

Sec. 2-1, Animal Control

1. It shall be unlawful for any person to own, keep, possess or cause to be present within the corporate limits of the City of Terrell Hills, Texas any dog, cat, or other animal capable of carrying rabies unless said dog, cat or other animal has been registered and licensed as below provided in this section:

a. Each person shall apply to the Secretary-Manager or his/her designee[☆] for a license. The applicant must present proof acceptable to the Secretary-Manager or his/her designee[☆] that the animal to be licensed has a current vaccination against rabies.[†]

b. The Secretary-Manager or his/her designee[☆] shall furnish, for a fee of \$1.50 a registration form in duplicate to the applicant who shall complete such form so as to state the applicant's full name, address and telephone number; the name, breed, color, age and sex of the animal to be licensed; and the name and address of the veterinarian who last vaccinated the animal and the date of vaccination. Applicant shall sign both the original and copy of this form.

c. The Secretary-Manager or his/her designee[☆] shall sign the original if all prerequisites of information and vaccination have been met and return the original of the application to the applicant. The applicant shall retain the original as evidence of license for the animal registered and shall make it available to any City police officer, animal control officer or other appropriate municipal authority when requested.

d. The duplicate copy of the application form shall be retained by the Secretary-Manager or his/her designee[☆] among the appropriate records of his office.

e. At the time that he returns to the applicant the original of the signed registration form the Secretary-Manager or his/her designee[☆] shall also deliver to the applicant a colored metallic tag bearing inscriptions setting forth the license year and the registration number for the animal referred to in the application. The color of this tag shall be changed each registration year as directed by the Secretary-Manager or his/her designee[☆]. The applicant shall cause this tag, immediately after receiving it, to be securely affixed to the collar of the newly licensed dog, cat or other animal involved, and it shall be constantly worn by it.

f. All licenses issued pursuant to this ordinance shall remain valid for a period of twelve (12) months concurrent with the dates of the rabies vaccination.[†]

g. Should the issued license tag be lost or destroyed the custodian of the dog, cat or other animal shall immediately apply for a replacement tag for which the Secretary-Manager or his/her designee[☆] shall charge a fee of \$1.50.

h. Issued license tags are not transferable from one animal to another nor from one custodian

to another.

2. It shall be unlawful for any person to keep an animal within the corporate limits of the City in such a manner as to constitute a breeding place for flies. Animal and poultry excreta must be removed daily from dog runs, barns, pens, cages and/or coops where animals or poultry are kept, and all such enclosures must be sprinkled with a chemical compound to aid in the control of flies and offensive odors at least once a week.

3. It shall be unlawful for any person to keep any horses, cattle, sheep, goats, poultry or other animal, other than dogs and cats, normally kept or raised on a farm or ranch within the corporate limits of the City of Terrell Hills.*

4. It shall be unlawful within the corporate limits of the City for the custodian of any dog, cat or other animal to knowingly, or with negligence, permit it:

a. To trespass upon private property of another in such a manner as to damage or disrupt such property, including but not limited to, digging up gardens or plants and foraging and overturning trash and garbage containers.

b. To molest passersby.

c. To chase pedestrians or bicycles or other vehicles.

d. To attack other animals.

e. To defecate upon private property of another.

f. To bite, scratch, claw, attack, menace or threaten a person who is not at the time trespassing upon property of the owner, or not otherwise provoking or teasing such dog, cat, or other animal. ^

5. It shall be unlawful for any person to possess within the corporate limits of the City any dog, cat or other animal which habitually barks, howls, yelps, wails, screeches or yowls in such a manner as to disturb the peace and tranquility of persons of normal sensibilities in the neighborhood.

6. It shall be unlawful for the custodian of any unsprayed female dog, while such dog is in heat, to knowingly or with negligence permit or allow the same to be upon any street or public place of the City.

7. It shall be the duty of the custodian of any dog, cat or other animal capable of carrying rabies, upon learning that it may have or has bitten*, clawed or scratched any person, to forthwith report such occurrence to the Terrell Hills Police and to have such dog, cat or other animal confined in a

certified animal quarantine facility* for the next succeeding ten day period. If for any reason it is not so confined by the custodian, the police shall impound it for observation, and may, at the discretion of the Chief of Police, deliver said dog, cat or other animal for confinement to such persons at such places and at such costs as may be reasonable.

If at the expiration of ten days the health of the animal is satisfactory, the animal may be released upon the payment by the custodian of all expenses incurred by such confinement and compliance with all provisions of this ordinance. In the alternative, and at the discretion of the Chief of Police, any animal subject to the provisions of this section may be confined for the required period of time by its owner or keeper under the supervision and direction of the Chief of Police or a licensed veterinarian, provided that the permission hereby granted to keep an animal may be revoked at the discretion of the Chief of Police.

If permitted to be confined by the owner, a licensed veterinarian shall be required to inspect such animal a minimum of three times during the ten day period, at the expense of the owner or keeper of the animal.

Where an exception is granted, the owner of the animal shall be responsible for confining the animal so as to prevent further exposure to humans or other animals during the observation. The violation of observation confinement of the biting animal shall be just cause for seizure and confinement of the animal by the Chief of Police.

