

**ORDINANCE NO. 2011-01-02**

**VILLAGE OF POINT VENTURE**

**AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, REPEALING AND REPLACING ORDINANCE 2010-06-01 AND ENACTING AN ORDINANCE FOR THE PURPOSE OF CONTROLLING THE PRESENCE OF DOGS AND THE HEALTH AND SAFETY OF DOGS AND OTHER ANIMALS; INCLUDING DANGEROUS DOGS; PROVIDING FOR FINDINGS OF FACT; DEFINITIONS; REGISTRATION AND VACCINATION OF DOGS; FEES; PROHIBITIONS; ADMINISTRATION; TRAINING; ENFORCEMENT AND REMEDIES, INCLUDING INJUNCTIVE RELIEF AND FINES NOT TO EXCEED \$500; SEVERABILITY; PROPER NOTICE AND MEETING; AND AN EFFECTIVE DATE**

**WHEREAS**, the Village Council of Point Venture has heretofore enacted a consolidated animal control ordinance; and

**WHEREAS**, the Village Council desires to amend such ordinance by repealing it and replacing it in its entirety, while adding in additional training requirements required by state law; and

**WHEREAS**, The Village of Council finds that this ordinance is in the best interest of the citizens of the Village of Point Venture;

**NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE**, that:

**I.  
FINDINGS OF FACT**

The foregoing recitals, including the reference to those recitals contained in the four ordinances heretofore adopted regarding the regulation of dogs in the Village, are hereby adopted as the findings of fact and Statements of legislative intent of the Village Council in enacting this Ordinance, and are incorporated herein as if fully repeated, including those in the ordinance repealed, replaced, and superseded by the Ordinance.

**II.  
DEFINITIONS**

When used in this Ordinance, the definitions found the Title 10 of The Texas Health and Safety Code shall apply.

**III.  
ADOPTION AND INCORPORATION OF STATE LAW**

To the extent permissible, the Village hereby adopts the provision of Chapters 822 and 826 of the Texas Health and Safety Code, as may be amended from time to time by the legislature.

**III.**  
**REGISTRATION AND VACCINATION OF DOGS**

**A.** Registration of Dogs

1. Registration Requirement – The owner of a dog that is over the age of four (4) months and located with the Village limits shall register the dog with the Village.
  
2. Registration of Visiting Dogs – Any visitor who is the owner of a dog which is kept within the boundaries of the Village for a period of thirty (30) days or less shall register the dog with the Village dog control program. A current rabies vaccination certificate must be presented for registration and the owner must ensure that the dog’s rabies tag is attached to the dogs collar or harness and is worn by the dog at all times. No fee will be required for the registration and no Village permit or tag shall be required provided the visiting dog remain in the Village for a period of less than thirty (30) days. If the visiting dogs remains in the Village for more than thirty (30) days then the owner must obtain a Village permit and tag, and must ensure that the Village tag along with the rabies tag is properly worn by the animal at all times of the remainder of it duration in the Village.
  
3. Registration Certificate
  - a. The Village shall issue a registration certificate to the owner of an animal required to be registered under this section if the owner provides the Village with the information necessary to complete the registration certificate and pays the Village the full amount of the initial registration fees as determined by the Council.
  
  - b. Each registration certificate that the Village issues shall State the following:
    - 1) The name, address, and telephone number of the owner of the animal;
    - 2) The name, address, and telephone number of an alternate person responsible for the animal (if requested by the owner);
    - 3) The period for which the registration is issued.
    - 4) A description of the animal for which the registration is issued and a file photo of the dog;
    - 5) The name of the animal for which the registration is issued;
    - 6) The number of the metal tag issued for the animal;
    - 7) A record of any violations of this Ordinance involving the animal or the owner of the animal.

c. The Village shall not issue a registration certificate for a dog until the owner of the animal provides the Village with written proof of the animal's current vaccination against rabies.

d. The Village shall retain a copy of each registration certificate it issues.

