



# City Council Agenda Item Report

June 18<sup>th</sup>, 2013

## Agenda Item No.

Contact – Bo Kidd, Chief of Police, 512-312-1001

---

**SUBJECT: DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING CHAPTER 4; ARTICLE 4.01 (DEFINITIONS) AND 4.04 (ANIMAL CARE AND CONTROL) OF THE CODE OF ORDINANCES OF THE CITY OF BUDA, TEXAS, BY ADDING REQUIREMENTS FOR THE CARE AND CONTROL OF ANIMALS WITHIN THE CITY; PROVIDING A PENALTY CLAUSE, REPEALER CLAUSE, SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

---

### 1. BACKGROUND/HISTORY

The existing animal control ordinances haven't been revised in many years. After receiving input from citizens and Council members, staff has made some recommended amendments that address some recent issues occurring within the City pertaining to animal care and control.

### 2. FINDINGS/CURRENT ACTIVITY

Staff has received frequent inquiries and complaints regarding issues with poultry and livestock that are not address in our current ordinances. Staff has also received numerous complaints regarding the care and restraint of animals that are not clearly addressed in our current ordinances. As a result, staff has made some recommended amendments to address these issues in Section 4.04 Animal Care and Control. In doing so, Staff had to revise Section 4.01 which lists the definitions within. These items were presented at the June 4<sup>th</sup>, 2013 Council Meeting and are being brought back with recommended changes by Council.

### 3. FINANCIAL IMPACT

None

### 4. ACTION OPTIONS/RECOMMENDATION

Staff is requesting Council approve or give further direction.

**ORDINANCE NO. XXXXXXXX**

**DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING CHAPTER 4 (ANIMALS), ARTICLE 4.01 (GENERAL PROVISIONS) OF THE CODE OF ORDINANCES OF THE CITY OF BUDA, TEXAS, BY ADDING REQUIREMENTS FOR THE CARE AND CONTROL OF ANIMALS WITHIN THE CITY; PROVIDING A PENALTY CLAUSE, REPEALER CLAUSE, SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Buda adopted Ordinance No. 900605-1 which provided guidelines for proper care and control; and conducted public hearings regarding the need and desirability of amendments, revisions, deletions, and modifications; and

**WHEREAS**, the City has decided to amend the Code as more specifically set forth herein; and

**WHEREAS**, the Council has determined that the provisions of this Ordinance will promote the health, safety, morals and the general welfare of the City of Buda and its surrounding areas; and

**WHEREAS**, the Animal Control Department held a public hearing and considered these proposed amendments, revisions, deletions and modifications at their April 11, 2013 meeting and recommended that the amendments, revisions, deletions and modifications set forth herein be approved by the City Council; and

**WHEREAS**, this ordinance was passed and approved at a meeting of the City Council of the City of Buda held in compliance with the Texas Open Meetings Act at which a quorum of the City Council Members were present and voting.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS:**

**Article I.** Section 4.01.01, *Definitions*, is hereby amended by the addition of the following:

As used in this ordinance, the following terms are defined below:

**Abandon:** means leaving an animal in the person’s custody without making reasonable arrangements for assumption of custody by another person.

- (1) ~~Animal: Every non-human species of animal, both domestic and wild.~~  
**Animal:** means a domesticated living creature and wild living creature previously captured. “Animal” does not include an uncaptured wild creature or wild creature whose capture was accomplished by conduct at issue under this section.

(2) ~~Animal –at –Large: Any animal not under the restraint (as defined below) of a person capable of controlling the animal on or off premises of the owner.~~

At Large: means an animal not

- A) On the premises of the owner and not tied, staked, or restrained securely within an enclosure or fence capable of fully and totally securing the animal; or
- B) Off the premises of the owner, and not on a leash or physical restraint and under the immediate physical control of a person physically capable of restraining the animal
- C) Or any cat which is creating a nuisance off the owner's property.
- D) Any animal being contained by a fence that, because of the fence's lack of height or general disrepair, cannot properly restrict the animal, shall be considered at large

Animal Control: means the Animal Control Division of the City Police Department.

Animal Control Officer: means ~~a~~Any person designated by the City of Buda who is qualified / certified by the Texas Department of Health to perform such duties as required by this ordinance and or state law.

~~Animal Shelter: Any Facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law for care, confinement, return to owner, adoption or euthanasia.~~

Animal Shelter: means a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

Auction: means ~~a~~Any place or facility where animals are regularly brought, sold, traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owner.

~~Bite: Puncturing, tearing, or bruising of the skin by an animal's teeth.~~

Bite: means a wound that is inflicted by an animal's bite or scratch that causes punctures, tears, scratches or laceration that results in a break of the skin.