No biting animal may be released from observation unless a licensed veterinarian certifies in writing to the Chief of Police that such animal is not showing any symptoms of rabies.

Exemption from placing such animal in the animal control facility or in a veterinary hospital shall not exempt such owner or keeper from securing a proper release as above provided.

8. The Secretary-Manager or his/her designee* shall appoint, subject to the approval of the City Council, an animal control officer who shall be responsible for disposing of abandoned animals and those unlawfully running at large within the corporate limits of the City after conviction of the custodian under the provisions of Paragraph 10 below. The animal control officer's responsibility may be accomplished as an additional duty by a current employee of the City.

9. Animals taken into custody by the animal control officer or in his behalf shall be retained for up to twenty-four hours* at a facility designated by the Secretary-Manager or his/her designee* during which time efforts shall be made to identify the animal's custodian. If, by the end of the twenty-four hour* period no custodian is identified the animal shall be disposed of in a humane manner. Custodians who reclaim their animals during the period of impoundment will be responsible for all costs incurred by the City.

10. If as a result of the conduct of any dog, cat or other animal its then custodian has been the subject of a complaint filed in the Municipal Court of the City alleging a violation of any of the

provisions of paragraph 4 of this ordinance and upon trial said custodian is finally convicted, it shall thereafter be unlawful for any custodian of said dog, cat or other animal to knowingly or with negligence permit said animal to run at large in the City as that term is hereinafter defined.

11. It shall be the duty of any police officer of the City to file a complaint in the Municipal Court charging violations of this ordinance when facts constituting such violations are alleged in writing by a credible person as the complaining witness, or when observed by the police officer.

12. Within the context of this ordinance the following definitions and terms shall apply:

a. Custodian: any person responsible for the animal's presence within the corporate limits of the City, including, but not limited to the owner, keeper, or temporary possessor of the animal.

b. To run at large: means that an animal is not under physical or verbal control by its custodian, and the animal is outside the custodian's premises.

c. Premises: a residence or other building and the ground belonging to it.

d. Trespass: to enter upon another's property for other than legitimately recognized business.

e. Negligence: means failure to use ordinary care; that is to say, failure to do that which a person of ordinary prudence would have done under the same or similar circumstances, or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

13. Any violation of the provisions of this ordinance shall be punishable by a fine not exceeding \$200.00. Each day that a violation continues shall constitute a separate offense.

14. To the extent that they are in conflict herewith, Ordinances 59, 85(1), 88 and 415 are hereby repealed; otherwise, said ordinances shall remain in full force and effect. The passage of this ordinance shall in no way affect pending prosecutions under the existing ordinances of the City.

15. Any provision hereof found to be void or unenforceable shall not thereby invalidate any other provision.

16. This ordinance shall become effective upon its passage and publication as provided by law and with all requirements for registration to be completed by August 1, 1978 and annually thereafter. (Ord. 490, 6-12-78)

†(amended by ord. 609, 10-12-81 and 1030, 3-08-99)

*(amended by ord. 857, 5-4-92)

*(amended by ord. 783, 1-9-89)

*(amended by ord. 908, 8-8-94)

☆(amended by ord. 958, 9-9-96)

^ (amended by ord. 1205, 2-13-06)

Sec. 2-2, No Abandoned Animals

It shall be unlawful for any person to abandon any dog, cat or other animal within the city limits of the City of Terrell Hills, Texas, thereby allowing such animal to run at large or become a stray.

Any person, firm or corporation violating any of the provisions of this ordinance shall be fined in a sum of not less than \$5.00 and not more than \$200.00, and each day any such violation occurs shall be deemed a separate offense.

(Ord. 25 § 7, 4-14-59)

Sec. 2-3, Reporting of Dog Injured or Killed with Motor Vehicle

Any person operating a motor vehicle upon the streets of the City of Terrell Hills, Texas who runs over or injures or kills a dog shall immediately notify the Chief of Police of said city of such occurrence, giving the time and place where such accident, injury or death occurred, together with a description of the animal, and the name and address of the person making the report.

Any person, firm or corporation violating any of the provisions of this ordinance shall be fined in a sum of not less than \$5.00 and not more than \$200.00, and each day any such violation occurs shall be deemed a separate offense.

(Ord. 25 §12, 4-14-59)

Sec. 2-4, Designating the Humane Society/S.P.C.A as the Official Impound Facility of Dogs and Cats for the City of Terrell Hills

1. The Humane Society/S.P.C.A., 307 West Jones, San Antonio, Texas, is hereby designated as the Official Animal Control Impound Facility of stray dogs and cats that come into the possession of the Animal Control Officer of the City of Terrell Hills.

2. The Alamo Heights Pet Clinic, 6488 N. New Braunfels, is hereby designated as the alternate Official Animal Control Impound Facility for animals that come into the possession of the Animal Control Officer of the City of Terrell Hills and cannot be accepted by the Humane Society/S.P.C.A. because of overcrowding.

(Ord.960, 11-04-96)