#### 4. Registration Tag

a. The Village shall issue a metal registration tag with a serial number plainly inscribed thereon for each dog the Village issues a registration certificate.

b. The Village shall deliver registration tags to the owners of registered dog when the Village issues the registration certificate for the animal.

c. The owner of a dog required to be registered under this section shall attach the registration tag provided by the Village for the dog to a collar securely fixed about the neck of the registered dog.

d. If the registration tag provided by the Village under this subsection is lost or destroyed, the owner of the registered dog shall apply to the Village for a new tag by presenting the dog's registration certificate and paying the fee prescribed by the Council.

e. Change of Ownership – Within (30) days of any change in ownership of a registered dog under this section, the new owner shall transfer the dog's registration certificate to his or her name.

#### 5. Registration Fee

a. When the owner of a dog registers that dog, the owner will be required to pay a registration fee. The amount of such shall be established in the attached schedule.

b. Registration can be for one, two or three year terms dependent on the length of rabies vaccination. The fee for each term can be found in the attached schedule.

i. One year term- Issued when the registered animal has received a one year rabies vaccination or has less than one remaining on a three year vaccination.

ii. Two year term - Issued when the registered animal has received a three rabies vaccination and has less than two years remaining on the vaccination.

iii. Three year term – Issued when the registered animal has received a three year rabies vaccination and has greater than two years remaining on the vaccination.

6. Non- Resident Workers or Visitor's Dogs – Non- resident workers, service personnel or visitors entering Point Venture must obtain permission from the owner or person in control of the property before permitting a dog to enter upon any such property. Such workers, personnel, or visitor's must ensure that their dogs have a current rabies tag and must keep their dog physically restrained to the premises or under direct physical control when working, performing a service or visiting.

**B. Rabies Vaccination Requirements**

1. The owner of a dog within the Village limits shall have that dog vaccinated against rabies before the dog is (4) months of age and verified once every twelve (12) months thereafter. It is understood and accepted that some rabies vaccinations are effective longer one (1) year; if so, this should be shown on the rabies tag information from the veterinarian.
2. The owner of a dog that is required to be vaccinated shall maintain and keep a vaccination certificate issued by a veterinarian evidencing the status of the animal's rabies vaccination.

**IV.  
PROHIBITIONS**

- A. Unregistered Dogs – It shall be unlawful for any person to own, harbor, or keep a dog over four (4) months of age for which the Village has not issued a current and unrevoked registration certificate. The penalty for violating this section shall be established in the attached schedule.
- B. Unvaccinated Dogs - It shall be unlawful for any person to own, harbor or keep a dog over four (4) months of age that has not been vaccinated against rabies within the preceding twelve (12) months by a veterinarian. The penalty for violating this section shall be established in the attached schedule.
- C. Requirement for Collar – It shall be unlawful for the owner of any dog regulated by this Ordinance to permit such dog to be off of the owner's premises without a collar securely fastened to the dog. The penalty for violating this section shall be established in the attached schedule.
- D. At Large Dogs - It is unlawful for any person to allow a dog to run at large within the Village limits. An exception is made for the Point Venture Property Association park property where dogs can be unleashed if under the supervision of their owner or caretaker. The dog must be kept as least 100 feet away from other people or domestic animals. If the distance from the dog to other people or domestic animals becomes less than 100 feet then the leash law requirements apply again and the dog is considered to be "at large" if left unleashed within 100 feet. The penalty for violating this section shall be established in the attached schedule.
- E. Dogs That Attack or Threaten To Attack – It is unlawful for any owner of a dog within the Village limits to allow the same to attack or bite a person or domestic animal (that lawfully has the right to be where he, she, or it is) without provocation and off of the owner's premises. It is unlawful for the owner to allow the dog to commit acts that cause a person to reasonably believe that the dog will attack and cause bodily harm to the person or domestic animal (that lawfully has the right to be where he she or it is). The penalty for violating this section shall be established in the attached schedule.
- F. Physical Control of Dangerous Dogs – It shall be unlawful for the owner of any dangerous dogs to fail to directly physically control the dangerous dog at all times. For purposes of this paragraph, "directly physically control" means to either control by leash, cord, chain, or other similar means of physical restraint of a maximum length of six (6) feet (when the animal is on the owner's premises), or to

confine said animal within an enclosure adequately constructed and maintained to ensure continuous physical restraint or in such other manner as to ensure that the animal does not leave the owner's premises.