Brand: means a mark made on the skin of any animal which indicates the ownership of the animal; typically used with livestock.

Bodily Injury: physical pain, illness or any impairment of physical condition.

Cat: means ~~Any living or dead~~ Felis Catus. As defined in V.T.C.A., Health and Safety Code § 826.002, as amended.

City Mayor: in this Title shall mean the City Mayor or his/her designee.

Circus: means ~~a~~ commercial variety show featuring animal acts for the public entertainment.

Contained: means kept in a fenced yard or pen with no roof which is sufficiently to prevent escape; or, kept in a pen or other coop or enclosure with a roof sufficient to prevent escape.

Commerce: an interchange of goods or commodities; sells, trades, barter, leases, rents, gives away, or displays.

Commercial Animal Establishment: Any pet shop ~~or store~~, grooming shop, guard dog or obedience training center, ~~animal training services~~, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel, ~~petting zoos, aviaries or any similar entrepreneurial relationship regarding animals.~~

Cruelty Manner: means a manner that causes or permits unjustified or unwarranted pain or suffering.

Currently Vaccinated: ~~Vaccinated and satisfying the following criteria:~~

- ~~1. The animal must have been at least three months of age at the time of vaccination.~~
- ~~2. At least thirty (30) days have elapsed since the initial vaccination.~~
- ~~3. Not more than 12 months have elapsed since the most recent vaccination.~~

Currently Vaccinated: Vaccinated and satisfying the following criteria:

- (a) The animal must have been at least three (3) months of age at the time of vaccination and regular intervals thereafter;
- (b) At least thirty (30) days have elapsed since the initial vaccination; and
- (c) Not more than thirty-six (36) months have elapsed since the most recent vaccination.

Custody: means responsibility for the health, safety, and welfare of an animal subject to the person's care and control, regardless of ownership of the animal.

Dog: ~~Any living or dead~~ Canis Familiaris. as defined in V.T.C.A., Health and Safety Code § 826.002, as amended.

Domestic Animal: ~~Tame, domesticated, or pertaining to the family or household.~~

Domestic Animal: means any animal normally adapted to living in intimate association with humans; includes livestock, caged or penned fowl, pigeons, normal household pets, such as but not limited to dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits.

Dangerous Dog: means a dog that:

- 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.

Dangerous Wild Animal: shall have the same meaning as defined in V.T.C.A., Health and Safety Code § 822.101(4) (a)-(t), as amended.

Enforcement officers: Those authorized to enforce the provisions of this chapter, including but not limited to the local health authority representative, any animal control officer, or any police officer.

Estray: means stray livestock, stray exotic livestock, and stray exotic fowl, as defined in V.T.C.A., Agriculture Code § 142.001, as amended

Exotic Animal: means any animal which is not naturally tame or gentle, and is generally not found in the wild in the continental United States, and those defined in V.T.C.A., Agriculture Code §142.001 (4) -(5), as amended.

Feral: means an animal that is free, wild, untamed or unaccustomed to human contact.

Fowl: ~~A bird of any kind; domestic cock or hen (Gallus Gallus).~~

Fowl or Poultry: means any bird, wild or domesticated, such as but not limited to chickens, turkeys, ducks, geese, peacocks, pheasants, quail, or other fowl regardless of age or sex, except common household pets such as parakeets, parrots and etc.

Grooming Shop: means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

~~Guard Dog: Any professional trained dog that will detect and warn its handler that an intruder is present in or near the area that is being secured.~~

Guard or Attack Dog: means any dog professionally trained for the purpose of protecting persons or property by attacking or threatening to attack any person found within the area patrolled by the dog, and that dog is either securely enclosed within that area at all times or under continuous control of a trained handler or owner.

Habitual Offender or Habitually: means owner who has received two or more final convictions of this article or the owner of an animal who has been the subject of impoundment in the animal shelter three or more times during a 12-month period or any combination of convictions and impoundment totaling three incidents.

Harboring or Harbor: means the act of keeping and caring for an animal or providing a premises to which the animal returns for food, shelter or care for a period of three days.

Hen: mean any female chicken of the age of six (6) months or older.

Home Quarantine: means an animal owner who quarantines with an animal at their personal residence with an animal control control officer's permission and with compliance to set guidelines and requirements established by the animal control department.

Inoculated: means

- A) a dog, a dog that is injected with a vaccination on an annual basis to produce immunity against parvo, distemper; or
- B) a cat, that is injected with a vaccination on an annual basis to produce immunity against infectious feline diseases, for panleukopenia, viral rhino tracheitis, and calcivirus.

