fine not to exceed five-hundred dollars (\$500.00) plus state directed court costs. Further, each and everyday or instance of a violation or allowing same to be violated, or any section or provision of this ordinance, shall constitute a separate offense and the person(s) deemed guilty of such violations, shall upon conviction, be punished as herein provided.

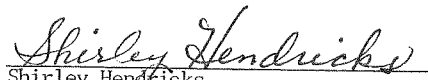
Section 6: Should any section, part, or provision of this ordinance be declared unconstitutional and void by a Court of competent jurisdiction, such decision shall in no way affect the validity of the remaining parts, save the part held unconstitutional and void is inseparable from and indispensable to the operation of the remaining parts. The City Council hereby declares that it would have passed only parts which are valid and would have omitted those parts which are invalid, had they known that such section, or provision was void and/or unconstitutional at the time of the passage of this ordinance. Also, any conflict which arises between this Animal Control Ordinance and any applicable state law(s), then the state law shall prevail, to promote the best interest of justice.

Section 7: The importance of this ordinance and the necessity for providing for Public Order, necessitates that the procedural rule requiring an ordinance to be read on three different days or occasions, be suspended, and this rule is suspended, and this ordinance shall take effect and be in force from and after the date of it's passage and publication, and it is so enacted.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF November, 1990,  
WITH AN EFFECTIVE DATE OF November 20, 1990.

  
Ross Graves, Mayor  
City Of Timpson

ATTEST:

  
Shirley Hendricks  
City Secretary