G. Except as provided in Subsection (1), a person may not restrain a dog with a chain or tether unless the person is holding the chain or tether. Tethering in the front yard is always discouraged especially if the dog is left unattended and a nuisance to people's right to walk down the street.

1. The prohibition of Subsection (A) does not apply to temporary restraint:

(a) during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or

(b) that is required to protect the safety or welfare of a person or the dog, if the dog's owner or handler remains with the dog throughout the period of restraint.

2. A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than 1/18 of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.

3. A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water.

4. A person may not restrain a dog in a manner that allows the dog to move outside the person's property.

H. Sanitation – It is unlawful for any owner of a dog within the Village limits to permit or allow that animal to defecate upon any public place or upon any improved property not owned or controlled by the dog's owner, unless such waste is promptly removed by the owner; however nothing herein contained authorizes such person to enter upon the private property of another without permission.

I. Dog Nuisance – It shall be unlawful for any person to own, keep, or harbor a dog in such a way that creates a dog nuisance as defined in this Ordinance.

J. Interference With the Duties of the Animal Control Officer – It is unlawful for any person to knowingly and intentionally interfere with the Village Animal Control Officer while in the lawful discharge of his/her duties as prescribed in this Ordinance.

K.. Cruelty to Animals-It shall be unlawful for any person to knowingly or intentionally overdrive overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, carry or confine in or upon any vehicle in cruel or reckless manner, or otherwise mistreat or neglect any animal or cause or procure it to be done or having the charge or custody of any animal, fail to provide it with proper food, drink, or protection from the weather or abandon it. The penalty for violating this section shall be established in the attached schedule.

L. Animal Confinement

1. It shall be unlawful for any person having charge or custody of an animal, as owner or otherwise, to place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle or trailer under such conditions for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or water or such other circumstances as may reasonably be expected to cause suffering, disability or death. The penalty for violating this section shall be established in the attached schedule.

2. Any police officer or animal control officer finding an animal in a motor vehicle or trailer in violation of this section is authorized to obtain a locksmith or break and enter the vehicle or trailer, at the owner's expense if necessary, to remove the animal. Neither the individual police officer, animal control officer nor Village shall be liable for any resulting damage to the vehicle or trailer.

3. Removed animals will be impounded at the animal control shelter for safekeeping. Owners may reclaim their animals upon payment of all reasonable charges for fees that accrue for removal and maintenance of the animal plus impoundment fees.

4. At the time the animal is removed from the vehicle or trailer, the officer shall leave a written notice bearing his/her name and office and the address where the animal may be claimed. The animal will be retained for three (3) days and if not claimed will be disposed of by adoption or if that is not feasible, euthanasia by a licensed veterinarian.

#### M. Poisoning of Animals

It shall be unlawful for any person to poison any dog, cat or other domestic pets or to distribute poison in any manner whatever with the intent or for the purpose of poisoning any dog cat or other domestic pets. The penalty for violating this section shall be established in the attached schedule.

#### N. Unreasonable Noise

It shall be unlawful for any person to keep or harbor a dog that disturbs the comfort, physical senses, health or well-being of another person; or that interferes with another person's enjoyment or rightful use of his property. Unreasonable barking, howling, or screeching noises are defined as nuisance whether the animal is on the owner's premises or not. Barking shall not be deemed a nuisance if a person is trespassing or threatening to trespass upon private property in which the dog is kept.

### **V. ADMINISTRATION**

#### A. Animal Control Officer

1. Local Rabies Control Authority – For purposes of this Ordinance, the Animal Control Officer (ACO) is designated as the local health authority for the Village. The ACO may delegate such authority to persons that he or she finds appropriate as needed to effectuate the provisions of this Ordinance. (*Authority – Texas Health & Safety Code §826.017.*)

2. General Duties of ACO – The ACO shall issue warnings or citations to owners of animals that own or keep animals in violation of this Ordinance. The ACO may impound animals that are owned or kept in violation of this Ordinance and take such dogs to the Village kennels, and, as soon as practicable , notify the dog’s owner to claim the animal before the dog is delivered to the contract Veterinarian. Any animal impounded under this Ordinance shall be supplied with sufficient wholesome food and water during the confinement.

