

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO 2009 I

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS AMENDING ORDINANCE 2007D WHICH ADOPTED CHAPTER 92, ENTITLED “ANIMALS,” OF THE CODE OF ORDINANCES OF THE CITY OF COCKRELL HILL, TEXAS, BY ESTABLISHING ADOPTION AND TRANSFER PROCEDURES OF ANIMALS; ESTABLISHING FEES; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Cockrell Hill (“City Council”) adopted Ordinance 2007D, a comprehensive Animal Services Ordinance governing the regulation of animals within the City of Cockrell Hill, Texas (“City”); and

WHEREAS, the City Council desires to establish procedures regarding the adoption and transfer of animals; and

WHEREAS, the City Council hereby exercises its authority under Local Government Code Section 51.012 as a type-A municipality to enact regulations not inconsistent with the general laws of the State of Texas in the interest of the health, safety and welfare of the citizens of the City of Cockrell Hill;

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

SECTION 1

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Chapter 92, Section 92.06 of the Code of Ordinances of the City of Cockrell Hill, Texas, entitled “Impoundment, Redemption, Adoption and Disposition of Animals,” is hereby amended to hereafter read as follows:

“§ 92.06 Impoundment, Redemption, Adoption and Disposition of Animals

(a) Impoundment Generally.

1. Code Enforcement Officers are hereby authorized to capture and impound any 2009 Animal control doc adoption

animal upon having probable cause to believe said animal to be in violation of any provision of this ordinance or state law which authorizes or requires the animal's capture and impoundment, and in so doing, to enter upon any fenced or unfenced lot, tract or parcel of land when deemed necessary for the protection of the public health, safety and welfare, for the protection, health, safety and welfare of any animal, as allowed by law. As a matter of policy, Code Enforcement Officers shall not enter upon private property to capture and/or impound any animal known to belong to the owner of said property without probable cause. A Code Enforcement Officer may enter upon the property, as allowed by law, to capture an animal if it is believed that said animal poses a threat or danger to property, human beings or other animals.

2. Additionally, it is the responsibility of the Code Enforcement Officer to accept any animal delivered to the Animal Services Facility pursuant to the requirements of this Chapter, except those animals that are voluntarily released by their owners. For an animal to be voluntarily released, the owner must sign an Owner Release Form. In addition, it is the duty of the Code Enforcement Officer to capture and impound wild or non-domesticated animals in response to citizen's complaints of public nuisance or to control feral populations.
3. If the lawful owner of an animal requests euthanasia due to injury or illness where recovery of the animal is unlikely and private means are not readily available, the owner must first sign all required forms and pay the required fees as adopted by the City.
4. Baby nursing animals impounded without the mother or whose mother cannot or refuses to provide milk, may be transferred to a licensed rehabilitation facility whenever such facility is willing and able to provide care for the baby nursing animals. Should no facility be available, the animals may be humanely destroyed to prevent further suffering.

(b) Duties of Code Enforcement Officer.

1. If, by identification tag, the owner of an impounded animal can be identified, the Code Enforcement Officer will, as soon as practical, notify the owner either in person or by telephone of said impoundment. If the animal is locally owned within the City of Cockrell Hill and telephone contact can or cannot be made, the Code Enforcement Officer will post a notice on the front door of the owner's residence indicating that the animal has been impounded.
2. All impounded animals shall be kept for not less than five (5) days, unless the animal is reclaimed earlier by the owner under acceptable conditions. However, no impoundment period is required for an animal voluntarily delivered and released to the Animal Services Facility or City by its owner.

3. After the expiration of any required impoundment period, the impounded animal shall be released to the Animal Services Facility. At that time, the animal shall be disposed of by adoption from the facility, by offering it to a local animal humane group for adoption, by public auction, or by humanely destroying the animal.
4. Any animal, whether licensed or unlicensed, which is in great pain and suffering due to injury and probably will not recover, or which appears to have rabies, and/or which is at large and is posing an imminent danger to human beings or to other animals, may be humanely destroyed by the City Code Enforcement Officer.
5. Any owner or person redeeming an unaltered animal from the Animal Services Facility for the fourth time within any twelve-consecutive month period must have the animal sterilized within thirty (30) days of the date the animal is released from the facility. Proof of said sterilization must be provided to the Animal Services Facility within ten (10) days of compliance.
6. When acting in the course and scope of their employment, the Code Enforcement Officer is hereby authorized to carry on his person, or in city vehicles, loaded tranquilizer guns approved by the division of community services, or other weapons upon demonstration of proficiency and as qualified by the City Police Department, and not in violation of any provision of the state penal code or any applicable state law.
7. Inspection of the premises where livestock, fowl or pets are kept or maintained shall be subject to inspection upon receiving a complaint, at any reasonable hour of the day while in the presence of the owner.

