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**CITY OF ROBERT LEE
ORDINANCE #1216**

REVISING AND AMENDING ORDINANCE #1050 PASSED BY THE CITY COUNCIL ON OCTOBER 1, 1994, PROVIDING DEFINITIONS; PERTAINING TO THE OWNERSHIP, CONTROL AND REGULATION OF ANIMALS IN GENERAL; PERTAINING TO THE OWNERSHIP CONTROL AND REGULATION OF DOGS AND CATS; PROVIDING FOR ISSUANCE AND REVOCATION OF PERMITS AND LICENSES; PROVIDING FOR ADOPTION OF CHAPTER 826 OF THE TEXAS HEALTH AND SAFETY CODE CONCERNING RABIES; REPEALING ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION IN THE NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF ROBERT LEE:

That the City of Robert Lee, Texas, hereby adopts the following ordinance:

ARTICLE I. ANIMAL REGULATIONS

A. General Regulations

SECTION 1: Definitions: As used in this Ordinance the following terms shall be construed to have the following meaning:

At large shall mean off the premises of the owner and not under the complete control, either by leash or lead; or on the premises of the owner and not under the complete control, either by leash or lead of the owner or not otherwise under restraint.

Restraint shall mean within a secure enclosure, or secured by a leash or lead.

SECTION 2: Enforcement

It shall be the duty of the animal control authority or any duly licensed peace officer to carry out all applicable provisions of this ordinance and to pick up and impound all animals found to be in violation of this ordinance. The animal control officer appointed by the City Council of the City of Robert Lee shall have the authority to issue a summons to person(s) in violation of any applicable provision of this ordinance.

B. DOGS AND CATS

SECTION 18: Limiting Clause for Animals Held in Confinement

(a) The keeping of an unlimited number of dogs and cats in the City for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance.

(b) It shall be unlawful for any person or persons to keep more than four (4) dogs and/or cats per residence within the City, with the exception that a litter of pups or a litter of kittens, or a portion of a litter not exceeding five months from birth.

(c) New kennels or breeding of dogs or cats as of the effective date of this ordinance are prohibited.

A permit for person(s) wishing to continue as of the date of this ordinance any shelter, breed and/or sell of animals exceeding the allowed number must be applied for. The application must state the qualification of facility or facilities in which to shelter animals, and a letter of verification agreeing to maintain the facility or facilities in accordance with this ordinance and to allow an inspection of the facility or facilities at any time deemed necessary by the Code Enforcement department, City of Robert Lee, or their designee. Such permit shall be valid for one (1) year from the date of issuance. Such permit(s) must be approved by a majority vote of the City of Robert Lee's city council.

SECTION 19: Enclosure required and tethering prohibited

It shall be unlawful for an owner or keeper to restrain a dog by means of a tether. The only time a dog may be tethered is if the owner is physically present outside with the dog, or it's being restrained for veterinary treatment, grooming, training or law enforcement activity.

Dogs are still required to be on a leash when not confined to the property by a fence.

Dogs confined outdoors must be in a fenced yard or other pen or structure that is capable of preventing the dogs escape; has at least 100 square feet of space per adult dog; and provides the dog access to the inside of a building, dog house or other type of shelter.

SECTION 20: Rabies Vaccination and License Required

(a) Except as otherwise provided, no person shall own, keep, or harbor any dog or cat over four (4) months of age within the city unless such dog or cat is vaccinated and licensed. The provisions of this section do not apply to animals owned by a licensed research facility or government operated animal shelter.

(b) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian in accordance with Texas Health and Safety Code, Section 826.021.

(c) Application for a license must be made within thirty (30) days after obtaining a dog or cat over four (4) months of age. This requirement will not apply to a nonresident keeping a dog or cat within the city for no longer than sixty (60) days. New residents must apply for a license within thirty (30) days of establishing residency.

(d) Except as otherwise provided, the licensing period shall be for one (1) year. Each applicant shall pay the appropriate fee annually and shall supply all information reasonably requested on forms supplied by the licensing authority. Tags furnished by the licensing authority shall be of durable material. A tag issued for a dog or cat must be attached to the collar of the animal and must be worn at all times. Tags are not transferable. A record of all tags issued shall be maintained by the licensing authority; and such records shall be available to the animal control authority. Records are to be kept for five (5) years.

(e) A license shall be issued after payment of the required fee. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a delinquent fee.

(f) License fees shall be waived for dogs serving the blind, deaf, or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

(g) Upon receipt of the appropriate forms and payment of the scheduled fee, the licensing authority shall provide a license tag for dogs and vaccinated by out-of-town veterinarians. In which case, said license tag will be valid until the rabies vaccination is due again by state law.

(h) It shall be unlawful for any person to have a dog or cat in their care, custody or control which does not have a current vaccination tag and a license tag on the dog or cat.

SECTION 21: Nuisance Declared

(a) All dogs and cats shall be kept under restraint.

(b) No dog or cat 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 article.

(c) A dog or cat shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owners or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous or offensive conditions; causes a disturbance by excessive or prolonged barking, howling or other utterances; or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

(d) Upon written complaint wherein any dog or other animal is alleged to be a nuisance, as defined in this article, the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog or other animal and if such court shall determine at such hearing that such dog or other animal is vicious or dangerous to persons or animals or has bitten or attacked any person, or other animal, the court may order that such dog or other animal be kept muzzled; or that same be kept within sufficient enclosure; or that same be delivered to the animal control services; or assess a fine against the owner thereof, as provided herein; or any combination of the foregoing.

