

ORDINANCE NO. 77

AN ORDINANCE PROHIBITING DOGS FROM RUNNING AT LARGE ON PUBLIC OR PRIVATE PROPERTY; DEFINING TERMS; PROVIDING FOR INPOUNDING OF DOGS; PROVIDING FOR RELEASE OF DOGS INPOUNDED UPON PAYMENT OF FINES; PROVIDING FOR THE SALE OR DESTRUCTION OF DOGS NOT REDEEMED; PROVIDING FOR REDEMPTION OF DOGS SOLD; PROVIDING FOR RECORDS; PROVIDING FOR UNCONSTITUTIONALITY; PROVIDING PUBLICATION; PENALTY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEELER, TEXAS:

Section I.

Definitions

For the purpose of this ordinance the following words shall have the following meaning:

"Dog" shall mean both the male and female.

"At large" shall mean, any dog off the property of the owner and not under the control of a competent person either by a leash, at heel beside a person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets.

"Owner" shall mean any person, firm or corporation owning or keeping or harboring or having control of or custody of a dog.

Section II.

It shall be unlawful for any owner of any dog to allow such dog to be "at large" within the corporate limits of the City of Wheeler.

Section III.

It shall be the duty of the marshall or any of his deputies, to seize and impound, subject to the provisions of this ordinance, all dogs found "at large" within the corporate limits of the City of Wheeler.

Section IV.

The marshall or his designated deputies upon receiving any dog, shall make a complete registry, entering the breed, color and sex of such dog and vaccination record and other information attached to the dog, if any, and place and time of taking into custody.

Section V.

The owner of any dog impounded may redeem such dog at any time prior to sale or destruction by the payment of Ten (\$10.00) Dollars impounding fee and Two (\$2.00) Dollars per day for each day or part of day such dog shall have been impounded, and proving the dog has been vaccinated with anti-rabies vaccine by a licensed veterinary within the last twelve (12) months, if the dog is over six (6) months of age.

Section VI.

No owner shall keep a dog over the age of six (6) months within the city limits unless the dog shall have been vaccinated by a licensed veterinary with anti-rabies vaccine within the last twelve (12) months.

Section VII.

That within ten (10) days after any dog has been placed in the Pound, in accordance with the foregoing provisions of this ordinance, the marshall shall post, or cause to be posted, near the entrance to the City Hall, a notice describing said dog and stating the date it was impounded and the date and place that it will be sold, which date of sale shall not be less than three (3) days after posting such notice. The marshall, or any officer designated by him, shall sell such dog at auction to the highest bidder for cash, provided, however, that the owner or keeper of said dog may at any time before the sale of said dog pay the impounding fees and receive said dog from the Pound. At the auction sale of all dogs, in accordance with the provisions of this ordinance, the marshall or any officer authorized by him, shall bid in the name and for the City of Wheeler up to the amount of the impounding fees due upon said dog unless some other person shall bid such amount or a greater amount therefor. Any person who shall bid the amount of the fees due for impounding and keeping

any dog shall have such dog delivered to him at the pound upon the payment to the marshall of the amount bid, and the person shall first have the dog vaccinated with anti-rabies vaccine by a licensed veterinary or prove the dog has so been vaccinated within the last twelve (12) months if the dog is over six (6) months old. If the marshall shall be the only bidder at the sale of any dogs hereinabove provided for, the City of Wheeler shall become the owner of said dogs and thereupon the marshall shall kill or cause to be killed all such dogs in said pound after the provisions of this ordinance have been complied with. At any time within six (6) months after any sale the owner may apply to the marshall and upon satisfactory proof of ownership he shall be entitled to receive the amount deposited on account of such sale, after deduction of all fees for impounding costs and keeping such dog and such costs as may be necessarily incurred to establish his right thereto.

Section VIII.

That at any time within thirty (30) days from the date of the sale the owner of any dog impounded and sold under the provisions of this ordinance shall have the right to redeem the same by paying to the purchaser thereof double the amount paid by said purchaser for such dog and his reasonable expenses incurred in keeping the same.

for such dog and his reasonable expenses

Section IX.

Within seven (7) days after acquiring knowledge that his dog has been bitten by a rabid animal it shall be the duty of the owner or keeper to cause such dog to be given anti-rabies treatment, or to impound such dog for a period of six (6) month in a place approved by the City Health Officer, or destroy such dog.

Section X.

That if any section, part, or provisions of this ordinance is declared unconstitutional or invalid, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this ordinance that all other parts of this ordinance shall not be affected thereby and shall remain in full force and effect.

Section XI.

That any owner who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not to exceed Two Hundred (\$200.00) Dollars, and each and every day of such violation shall be deemed a separate and complete offense.

Section XII.

This Ordinance shall be come effective ten (10) days after its publication.

Section XIII.

The fact the public welfare of the citizens of Wheeler needs to be protected creates an emergency and the rule requiring three separate reading of this Ordinance is hereby suspended.

PASSED AND APPROVED THIS 21st DAY OF SEPTEMBER, 1970.

ATTEST

Mildred Ramsey
Secretary

O. B. Burton
Mayor