Upon impoundment, the ACO may deliver the dog to the contract veterinarian for handling and/or disposal, or may hold the dog at the Village kennels for a period of three (3) days prior to delivering the dog to the contract veterinarian. A veterinarian has authority, under this Ordinance, to dispose of a dog not claimed within three (3) days.

3. Additional Impoundment Authority of ACO – the ACO is authorized and empowered to enter upon any land within the Village limits and to use reasonable means to take up and impound:

- a. Any dog which in not being kept physically restrained from leaving the premises of its owner or handler;
- b. Any dog suspected of being infected with rabies;
- c. Any dangerous dog kept in violation of this ordinance;
- d. Any dog known to have caused the injury or death of another domestic animal.

4. ACO Duties Regarding Dogs that Bite or Scratch Persons or Domestic Animals and/or Exhibit Rabid Characteristics

- a. The ACO shall investigate all reports and notifications regarding any dog that has bitten or scratched a person or another domestic animal and/or is suspected of being rabid;
- b. The ACO shall use reasonable means to immediately impound any dog he or she believes is rabid or has exposed a person or another animal to rabies; and
- c. The ACO shall deliver impounded dogs that he or she believes are rabid or have exposed a person or another animal to rabies to the contract veterinarian to be quarantined and evaluated for at least ten (10) days.
- d. Impoundment Fees. The ACO or designated representative shall collect impoundment fees as specified by the Village Council, for all animals that are place into impoundment.

5. ACO Duties Regarding Persistently Stray Dogs – If a dog is found to be persistently at large with no registration and no owner can be identified, the ACO may impound the dog and transport it to a holding facility from which it can be reclaimed, adopted, or as a last resort, euthanized.

B. Reporting and Quarantine Dogs Suspected of Having Rabies

1. Citizen's Reporting of Dogs That Have Bitten or Scratched Persons or Shown Rabid Characteristics

- a. Any person that is bitten or scratched or has knowledge of another person that is bitten or scratched by a dog in the Village limits and reasonably believes that such bite or scratch could transmit rabies shall immediately report the incident to the ACO.
- b. Any person that suspects a dog has rabies in the Village limits shall immediately report the animal to the ACO. The penalty for violating this section shall be established in the attached schedule.
- c. The reports required under subsections (a) and (b) shall include the name and address of any victim and of the dog's owner, if known, and any other data which may aid in locating the victim or the animal.
- d. The owner of an unvaccinated dog within the Village limits, that knows or suspects that his or her dog is rabid or has exposed a person or another animal to rabies, or to whom these conditions have been reported shall, upon learning of such condition or exposure:

- 1) immediately confine the animal;
- 2) promptly notify the ACO of the place of confinement and the reasons for the confinement;
- 3) prevent the dog from coming into contact with any person or other animal; and
- 4) submit the dog for quarantine to the ACO.

The penalty for violating this section shall be established in the attached schedule.

2. Procedures for Veterinarian Quarantine. At the request and expense of the animal's owner, and with the consent of a veterinarian, quarantines required by this Ordinance may be conducted at facilities maintained by and under the supervision of, a veterinarian other than the contract veterinarian if the veterinarian submits written reports to the ACO as to the dog's health on the initial day of the quarantine and on the fifth (5<sup>th</sup>) and tenth (10<sup>th</sup>) days thereafter.

a. If the veterinarian determines that a quarantined dog does not show the clinical signs of rabies, the dog may be released to its owner following the quarantine period if:

- 1) the owner has an unexpired rabies vaccination certificate for the dog;
- Or
- 2) the dog is vaccinated against rabies by a veterinarian at the owner's expense.

b. The veterinarian shall not release any dog under this section until the ACO receives a certificate signed by the veterinarian certifying that in his or professional opinion the dog is free of transmissible rabies, and that it has been given any and all required rabies vaccinations.

c. In the event any veterinarian confines any animal under the provisions of this section, and the owner of such dog fails or refuses to claim the dog or fails to have any required vaccinations within three (3) days of the expiration of the quarantine period the veterinarian shall release such dog into the into the custody of the Village to be delivered to the contract veterinarian to be handled and disposed of in accordance with State law.

d. If the veterinarian determines that a quarantined dog shows the clinical signs of rabies, he or she shall report such fact to the ACO, who shall authorize the humane destruction of the dog.

e. If a dog dies or is destroyed while in quarantine, the ACO shall authorize the removal of the head or brain of the dog for submission to the Texas Department of State Health Services for testing.

