

ORDINANCE NO. 2023-2-21

AN ORDINANCE OF THE CITY OF ASPERMONT, TEXAS ADOPTING REGULATIONS GOVERNING ANIMALS WITHIN THE CITY; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Aspermont (the "City") is a general-law municipality operating under the laws of the State of Texas;

WHEREAS, the City has the power to adopt and enforce ordinances necessary "for the government, interest, welfare, or good order" of the City pursuant to Section 51.012 of the Texas Local Government Code;

WHEREAS, pursuant to Section 826.015 of the Texas Health & Safety Code, the City may adopt ordinances establishing a local rabies control program and, through such a program, the City may adopt ordinances requiring dogs and cats to be restrained, allowing for the impoundment of stray dogs and cats and the humane disposal of unclaimed animals, and providing for a fee for said impoundment pursuant to Section 826.033 of the Texas Health & Safety Code; and

WHEREAS, the City currently has no standards in place regulating animals within the City and the City Council of the City (the "City Council") finds that it is necessary to establish standards in order to protect the health, safety, and welfare of residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPERMONT, TEXAS THAT:

Section 1.     Animals. The following provisions are hereby enacted as the Animal Ordinance of the City of Aspermont, Texas:

A.     Sanitation.

- (1)     No owner or custodian of any animal shall cause or allow such animal to soil, defile, or defecate on any public property or upon any street, sidewalk, public way, or play area, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal.
- (2)     No person owning, harboring, or keeping an animal within the City shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others, so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition on the owner's or custodian's property, or to abutting property of others.
- (3)     No person owning, harboring, keeping, or in charge of any animal shall cause unsanitary, dangerous, or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

B. Defense of Persons or Animals from Animal Attacks.

(1) Animal Attack on Person. Nothing in this ordinance is intended to prohibit an animal control official, peace officer, or any other person from defending himself or another person from an animal that is attacking, about to attack, himself or another by using reasonable means up to and including the killing of the attacking animal.

(2) Dogs or Coyotes that Attack Animals. Pursuant to Section 822.013 of the Texas Health and Safety Code, a dog or coyote that is attacking, is about to attack, or has recently attacked livestock, domestic animals, or fowl may be killed by any person witnessing the attack or the attacked animal's owner or a person acting on behalf of the owner if the owner or person has knowledge of the attack.

C. Running at Large.

(1) It shall be unlawful for the owner of any animal to permit such animal to run at large upon the streets and public ways of the City.

(2) Running at large means that the animal is not completely confined by a building, wall or fence of sufficient strength, height, or construction to restrain the animal.

(3) An animal is not running at large when such animal is on a leash or held in the hands or vehicle of the owner or keeper.

D. Impoundment.

(1) The City Administrator or his or her designee may impound any animal found running at large.

(2) Any animal impounded by the City shall be held at the Stamford Animal Control & Care Center. A record shall be made of the time and place of impoundment.

(3) The City Administrator or his or her designee shall make reasonable efforts to determine if the animal impounded has any traceable identification.

(a) If the animal has identification, the City Administrator or designee shall make reasonable effort to contact the owner of the animal to notify him or her of the animal's impoundment.

(b) If the animal has no traceable means of identification, the City Administrator or designee shall create a record of the species, breed, color, and sex of such animal and shall provide such information to City Hall to be posted on the front window of City Hall.

(4) Impounded animals shall be held for seventy-two (72) hours. If the impounded animal is not claimed by its owner within this time period, ownership of the animal shall be deemed to have transferred to the City. The City Administrator or his or her designee shall attempt to have the animal adopted or, if the animal is not adoptable or is not adopted within a reasonable time, have the animal humanely destroyed.

E. Reclamation.

(1) It is the responsibility of the owner of an impounded animal to reclaim the animal during the seventy-two (72) hour time period.

(2) Any person seeking to claim an impounded animal must go to the Stamford Animal Care & Control Center and provide adequate documentation that the person owns the impounded animal.

(3) The City Administrator's designee at the Stamford Animal Care & Control Center shall determine whether a person has provided sufficient proof of ownership of an animal and, if the person has, the impounded animal shall be released to the person.

(4) Any person reclaiming an impounded animal shall remit to the City Administrator's designee at the Stamford Animal Care & Control Center the following fees:

(a) A Reclamation Fee of \$50.00. If the animal being reclaimed is sterilized, has a current Rabies vaccination, and is identified by some means of traceable identification, the Reclamation Fee will be reduced to \$25.00.

0)) A Boarding Fee of \$5.00 per day or part of day that the animal was impounded.

F. Penalty. A violation of any of the provisions, or failure to comply with any of the mandatory requirements, of this ordinance shall constitute a misdemeanor punishable by a maximum fine of \$500.00. Each day a person violates, continues to violate, or permitted a violation of this ordinances shall be a separate offense.

Section 2. Repeal

Any prior ordinance or ordinance provision, as may be applicable, is hereby repealed to the extent that such ordinance or provision of an ordinance conflicts or contradicts the amendments and provisions enacted herein.

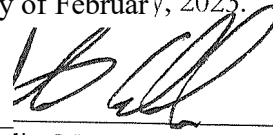
Section 3. Severability.

Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

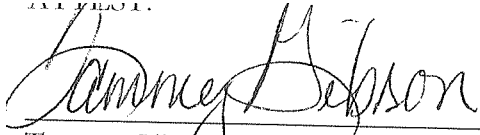
Section 4. Effective Date.

This ordinance shall take effect and be in full force and effect from and after the date of its passage and publication of the caption and penalty clauses of the Ordinance in a newspaper of general circulation within the City, as required by law.

PASSED, APPROVED, AND ADOPTED this the 21<sup>st</sup> day of February, 2023.



Steve Ellis, Mayor

  
Tammy Gibson, City Secretary