Intact: means an animal that has not been spayed or neutered.

Interfere: means to prevent a process or activity from being carried out properly; or obstruct the other's action or; hamper or hinder another's action or; take part in the affairs of others; or to meddle in another's life.

Impoundment: means to house an animal by the city, at the owner's expense, in a city-owned or city-designated facility or at the office of an area veterinarian approved by the director.

~~Kennel or Cattery: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling of dogs or cats; and / or a facility or keeping of more than five (5) animals of the same species.~~

Kennel or Cattery: means any shelter where more than three dogs or more than three cats, or more than three dogs, bred, boarded, or held in return for payment. It includes the term "boarding kennel" or Cattery.

Licensed Veterinarian: means ~~a~~ veterinarian licensed to practice veterinary medicine in one or more of the 50 states. defined in V.T.C.A., Health and Safety Codes § 826.002, as amended.

~~Livestock: Domesticated animal used or raised on a farm, especially those kept for a profit; specifically, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep and swine, regardless of age, sex or breed.~~

Livestock: means cattle, sheep, swine, goats, ratites, or poultry ommonlu raised for human consumption: a horse, pony, mule, donkey, or hinny, native or nonnative hoofstock raised under agricultural practice, defined in V.T.C.A., Penal Code § 42.09, as amended.

Miniature Livestock: means livestock that meet the published breed definition for registration by a nationally recognized breeding association.

Microchip Implant: a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device.

Microchip Reader: An electronic scanner with an operating frequency that is able to detect a microchip that has been implanted in an animal, and display the number of the microchip to its operator.

Multi-Pet Owner: means a person who keeps or harbors more than five cats or dogs or any combination of five cats and dogs. Puppies and kittens under three months of age shall not be counted for purposes of this definition

Muzzle: means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

~~Observation Period: The ten (10) days following a bite incident during which the biting animal's health status must be monitored. The ten (10) day observation period will begin on the same day of the bite incident (day one).~~

Observation Period: means a period in which the domesticated animal is kept in isolation at the animal shelter or home, under close observation for clinical signs of rabies or other zoonotic diseases, that is set forth by the Texas Department of Health. The duration will start on the day of exposure and continue in twenty four (24) hour increments until completed or testing is

performed and completed. The duration will be in compliance with the Texas Department of Health's guidelines for quarantine. As defined in Administrative Codes § 169.27, as amended.

~~Owner: Any person, partnership, or corporation owning, keeping, or harboring on or animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more, or if it returns to a residence or business on three separate days.~~

Owner or presumed owner: means any person or persons, firm, association or corporation, having temporary or permanent custody of, sheltering or having charge of, care of, harboring, exercising control over, or having property rights to, or who knowingly allows an animal to remain on the person's property. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

Owner Surrender: means a voluntary surrender of animal(s) to Animal Control or the contracted shelter.

Premises: means the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

Performing Animal Exhibitions: means aAny spectacle, display, act, or event, other than circuses, in which performing animals are used. This shall include animal amusement vendors such as but not limited to, pony-go-round rides, commercial horseback pictures, etc.

~~Person: Individual, corporation, government or government subdivision, agency, business, trust, estate, partnership, association, or other legal entity.~~ means an individual, corporation, or association.

~~Pet or Companion Animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or around the habitation of humans and is dependent on people for food and shelter.~~

Pet Shop: means aAny person, partnership, or corporation, whether operated separately or in a connection with another business enterprise (except for licensed kennels and veterinarian facilities), that buys, sells, or boards any species of animal.

Poison: means a substance having an inherent harmful property which renders it, when taken into the system, capable of destroying animal life.

Possible Exposure to Rabies: Receipt of a bite or, scratch or potential contact from any warm blooded animal, animal to human or animal to animal, is



Proof of Rabies Vaccination: Means documentation from a veterinarian that the animal has been vaccinated licensed to practice in the State of Texas- that the animal with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and/or Texas Department of Health.

Provocation: means aAny purposeful act that causes an animal to bite, scratch, or attack in protection of self or food, kennel, or nursing offspring, owner, or owner’s premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with city ordinances would be considered provocation, irrespective of the reason for such entrance unless performing a service to the owner’s property with consent (call for service).

Unprovoked: means a dog attacks or attempts to inflict bodily injury on a person when the dog was not hit, kicked, or struck by the person with an object or a part of the person’s body nor was any part of the dog’s body pulled, pinched, or squeezed by the person, nor was the dog taunted or teased by the person.

Proper enclosure: means a house or a building, or in the case of a fence or structure/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that an animal cannot climb, dig, jump or otherwise escape of its own volition.

