

ORDINANCE NO. 149-B

AN ORDINANCE AMENDING PORTIONS OF ORDINANCE NO. 149-A AS PASSED BY THE CITY COUNCIL ON JUNE 18, 1984.

AN ORDINANCE FOR THE CITY OF ROMAN FOREST, TEXAS, PROVIDING FOR THE WEARING OF COLLAR WITH TAG ATTACHED; PROVIDING FOR VICIOUS DOGS AND CATS; PROVIDING FOR DOGS OR CATS POSING AS A THREAT OR NUISANCE; PROVIDING FOR ABANDONMENT, NON-FEEDING, TORTURE, MISTREATMENT, POISONING AND STRIKING OF DOGS AND CATS WITH VEHICLES; PROVIDING FOR REMOVAL OF STRAYS; RESTRAINT OF DOGS RUNNING AT LARGE; ENFORCEMENT; MAKING VIOLATION PUNISHABLE BY A FINE OF NOT LESS THAN \$25.00 NOR TO EXCEED \$200.00 PER VIOLATION, AND SAVINGS CLAUSE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS, THAT ORDINANCE NO. 149-A IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION I. DEFINITIONS: When used in this Ordinance the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

- 1.1 DOG: A canine of either sex, including one neutered or sterilized.
- 1.2 CAT: A feline of either sex, including one neutered or sterilized.
- 1.3 PETS: For the purpose of this Ordinance, shall mean dog or cat.
- 1.4 STRAY: Any dog or cat without a collar/tag whose owner or harbinger cannot be determined.
- 1.5 OWNER: A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.
- 1.6 HARBOR: The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, care or shelter.
- 1.7 HOUSEHOLD: Any dwelling, residence, or apartment unit.
- 1.8 NUISANCE: Any annoying animal determined to be vicious or pose a public nuisance.
- 1.9 AT LARGE: An animal shall be deemed to be at large when off the property of the owner and not under restraint
- 1.10 RESTRAINT: Any leash or runner designed to keep an animal within the owner's property.
- 1.11 CONFINEMENT: Any area designed to keep animals confined within the owner's property, such as a fence or kennel.
- 1.12 BITE: Any breaking open of the skin.
- 1.13 VICIOUS DOG OR CAT: A dog or cat that constitutes a physical threat to

humans or other domestic animals on public or private property.

SECTION II. WEARING OF COLLAR WITH TAG ATTACHED.

- 2.1 It shall be unlawful for any person to maintain or keep any pet on any premises within the corporate limits of the City of Roman Forest, unless such pet wears a collar or harness securely attached to its body to which shall be securely attached an identification tag (rabies license or name and address). Any animal not wearing a collar with identification tag will be considered a stray.

SECTION III. CONFINEMENT AND RESTRAINT OF PETS.

- 3.1 It shall be unlawful for any person owning or having in his possession any dog to allow such dog to be at large without the owner or person in charge thereof having direct physical control over such dog. Direct physical control, as used herein, means under the control of a person by means of a chain, rope, cord, or leash of sufficient strength to control the action of such dog.

SECTION IV. VICIOUS DOGS AND CATS.

- 4.1 Such an animal shall be removed as a public nuisance. If removal of said animal running at large cannot be made with safety to the Animal Warden or other designated person or persons, the animal may be destroyed without notice to the owner or harbinger.

SECTION V. NUISANCE.

- 5.1 Any pet in the City of Roman Forest which poses a threat to the safety of pedestrians and/or vehicles on public roadways, on private or public property, or attacks persons or other animals, shall be determined a nuisance. A dog that causes a disturbance by excessive barking or other noisemaking shall be deemed a nuisance.
- 5.2 No pet shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this Ordinance.
- 5.3 Disposition of all cases and penalties therefore shall be at the discretion of the Municipal Court. Once declared a nuisance, the pet shall thereafter be restricted to leash or confinement by enclosure or fence.

SECTION VI. IMPOUNDMENT

- 6.1 The Montgomery County Animal Control Officer will be requested to impound any dog or cat found running at large, deemed vicious or determined to be ill while not confined.