(e) If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the City of Robert Lee corporate limits or delivered to the animal control services; and failure or refusal to do so within twenty-four (24) hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefore, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice.

(f) If it appears upon trial thereof that any person attacked or bitten was trespassing upon the property of the owner or person having control of such animal, or if any person attacked or bitten was provoking or teasing such animal(s), or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought hereunder.

SECTION 24: Fees, Penalties, and Fines

(1) Any person found guilty of violating any provisions of this Ordinance is guilty of a misdemeanor and upon conviction is punishable of a fine no less than fifty dollars (\$50.00) nor more than five

hundred dollars (\$500.00) for each offense. A separate offense shall be held to have been committed each day that such violation shall occur or continue as may be determined by the Municipal Judge or appropriate authority.

(2) The following fee schedule is hereby adopted and approved by the City Council of the City of Robert Lee:

(a) Licensing fee - \$5.00 annual fee

(b) Impoundment fee:
1st offense - \$35.00 initial fee + \$10.00 per day thereafter

2nd offense - \$70.00 initial fee + \$10.00 per day thereafter

(c) Permit fee - \$50.00 annual fee

A permit for person(s) wishing to continue as of the date of this ordinance any shelter, breed and/or sell of animals exceeding the allowed number must make application and pay a permit fee in the amount of \$50.00.

SECTION 25: Care
All dogs and cats must be provided with daily food sufficient for the breed and size to maintain the animal at a good level of nutrition, a shelter from the elements; wind, heat, cold and rain, and a continuous source of clean wholesome water. Failure to provide any of the above by the owner, caretaker or custodian of the dog or cat will be in violation of this ordinance.

SECTION 27: Saving Clause
If for any reason any section, paragraph, sentence, subdivision, clause, phrase, word or provision of this ordinance be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any section, paragraph, sentence, subdivision, clause, phrase, word or provision of this ordinance, for it is definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, work, or provision hereof be given full force and effect for its purpose.

This ordinance shall supersede Ordinance #1050. This ordinance shall take effect from and after its final passage and publication as required by law. The effective date of this Ordinance will be November 12, 2012.

PASSED AND APPROVED this the 8th day of October, 2012.

BY: John R. Jacobs, Mayor
Attest: Kay Torres, City Secretary
22-1tc

IVEY MOTOR COMPANY, INC.

- 2012 Ford Flex Limited** #7133 **\$27,995**
White Suede w/Black Leather • A Steal!!!
- 2009 Ford F-250 Crew Cab XLT** #L059A **\$18,995**
Pale Adobe w/Tan Cloth • Powerstroke • Ready to Go!
- 2010 Ford Explorer Eddie Bauer** #7134 **\$23,995**
Black Pearl Slate • Two Tone Leather Seats • Really Sharp!!
- 2012 Ford Taurus SEL** #7136 **\$24,995**
Bright Silver w/Stone Leather • Moon Roof • Only 13K Miles
- 2011 Ford Fusion SE** #71-32 **\$16,995**
Steel Blue w/Charcoal Interior
- 2009 Mercury Grand Marquis LS** #1201B **\$16,995**
White w/Light Stone Leather • Heated Seats
- 2008 Ford F-150 Super Cab 4x4** 6450A **\$17,995**
Tan Metallic w/Adobe Cloth • 5.4 • Grill Guard
- 2011 Ford F-150 Super Crew** #L124A **\$24,995**
Dark Blue w/Gray Cloth • Power Seat
- 2011 Ford Mustang Coupe** #5178 **\$19,995**
Grabber Blue w/Charcoal Interior • Grabs You!
- 2008 Lincoln Navigator L** #13039A **\$22,995**
Black w/2Tone Leather Capt. Seats • 2nd Row Capt Chairs • Heated & Cooled Seats • Moon Roof • Rear Entertainment DVD • WOW!!!
- 2007 Chevrolet Silverado Ext. Cab LT** #6476A **\$16,995**
White w/Charcoal Interior • One Local Owner!

- 2007 Mercury Milan Premier** #L115B **\$11,995**
Gray w/Smoke 2 Tone Leather • Moon Roof • WOW!!!
- 2008 Mercury Grand Marquis LS** #6423B **\$12,495**
Wedgewood Blue w/Tan Leather • Local Car!
- 2012 Ford Focus SEL** #7137 **\$15,595**
Red Fire Metallic • Gray Interior • 21K Miles
- 2002 Ford F-250 Super Cab XLT** #6033A **\$ 7,500**
Silver Metallic • Charcoal Interior • 7.3 Powerstroke
- 2009 Ford Flex** #13026A **\$14,995**
Red Metallic w/Gray Cloth • Great Family Ride!
- 2011 Ford F-250 Super Cab 4x4** #6499A **\$31,995**
Oxford White Lariat w/Tan Leather • Only 15K Miles!
- 2012 Ford Focus SE** #6502A **\$15,995**
Red Fire Metallic w/Tan Cloth • Great Fuel Economy • 8K Miles!

453-4561

Ask For:

**Randy Flanagan • Jim Herring
Billy Wayne Roe**