

## **ORDINANCE NO. 2016-12-17B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS; AMENDING CHAPTER 7; "ANIMAL CONTROL" OF THE OVERTON CODE OF ORDINANCES BY ADDING A SECTION ON VICIOUS ANIMALS; PROVIDING FOR A PENALTY OF UP TO \$500.00, PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Overton is aware of a chronic problem caused by wild dogs running loose thus creating a threat to the health and public safety of the citizens of Overton; and

**WHEREAS**, the most humane and effective way to deal with the capture and impoundment of such animals is to use a tranquilizer gun to subdue them; and

**WHEREAS**, prudence requires that any public official using a tranquilizer gun should be certified to do so and should have the necessary local statutes in place to authorize the use of such means to subdue wild animals; and

**WHEREAS**, The City of Overton's Animal Control Officer has taken required courses to be certified to use a tranquilizer gun to subdue vicious animals;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT**

**SECTION 1:** That the following Sections shall be added to CHAPTER 70: ANIMAL CONTROL of the City of Overton Code of Ordinances as written:

### **Vicious Animals**

**§ 70.51: Dogs at large**

It shall be unlawful for any person to keep-harbor, raise or allow to run at large, any vicious dog within the City.

**§ 70.52: Animals at large**

It shall be unlawful to allow to run at large any wild or vicious animal within the City. As used in this section a "wild animal" shall mean any animal that is not ordinarily domesticated. A vicious animal shall mean any animal, other than a dog, that by its nature or physical makeup is capable of causing serious physical injury or death to human beings.

§ 70.53: Impoundment

- a. The Animal Control Officer or designee shall cause to be seized and impounded any vicious dog found to be running at large or that is found to be kept or living in the City.
- b. The Animal Control officer or designee shall cause to be seized and impounded any wild or vicious animal found to be running at large within the City.

§ 70.54: Tranquilization, destruction

If, during the course of seizing and impounding any animal, including but not limited to vicious dogs, that under this article, poses a risk of serious physical harm or death to any person, such person authorized by the Animal Control Officer or designee may render such animal immobile, by means of tranquilizers (however administered) or other safe drugs or if that is not safely possible then such animal may be killed.

§ 70.55: Redemption Restricted

- a. Any vicious dog or wild or vicious animal shall not be released from impoundment unless and until the Animal Control Officer or designee is satisfied that the owner of such vicious dog or wild or vicious animal has made arrangements to keep the same outside of the City, and that the vicious dog or wild or vicious animal will be immediately and permanently removed from the City and the impoundment and/or any other applicable fees that are on file in the City are paid.
- b. No vicious dog or wild or vicious animal may be adopted out of the City of Henderson Animal Shelter. However, the owner of any impounded vicious dog or wild animal may resume possession of the same if such owner makes arrangements for keeping the same outside of the City, within 72 hours of its removal from the Shelter.

§ 70.56: Penalty for Violation

Any owner of an animal whose actions are in violation of this chapter shall be fined by the Municipal court and shall be deemed guilty of a Class C misdemeanor and punished by a fine not to exceed five hundred dollars (\$500.00) for each subsequent offense.

**SECTION 2: AUTHORIZATION TO PURCHASE TRANQUILIZER GUN**

That staff is directed to purchase and as necessary use a tranquilizer rifle to provide the means of safely tranquilizing any animal described in § 70.52 above;

**SECTION 3: SEVERABILITY CLAUSES**

That if any provision or any section of this Ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or section of this Ordinance, which shall remain in full force and effect.

**SECTION 4: PUBLICATION**

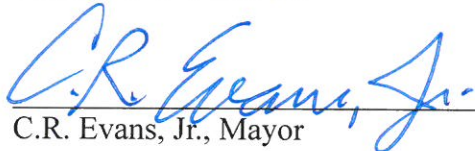
The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

**SECTION 5: EFFECTIVE DATE**

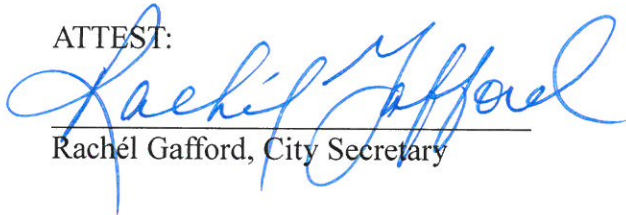
This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

**PRESENTED ON AND APPROVED ON THIS 17<sup>TH</sup> DAY OF December, 2015 BY A VOTE OF 4 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.**

**CITY OF OVERTON**

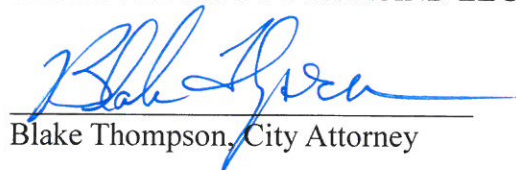
  
C.R. Evans, Jr., Mayor

ATTEST:

  
Rachél Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:

  
Blake Thompson, City Attorney