Public Nuisance: ~~Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” shall mean and include, but not limited to, any animal that:~~

- ~~(i) Is repeatedly at large or stray;~~
- ~~(ii) Damages the property of anyone other than its owner;~~
- ~~(iii) Molests or intimidates pedestrians or passerby;~~
- ~~(iv) Trespasses on school grounds;~~
- ~~(v) Chases vehicles;~~
- ~~(vi) Excessively and repeatedly makes unprovoked disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances to neighbors or others in close proximity to the premises where the animal is kept or harbored;~~
- ~~(vii) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;~~
- ~~(viii) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;~~
- ~~(ix) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and types of animals maintained; or~~
- ~~(x) Attacks other domestic animals; or~~

(xi) ~~Is a vicious animal~~

Public nuisance animal: means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property.

Quarantine: means strict confinement of an animal specified in an order of the board or its designee: (a) on the private premises of the animal's owner or at a facility approved by the board or its designee; and (b) under restraint by close cage or paddock in any other manner by board rule. ~~Strict confinement under close observation for the purpose of preventing the spread of zoonotic disease and clinical signs of rabies, under restraint by closed cage, isolation kennel, rabies chamber, paddock, or in any other manner approved by the local rabies control (health remove) authority on the private premises of the owner or at a facility approved by the Texas department of Health.~~

Quarantine Period: ~~That portion of the observation period during which a biting animal is physically confined for observation as provided for under the quarantine method and testing section of this ordinance.~~

Quarantine Period: means a period used for observation of a domestic or pet animal to determine the health status of that animal in relation to the rabies virus.

Rabies: ~~An acute viral disease of man and animal affecting the central nervous system and usually transmitted by the animal bite or saliva.~~

Rabies: means the acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite or scratch.

Restraint: ~~Any animal secured by a leash or lead and under the control of a responsible person and obedient to that person's commands. At all other times, a dog or other animal shall be confined to the realty or premises of the owner of such dog or other animal by a fence of sufficient strength and height to prevent such dog or other animal from escaping therefrom; or inside a house on such premises; or secured on such premises by a leash consisting of a material of sufficient strength to prevent said dog or other animal from escaping from such premises. It shall be unlawful for the leash to be arranged in a manner that allows the dog or other animal to get on or across or within eight (8) feet of any sidewalk, public way, place or building when such leash is stretched to its full length. Any animal so arranged shall be considered dangerous to the public in general and declared a nuisance, and shall be impounded. Although cats shall be exempt from the leash requirement while on the premises of the owner, any cat straying on the property of anyone except its owner shall be deemed a public nuisance animal and will be subject to impoundment.~~

Restraint: means any animal secured by a leash, lead, chain or tether and under the direct physical control of a responsible person. At all other times, a dog or other animal shall be confined to the realty or premises of the owner.

Rooster: means any male chicken of the age of six (6) months or older.

Riding School or Stable: means aAny place that has available for hire, boarding, and / or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animal, including a racetrack, trotting track, or rodeo.

~~Scratch: A scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood.~~

Scratch: means a scrape left by the claws or teeth of an animal that causes a break in the skin.

Sick or Injured Animal: means aAny animal that appears to be suffering from an infectious, contagious, or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or that has an elevated temperature, **depressed heart rate or inability to ambulate.**

Service dog: means a dog that is specially trained or equipped to help a person with a disability.

Serious Bodily Injury: means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonable prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment. As defined in V.T.C.A., Health and Safety Code § 822.001, as amended.

~~Stray: Animal running free or at large, with no physical or verbal restraint.~~

Stray: means roaming with no physical restraint beyond the premises of an animal's owner or keeper.

Severe injury: means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

Small Animal: means an animal less than 5 pounds and kept domestically, including a rabbit, guinea pig, rat, mouse, hamster, or gerbil.

Sufficient shelter: mean reasonable shelter with a roof and three (3) solid sides that is capable of protecting the animal from the elements and shall be situated so there is a buffer area between it and neighboring property with sufficient

access to allow the sufficient shelter to be effectively cleaned and which sufficient shelter shall be kept cleaned and not create an unsightly structure.

Tag: means a metal/plastic tag attached to a collar as required by this chapter or some other permanent identifying device attached to a collar or to an animal.

Tattoo: means a permanent mark which is made on the skin of an animal by puncturing the skin and inserting indelible color, and which is used to show ownership.

Tethering: means using a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system.

Un-owned Animal: ~~Any animal for which an owner has not been identified.~~  
(Remove and See Stray)

Vaccinated: ~~Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.~~

Vaccinated: means properly injecting with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state in an amount sufficient to provide immunity.