3. Refusal or failure to present a dog for rabies quarantine or testing is. It is unlawful for any person to fail or refuse to quarantine or present for rabies testing; a dog that is required to be placed into quarantine or for rabies testing as prescribed in this Ordinance.

#### C. Handling of Dogs Exposed to Rabies

1. Not currently vaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be:

a. humanely killed; or

b. if sufficient justification for preserving the dog exists, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for ninety (90) days, and given booster vaccinations during the third (3rd) and eighth (8<sup>th</sup>) weeks of isolation. For young animals, additional vaccinations may be necessary to ensure that the animal receives a least two (2) vaccinations at or after the age prescribed by the United States Department of Agriculture for the vaccine administered.

2. Currently vaccinated animals which have been bitten or otherwise significantly exposed to rabid animal shall be:

a. humanely killed; or

b. if sufficient justification for preserving the dog exists, the exposed vaccinated animal shall be given a booster rabies vaccination immediately and placed in strict isolation for forty-five (45) days.

3. in situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled. The Compendium of Animal Rabies Control, published by the National Association of State Public Health Veterinarians should be followed.

(This Ordinance provision follows the Texas Administrative Code chapter 169, subchapter A, rule 169.30)

#### D. Impoundment and Other Fees

1. The owner of any dog which has been impounded for rabies examination, treatment, or disposition pursuant to this Chapter shall pay, in addition to the impoundment fees, all reasonable charges incurred by or on behalf of the Village in connection with such examination, treatment, or disposition.
2. The owner of any impounded dog not wearing, at the time of such impoundment, a registration tag required by this Chapter must provide satisfactory proof of the dog's vaccination at the time the dog is claimed by the owner to the Village before the Village may release the dog. If the owner does not provide such vaccination proof to the Village, the owner shall pay the Village a reasonable vaccination fee in addition to the impoundment fees and fines so that the Village may vaccinate the dog before releasing it to the owner. The owner shall also register the dog with the Village if the dog has not been previously registered.
3. The Village may not release any dog impounded under this Chapter until the owner pays the Village all applicable costs, fees, and fines. In the event an owner fails to claim its dog or refuses or fails to pay all applicable fees, the Village may file a lawsuit against the owner to collect the costs, fees, and fines.

E. Procedure for Dogs Causing Injury or Death to Another Animal

1. A Dog that is determined (using State law) by the ACO or peace officer to have caused injury or death to another domestic animal within the Village limits may be impounded by the Village ACO or the peace officer and delivered to the Village contract veterinarian clinic and a court hearing set within thirty (30) days of the date of the incident to determine the disposition of the case.
2. Any dog found by the court to have injured or killed any domestic animal, may be ordered to be destroyed by euthanization at the Village contract veterinarian clinic.
3. The owner of the dog is responsible for all impound euthanization, and disposal fees.
4. Any ACO or peace officer that witnesses a dog cause injury or death of another domestic animal is authorized to enter onto any land and destroy the dog on-site.
5. It is a defense if the animal injured or killed did enter an enclosure designed to keep the dog causing the injury or death on its own property and the injury or death occurred in that enclosure.

F. Determination that a Dog is Dangerous

1. If a person reports an incident in which a dog:
  - a. makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept, and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
  - b. commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person, then the animal control authority may investigate the incident.

2. If after receiving the sworn Statements of any witnesses, the animal control authority determines the dog is a dangerous dog, he/she shall notify the owner in writing of that fact.
3. An owner, not later than the 15<sup>th</sup> day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the Animal Control Authority to the municipal court. An owner may appeal the decision of the municipal court in the same manner as appeal for other cases from the municipal court.

