

CERTIFICATE FOR ORDINANCE

I.

On the 8th day of February, 2007, the City Council of the City of Conroe, Texas, consisting of the following qualified members, to-wit: **Tommy Metcalf, Mayor; Jerry Streater, Mayor Pro Tem; Council Members Pat George, Jay Ross Martin, Jim Gentry and Webb Melder** did convene in public session in the Council Chambers of the City Hall at 300 West Davis in Conroe, Texas. The roll being first called, a quorum was established, all members being present except the following, to wit: all present. The Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

II.

WHEREUPON, AMONG OTHER BUSINESS transacted, the Council considered adoption of the following written Ordinance, to-wit:

ORDINANCE NO. 1781-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, AMENDING VARIOUS PROVISIONS OF CHAPTER 10, CODE OF ORDINANCES, CITY OF CONROE, TEXAS RELATING TO THE KEEPING OF ANIMALS WITHIN THE CITY; ADOPTING A NEW ARTICLE IV RELATING TO DANGEROUS DOGS; DECLARING CERTAIN VIOLATIONS HEREOF TO BE UNLAWFUL AND PROVIDING FOR A FINE NOT TO EXCEED \$500 UPON CONVICTION OF AN OFFENSE; PROVIDING FOR EFFECTIVE DATE AND OTHER RELATED MATTERS

III.

Upon motion of Council Member **Gentry**, seconded by Council Member **George**, all members present voted for adoption of the Ordinance, except the following: N/A. A majority of those Council Members present having voted for adoption, the presiding officer declared the Ordinance passed and adopted.

A true, full and correct copy of the Ordinance adopted at the Meeting is attached to and follows this Certificate.

SIGNED AND SEALED this 8th day of February 2007.


MARLA J. PORTER City Secretary

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

Section 1. The definition of "Animal" in Sec. 10-1, Code of Ordinances, City of Conroe, Texas is amended in its entirety and the following new definitions are added, to read as follows:

Animal means a bird, reptile, or mammal other than a human being, including but not limited to dogs and cats of all breeds.

Dangerous animal means any animal that is (1) defined as a "dangerous wild animal" by Texas Health and Safety Code Sec. 822.101, or (2) an animal of any other species of wild or feral mammal or reptile that by its nature or breeding is capable of inflicting serious bodily injury to a human.

Dangerous dog has the meaning given in Texas Health and Safety Code Sec. 822.041 and also includes any dog running at large that makes an unprovoked attack on a domestic animal that causes serious bodily injury or death, and the attack occurs on property other than that of the dog's owner.

Serious bodily injury to an animal means an injury to an animal characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent owner to seek veterinary treatment for the injured animal, regardless of whether or not treatment is actually sought.

Section 2. Sec. 10-7, Code of Ordinances, City of Conroe is hereby amended in its entirety to read as follows:

Sec. 10-7. Dangerous animals prohibited.

(a) It shall be unlawful for any person to keep or harbor a dangerous animal in the city.

(b) This section does not apply to a person or animal kept as provided by Texas Health and Safety Code Sec. 822.102.

Section 3. Any person who violates a provision of this ordinance shall, upon conviction be punished by a fine in an amount not to exceed \$500 as provided by Code of Ordinances Sec. 1-13. Code of Ordinances, City of Conroe Sec. 10-8 is hereby amended in its entirety to read as follows:

Sec. 10-8. Penalty for violation.

(a) Any person who shall violate any of the provisions of this chapter shall upon conviction thereof, be fined as provided in Sec. 1-13. Each violation shall constitute a separate offense.

(b) It is not necessary to plead or prove any culpable mental state in a prosecution arising under this chapter.

Section 4. Article III, Chapter 10, Code of Ordinances, City of Conroe, Texas is hereby amended in its entirety to read as follows:

ARTICLE III. RABIES CONTROL

Sec. 10-71. Vaccination required.

It shall be unlawful for any person to own, keep, harbor or maintain any dog, cat or domestic ferret over four months of age without having the animal vaccinated in accordance with the requirements of state law.

Sec. 10-72. Rabies tags to be attached to animal's collar.

(a) Every dog, cat or domestic ferret over four months of age must wear a collar to which is affixed a metal rabies vaccination tag issued by a state licensed veterinarian. The tag must be numbered and bear the vaccination year and the name and address of the issuing veterinarian.

(b) Evidence that a dog or cat does not have a rabies vaccination tag, or that the animal's vaccination tag is more than one year old is prima facie evidence that the animal has not been vaccinated in accordance with state law requirements. A presumption arising from such evidence may be rebutted by proof of the animal's official vaccination certificate.

Section 5. Chapter 10, Code of Ordinances, City of Conroe, Texas is hereby amended by the addition of a new Article IV. Dangerous Dogs, to read as follows:

ARTICLE IV. DANGEROUS DOGS

Sec. 10-80. Authority.

Subchapter D, Chapter 822, Texas Health and Safety Code shall govern the disposition of dangerous dogs in the city. Terms used or defined in such subchapter shall have the same meaning when used in this article.

Sec. 10-81. Additional requirements for owner of dangerous dog.

(a) Not later than the 30th day after a persons learns that the person is the owner of a dangerous dog the person shall:

(1) provide the animal control authority with evidence that the dog has been spayed or neutered;

(2) have the dog implanted with an RFID microchip that is registered with the animal control authority; and

(3) provide a secure enclosure for the dog and permit the animal control authority to inspect the enclosure from time to time.

(b) When not in a secure enclosure the dog must be humanely muzzled and held on a leash that is no more than six feet in length and is appropriate for the size and weight of the dog. When on a leash the dog must be in the custody of a person who is at least 18 years of age who is physically capable of restraining the dog.

Sec. 10-82. Requirements for secure enclosure for dangerous dog.

(a) A dangerous dog must be secured in a kennel that complies with the secure enclosure requirements of Texas Health and Safety Code Sec. 822.041(4) and the additional requirements of this section. A dangerous dog may not be secured in a structure that is also used or occupied by humans, including a residence, garage, utility building or other similar structure.

(b) The walls of a dangerous dog kennel must be not less than 8 feet high and must consist of 9-gauge chain link or a material deemed equivalent by the animal control authority. The kennel must have a roof or top that is attached to the walls and prevents entry or exit from above. The floor of the enclosure must be a concrete slab, not less than four inches in thickness, to which the walls are firmly anchored. The entry must

be equipped with an automatic closing and latching mechanism and must be locked to prevent unauthorized entry. The kennel must contain a doghouse suitable to the size of the animal that affords shelter from inclement weather. The kennel must have an area that is not less than 72 square feet and no more than one animal may be housed in the enclosure.

(c) The occupant of premises upon which a dangerous dog is kept must post a durable all weather sign bearing the words "DANGEROUS DOG". The lettering must be at least 2 inches high and must be red on a white background. The sign must be posted where visible from each street that provides access to the premises.

Section 6. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

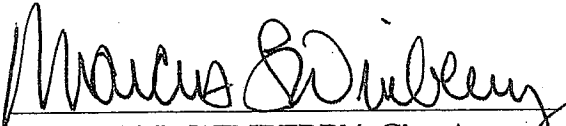
Section 7. The City Secretary shall cause the caption of this ordinance, including any penalty, to be published in a newspaper of general circulation within the City, such notice to be published at least twice within ten (10) days of the date of passage. This ordinance shall be effective upon publication as provided herein.

PASSED AND APPROVED this 8th day of February 2007.



TOMMY METCALF, Mayor

APPROVED AS TO FORM:



MARCUS L. WINBERRY, City Attorney

ATTEST:



MARLA J. PORTER, City Secretary