Veterinary Hospital: ~~means a~~ Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious Animal: ~~means a~~ An animal that initiates an unprovoked attack upon a person or other animal, maintaining continuous physical contact and fails to retreat. The attack must result in bodily injury to the victim.

Vicious Dog: means any individual dog that has on three previous occasions, without provocation, attacked or bitten any person or other animal causing bodily injury, or any individual dog which the Animal Control Department or his representative has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

Wild Animal: ~~means a~~ Any animal except the common domestic species (including, but not limited to, dogs, cats, horses, cattle, swine, sheep, and goats), regardless of the state or duration of captivity.

Wildlife: ~~Any animal that occurs naturally in the wild state.~~

Wildlife: means a species, including each individual of a species, that normally lives in a state of nature and is not ordinarily domesticated. This shall apply

regardless of state or duration of captivity. The term shall include but is not limited to: foxes, cougars, coyotes, raccoons, and all forms of poisonous or constricting reptiles, and other like animals.

Wild State: ~~Living in its original, natural condition; not domesticated.~~

Zoological Park: means a Any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of no domesticated animals.

#### **Section 4.01.002 Penalty**

~~Any person who shall violate any of the provisions of this ordinance, or fail to comply therewith any of the provisions thereof, shall be guilty of a misdemeanor, upon conviction shall be fined in a sum not less than twenty five dollars (\$25.00) and not more than two hundred dollars (\$200.00), unless specifically listed on the minimum penalty schedule below, and each and every day's violation shall constitute a separate and distinct offense. Subsequent convictions for any violation of this ordinance within a twelve (12) month period shall double the minimum applicable fine listed below, up to and including the maximum allowed by law. If any person is found guilty by a court of violating Section 10 (Animal Care) of this ordinance, that person's permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permits may be issued.~~

- (a) A person who violates this title commits a Class C misdemeanor punishable by:
  - (1) a fine not to exceed \$500; or
  - (2) if the person acts with criminal negligence, a fine not to exceed \$2,000.
- (b) Each day that a violation occurs is a separate offense.
- (c) Proof of a higher degree of culpability than criminal negligence constitutes proof of criminal negligence.
- (d) Except as provided in Subsections (e) and (f), the minimum fine for an offense under this title is \$50.
- (e) The minimum fine for an offense under (*Dangerous Animals*) is \$100.
- (f) The minimum fine for an offense under (*Unrestrained Dog Prohibited*) is \$200 if the animal is not sterilized.
- (g) A person commits an offense if the person has been issued a citation and the person fails to enter a plea to a charge indicated on the citation on or before the appearance date indicated on the citation.
- (h) A person commits an offense if the person gives a false or fictitious name, address, or other information to the Enforcement Officer or designated employee at the time the Enforcement Officer or designated employee issues the person a citation.

~~(b) Upon conviction of the specific violation listed, the minimum fine shall be as follows:~~

- ~~(1) Animal abandonment: \$50.00.~~
- ~~(2) No rabies vaccination: \$50.00.~~
- ~~(3) Not registered/licensed: \$30.00.~~
- ~~(4) Failure to obtain permit before opening: \$200.00.~~
- ~~(5) Failure to renew permit by due date: \$30.00.~~
- ~~(6) Allowed to run at large (stray):~~
  - ~~(A) Unneutered dog or cat: \$40.00.~~
  - ~~(B) Neutered dog or cat: \$25.00.~~
  - ~~(C) Any other animal: \$25.00.~~
- ~~(7) More than five dogs or cats (per animal): \$30.00.~~
- ~~(8) Unconfined and/or nonmuzzled vicious animal: \$200.00.~~
- ~~(9) Unconfined female dog or cat in heat: \$30.00.~~
- ~~(10) Failure to surrender animal for rabies observation: \$200.00.~~

All fees for licensing, daily handling, impoundment, disposal, quarantine, lost or destroyed tags, and/or transfer to the animal shelter are stated on the schedule of fees to be revised from time to time by the Animal Control Department, Municipal Court and approved by the City council. A copy of the schedule of fees can be obtained from the local Animal Control Department, Municipal Court or the City Council.

**Section 2.** This ordinance shall be cumulative of all other ordinances of the City of Buda, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Buda except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 3.** The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**Section 5.** This Ordinance shall be effective immediately from and after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

PASSED AND APPROVED on first reading by an affirmative vote of the City Council of the City of Buda, this \_\_\_\_ day of \_\_\_\_\_, 2013.

PASSED, APPROVED AND ADOPTED on second reading by an affirmative vote of the City Council of the City of Buda, this \_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_

Todd Ruge, Mayor

ATTEST:

\_\_\_\_\_

Danny Batts, City Secretary