- 6.2 Any animal removed to the Montgomery County Pound, will be handled according to Montgomery County policies and procedures.

SECTION VII. PET BITING OR PERSONAL INJURY

- 7.1 If any pet within the corporate limits of the City of Roman Forest shall bite any person or animal, a complaint shall be filed against the owner in the Municipal Court. The owner, upon conviction, shall be subject to a fine not to exceed two hundred (\$200.00) dollars. Such complaint shall be filed with the Municipal Judge, the Court Clerk or the City Attorney.
- 7.2 The Municipal Court shall order the pet to be examined to determine whether or not it is rabid, within twenty-four hours from the time the bite or injury is inflicted, by a licensed veterinarian licensed to practice medicine within the State of Texas.
- 7.3 The Court shall further order the pet to be confined securely on the premises of its owner, in an animal shelter, or in a veterinary hospital, at the discretion of the Court, for a period of ten days, at which time the pet will be re-examined by a licensed veterinarian. These examinations shall be at the expense of the owner and a report of such examination shall be filed with the Municipal Court within twenty-four hours after each examination.

SECTION VIII. PROVIDING FOR ABANDONMENT, NON-FEEDING, TORTURE, MISTREATMENT, POISONING AND STRIKING OF PETS WITH VEHICLES

- 8.1 Any person who intentionally or knowingly abandons a pet in his custody within the corporate limits of the City of Roman Forest shall be guilty of a misdemeanor.
- 8.2 Any owner who shall fail to provide his pet with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment, shall be guilty of a misdemeanor.
- 8.3 It shall be unlawful for any person to torture, torment, cruelly beat, mutilate or kill a dog or cat, or cause or procure a pet, to be treated as such, or for any person having charge or custody of a pet, either as owner or otherwise, to inflict unnecessary cruelty upon it. Any person violating the provisions hereof shall be guilty of a misdemeanor.
- 8.4 Any person who, as the operator of a motor vehicle, strikes a pet, shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the pet's owner. In the event the owner cannot be ascertained or located, such person shall at once report the accident to the Roman Forest Police Department. Any person violating the provision hereof shall be guilty of a misdemeanor.
- 8.5 Upon conviction of any of the aforesaid misdemeanor violations, the owner or person shall be fined in a sum not to exceed two hundred (\$200.00) dollars.

SECTION IX. ENFORCEMENT

9.1 It shall be the duty of the Chief of Police or any Roman Forest Police Officer to enforce this Ordinance. For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any Roman Forest Police Officer is empowered at all reasonable times and upon presentation of appropriate credentials, to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of a dog or cat of the certificate of vaccination for such dog or cat. It is further provided that any officer may enter, at all reasonable times and upon the presentation of appropriate credentials, the premises where an animal is kept in an allegedly cruel or inhumane manner and demand to examine and impound such animal, when in his opinion it requires humane treatment. No officer shall, however, enter a private residence for purpose of making an inspection under this Ordinance without first receiving permission from a lawful adult occupant of such residence or being authorized to inspect such residence by a magistrate or by order of a court of competent jurisdiction upon showing of a probable violation of this Ordinance.

SECTION X. PENALTY FOR VIOLATIONS

10.1 Any person who shall violate the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five (25.00) dollars nor more than two hundred (\$200.00) dollars. If any violation is continuing, each day's violation shall be deemed a separate offense.

SECTION XI. SAVINGS CLAUSE

11.1 If any section, sub-section, sentence, clause, phrase or work of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the remaining portions thereof.

SECTION XII. APPLICABILITY

12.1 This Ordinance shall be in full force and effective as of October 21, 1996.

SECTION XIII. SAFETY CLAUSE

13.1 The City Council of the City of Roman Forest hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the City of Roman Forest, Texas, and the inhabitants thereof.

PASSED AND APPROVED THIS 21ST DAY OF OCTOBER, 1996.

James D. Walters

JAMES WALTERS - MAYOR

Attest:

Dee D. Davis

City Secretary