(c) State Laws for Cat and Dog Sterilization Adopted. The City shall comply with all sterilization laws as set forth in Chapter 828, of the Texas Health and Safety Code, as amended. A copy of the statute may be obtained from the City Administrator.

(d) Requirements to Redeem an Impounded Animal.

An animal which has been impounded under the provisions of this chapter may be redeemed by its owner or the lawful representative, provided that the redeeming person:

- a. Is at least 18 years of age and presents identification, which verifies his/her identity and date of birth;
- b. Identifies themselves as the owner of the impounded animal or provides proof that he is the lawful representative of such owner including possession of the applicable required permit;

- c. Proof of current rabies vaccinations, or vaccination prior to release;
- d. Properly completes all applicable redemption forms as required; and
- e. Pays the applicable redemption fees and charges.

(e) Adoption Generally.

- (1) The Animal Services Facility is authorized to offer for adoption any impounded animal not redeemed by its owner within five (5) days or any animal released by its owner for adoption, except where otherwise specified.
- (2) The Code Enforcement Officer shall be the sole judge as to whether or not an animal is suitable to offer for adoption. A decision to offer a particular animal for adoption shall not constitute a warranty, expressed or implied, of the health, temperament, or age of the animal.
- (3) In order to adopt an animal, a person shall:
 - a. Complete the necessary adoption paperwork and pay an adoption fee as established by the city council and kept on file in the office of the city secretary;
 - b. Pay a registration fee as established by the city council and kept on file with the city secretary; and
 - c. Sign an adoption agreement, to include mandatory sterilization and vaccination of the adopted animal, and present photo identification to the City so that the City can make a copy of it.
- (4) Within seven (7) days of the animal's release from the Animal Services Facility, a person adopting an animal shall provide certification from a veterinary clinic that the animal was vaccinated as required in this Chapter.
- (5) A person who adopts an animal from the Animal Services Facility, that is determined to be either of insufficient age or medical condition to receive vaccinations or be spayed or neutered as prescribed by law, shall follow the instructions provided by the veterinary provider and ensure that the adopted animal is subsequently vaccinated and spayed or neutered by the contracted veterinary provider when it is medically capable.
- (6) If a person fails to meet the requirements of this section, the Animal Services Facility is authorized to impound the animal and/or issue citation(s) for violation of this section. It shall be unlawful for any person, who is in violation of this section,

to fail or refuse to surrender an animal adopted from the Animal Services Facility.

(7) Transfer of Animals to other Releasing Agencies. The custody of any animal eligible to be placed for adoption under this Section may be transferred without fee to animal shelters or humane organizations so that these organizations may act as releasing agencies and place the animals for adoption pursuant to V.T.C.A. Health and Safety Code, Ch. 828. Before any animals will be transferred to other releasing agencies, these agencies must meet any administrative requirements established by the Code Enforcement Officer. All responsibilities required of releasing agencies under V.T.C.A. Health and Safety Code, Ch. 828, for adoption, immunization and sterilization of impounded animals shall be solely the responsibility of the animal shelter or humane organization receiving the animal, and the city shall retain none of these responsibilities upon transfer. The transfer of an animal eligible for adoption to alternate releasing agencies shall be made without any fee.”

SECTION 3

All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Cockrell Hill, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5

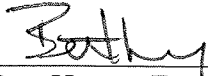
This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the laws of the State of Texas.

PASSED, APPROVED AND ADOPTED THIS 21th DAY OF APRIL, 2009.



LUIS CARRERA, Mayor

ATTEST:



Bret Haney, Executive Assistant
City of Cockrell Hill, Texas

[SEAL]

APPROVED AS TO FORM:



Robert F. Brown, City Attorney