G. Required Procedures for the Owner of a Dangerous Dog

1. Not later than the thirtieth (30<sup>th</sup>) day after a person learns that he/she is the owner of a dangerous dog, the person shall:
  - a. register the dog with the Village as a dangerous dog and pay, in full, the registration fee as determined by Council; and
  - b. restrain the dangerous dog at all times on a leash not longer than six (6) feet, in the immediate control of a person on the owner's property or in a secure enclosure on the owner's property; and
  - c. obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 per dog to cover damages resulting from an attack by the dangerous dog, causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept.

The penalty for violating this section shall be established in the attached schedule.

2. The owner of a dangerous dog that does not comply with subsection (1) shall deliver the dog to the animal control authority not later than the thirtieth (30<sup>th</sup>) day after the owner learns that the dog is a dangerous dog.
3. If, on application of any person, a justice, court, county court or municipal court finds, after notice and hearing, the owner of a dangerous dog has failed to comply with subsection (1) or (2) above, the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order is seizure and shall provide for the impoundment of the dog in secure and humane conditions.
4. The owner shall pay any cost of fee assessed by the Village or county related to the seizure, acceptance, impoundment or destruction of the dog. The Village Council shall establish such fees in the attached schedule.
5. The court shall order the animal control authority to humanely destroy the dog if the owner has not complied with subsection (1) before the 11<sup>th</sup> day after the date on which the dog is seized or delivered to the authority. The court shall order the authority to return the dog to the owner if the owner complies with subsection (1) before the 11<sup>th</sup> day after the date on which the dog is seized or delivered to the authority.

6. The court may order the humane destruction of the dog if the owner of the dog has not been located before the fifteenth (15<sup>th</sup>) day after the seizure and impoundment of the dog.
7. For the purpose of this section, a person learns that the person is the owner of dangerous dog when:
  - a. The owner knows of an attack described in “Determination That A Dog is Dangerous;”
  - b. The owner receives notice that a justice court, county court or municipal court has found that the dog is a dangerous dog under “Determination That A Dog is Dangerous”; or
  - c. the owner is informed by the animal control authority that the dog is a dangerous dog.

#### H. Registration of a Dangerous Dog

1. The Village shall issue animal registration of the dangerous dog if the owner presents proof of;
  - a. liability insurance or financial responsibility;
  - b. current rabies vaccination of the dangerous dog; and
  - c. a secure enclosure in which the dangerous dog will be kept.
2. If an owner of a registered dangerous dog sells or move the dog to a new address, the owner, not later than the fourteenth (14<sup>th</sup>) day after the date of the sale or move, shall notify the Village Animal Control Officer of the new address where the dangerous dog is located. If the dog has been moved to a new jurisdiction, the owner of the dangerous dog and the Village Animal Control Officer shall notify the animal control authority in the new jurisdiction of the location of the dangerous dog. The penalty for violating this section shall be established in the attached schedule.

#### I. Procedures for Dangerous Dog At Large or Attack by a Dangerous Dog

1. Any declared dangerous dog found to be at large, and not in the vicinity of the dog owner shall, if possible, be impounded by the Village Animal Control Officer or a peace officer. If safety factors do not allow for the safe impoundment of the dangerous dog the dangerous dog may be destroyed on site by the Village Animal Control Officer or a peace officer.
  - a. Upon impoundment of a dangerous dog by the Village Animal Control Officer, the dog shall be delivered to the Village Contract Veterinarian or Village kennel clinic and a court hearing set within ten (10) days of the date of the incident to determine the disposition of the case.
  - b. It is the responsibility of the dangerous dog owner to pay all fees associated with the impoundment and or euthanization of the dog.
  - c. Any dangerous dog found by the court to have been at large may be ordered to be destroyed by euthanization at the Village Contract Veterinarian Clinic.

2. Any declared dangerous dog found to have committed an unprovoked attack on a person outside the dog's enclosure and causing serious bodily injury or death, shall be impounded by the Village Animal Control Officer or a peace officer and a court hearing set within ten (10) days of the date of the incident to determine the disposition of the case.

a. If the owner of the dangerous dog is found guilty of an offense under this section the court shall order the dangerous dog destroyed by euthanization at the Village Contract Veterinarian Clinic.

b. It is the responsibility of the dangerous dog owner to pay all fees associated with the impoundment and or euthanization of the dangerous dog.

#### J. Training of Animal Control Officer

The animal control officer shall comply with all training requirements set out by state law, including but not limited to those contained in Chapter 829 of the Texas Health and Safety Code.

## **VI. ENFORCEMENT**

#### A. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

#### B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$500.00 plus court costs and administration fees as applicable. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

#### C. Civil Remedies

Nothing in this Ordinance shall be constructed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law including, but not limited to the following:

1. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
2. A civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
3. Other available relief.

#### D. Fees and Fines

Fees for registration and impoundment of dogs and fines for violations of the provisions of this Ordinance shall be the same as State law. If State law does not set a particular fine, and if a fine is not otherwise provided in this ordinance, the standard fine for a violation of this ordinance shall be two hundred and fifty \$250.00 dollars.

**VII.  
REPEALER**

This ordinance shall repeal ordinance 2010-06-01. Further, to the extent that any other ordinance of the Village conflicts with a provision of the Ordinance, such ordinance is repealed to the extent of such conflict.

**VIII.  
SEVERABILITY**

It is hereby declared to be the intention of the Village Council that the phrases, clauses, sentences, paragraphs and sections of the Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clause sentences, paraphrase or sections of the Ordinance, and the remainder of this Ordinance shall be enforced as written.

**IX.  
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**X.  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**APPROVED AND ADOPTED** this, the 3<sup>rd</sup> day of January, 2011

**VILLAGE OF POINT VENTURE**

*Rich Shinn*

Richard Shinn, Mayor

**ATTEST:**

*Chance Chatham*

Chance Chatham, Village Secretary

Appendix 1

**Table of Fees and Fines for Animal Control Violations**  
**Note: Warnings can be given in lieu of citation and fines.**

Annual Registration fee.....	\$5.00
Registration fee (Two Year).....	\$9.00
Registration fee (Three Year).....	\$12.00
Dog Impound Fee	
1 <sup>s</sup> Offense.....	\$25/day
2 <sup>nd</sup> Offense.....	\$50/day
3 <sup>rd</sup> Offense and thereafter.....	\$75/day
Dog at Large	
1 <sup>st</sup> Offense.....	\$50
2 <sup>nd</sup> Offense.....	\$80
3 <sup>rd</sup> Offense and thereafter.....	\$120
Dog with No Village Registration	
1 <sup>st</sup> Offense.....	\$25
2 <sup>nd</sup> Offense.....	\$50
3 <sup>rd</sup> Offense and thereafter.....	\$75
Dog without Collar & Tags	
With proof of tags.....	\$10
Without proof of tags (1 <sup>st</sup> offense).....	\$25
Without proof of tags (2 <sup>nd</sup> offense).....	\$50
Without proof of tags (3 <sup>rd</sup> offense and Thereafter)	\$75
No Rabies Vaccination	
1 <sup>st</sup> offense.....	\$10
2 <sup>nd</sup> offense.....	\$20
3 <sup>rd</sup> offense and thereafter.....	\$30
Dangerous Dog Registration.....	\$50/yr
Dangerous Dog at large (1 <sup>st</sup> offense).....	\$150
Dangerous Dog at large (2 <sup>nd</sup> offense).....	\$175
Tying Animal in Public Right-of-Way	
1 <sup>st</sup> offense.....	\$40

2 <sup>nd</sup> offense.....	\$80
3 <sup>rd</sup> offense and thereafter.....	\$120

Dog Nuisance Violation

1 <sup>st</sup> offense.....	\$25
2 <sup>nd</sup> offense.....	\$50
3 <sup>rd</sup> offense and thereafter.....	\$75

Dog Defecating on Property.....\$50

Refusal to Quarantine a Dog.....\$30-\$500

Animal Cruelty.....\$100

Poisoning of Animals.....\$100