

**ORDINANCE NO. 0220  
AMENDMENT NO. 1**

**AN ORDINANCE AMENDING ORDINANCE NO. 0220 OF THE TOWN OF HORIZON CITY TO ELIMINATE THE REGISTRATION REQUIREMENT AND REVISE PROVISIONS RELATING TO ENFORCEMENT OF THE ORDINANCE TO PROVIDE FOR CITY ENFORCEMENT AUTHORITY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, REPEALER, AND SEVERABILITY; THE PENALTY BEING AS PROVIDED IN ARTICLE I, SECTION VIII, B OF THIS ORDINANCE, CREATING A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$2,000.00.**

**WHEREAS,** the City Council of the Town of Horizon City (“City Council”) is authorized by the Texas Government Code, Section 51.001, to adopt an ordinance that is for the good government, peace, or order of the City and is necessary or proper for implementing a power granted by law to the City; and

**WHEREAS,** effective September 1, 2015, the Interlocal Agreement between the Town of Horizon City and the City of El Paso no longer provided for the registration of dogs and cats and for certain types of ordinance enforcement; and

**WHEREAS,** it is necessary to revoke the registration requirements until new arrangements and processes can be established by the City and make appropriate adjustments to the language of the Ordinance to provide for City enforcement of the ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS that;**

**ARTICLE I. ENACTMENT OF AMENDMENTS**

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the City Council of the Town of Horizon City hereby enacts and adopts this Amendment No. 001 to Ordinance No. 0220, which created animal regulations for the Town of Horizon City and related matters, to amend Article I, Sections III, VI and VII, by amending the subsections set forth under each section as follows:

**SECTION III. VACCINATION REQUIREMENTS**

A. Vaccination required.

No person shall own, keep or harbor within the city any dog or cat four months of age or older unless such dog or cat has a current vaccination. A dog or cat may be administered a vaccination

that will be current for a period of one year or a period of three years, as determined to be appropriate by the veterinarian and under the requirements established by state law, and all vaccinations shall be administered according to the label recommendations of a United States Department of Agriculture (USDA) approved vaccine. The dog or cat must be re-vaccinated before the expiration of the first and each subsequent current vaccination period. Such person shall maintain a copy of the records of each vaccination and make it available to an officer upon request.

## **SECTION VI. REPORTING REQUIREMENTS**

### **A. Abandonment—Reporting violations.**

1. It is unlawful for any person to abandon any animal in the city.
2. It is unlawful for any person having charge or custody of an animal, as owner or otherwise, to place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle or livestock trailer under such condition or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or water, or such other circumstances as may reasonably be expected to cause suffering, disability or death.
  - a. Any officer finding an animal in a motor vehicle or livestock trailer in violation of the provisions in this subsection is authorized to obtain a locksmith at the owner's cost, or break and enter the vehicle if necessary to remove the animal.
  - b. Removed animals will be impounded with the Enforcing Agency or a veterinary clinic for safekeeping. Owners may claim their animals upon payment of all reasonable charges or fees that accrued for removal and maintenance of the animal, plus impoundment fees charged by the Enforcing Agency.
  - c. At the time the animal is removed from the motor vehicle or livestock trailer, the officer shall leave a written notice bearing his name and title and the address where the animal may be claimed.
  - d. The animal will be retained for a minimum of six days or other time designated by the Enforcing Agency, and if not claimed, may be disposed of by the Enforcing Agency in accordance with their rules and regulations.

### **B. Animal bites—Reporting requirements.**

1. A person who knows of an animal bite or scratch to an individual or another animal that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the Animal Regulation Program of the Enforcing Agency or Horizon City Police Department as soon as possible but not later than twenty-four hours from the time of the incident. The report must include:
  - a. The name and address of the victim and of the animal's owner, if known; and
  - b. Any other information that may help in locating the victim or animal.

2. It shall be the duty of every veterinarian having an animal quarantined for a bite incident to submit a written report to the Animal Regulation Program of the Enforcing Agency as to the condition of the quarantined animal on the initial day of observation and on the fifth day and the tenth day immediately following the date of the bite incident.
3. It shall be the duty of every veterinarian to report immediately to the Animal Regulation Program of the Enforcing Agency his diagnosis of any animal observed by him as a rabies suspect.

C. Zoonotic disease reporting required.

It shall be the duty of every veterinarian, physician, or other person having knowledge of any zoonotic disease or condition caused by animals which may endanger the public or animal health or create a public nuisance to report same to the Animal Regulation Program of the Enforcing Agency.

## **SECTION VII. FEES AND IMPOUNDMENT**

The owner of any animal detained and impounded by the Enforcing Agency shall be entitled to resume possession of such animal upon compliance with the laws and regulations of the Enforcing Agency and the payment of any impoundment, board and quarantine fees as established by the Enforcing Agency or as have been established by an Interlocal Agreement between the Town of Horizon City and the City of El Paso.

Any animal detained or impounded under the provisions of State law or this Ordinance or held by the Enforcing Agency in the jurisdiction of the Enforcing Agency, and not reclaimed in the manner and time periods as provided by the laws and regulations of the Enforcing Agency and its animal services program, will become the property of the Enforcing Agency and be subject to its regulations governing animal impoundment, redemption and disposition.

## **ARTICLE II. FINDINGS OF FACT**

That this ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

## **ARTICLE III. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the effect of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**ARTICLE IV. SEVERABILITY**


Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**ARTICLE V. PROPER NOTICE AND MEETING**

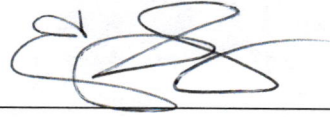
It is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52, Texas Local Government Code.

PASSED AND APPROVED this the 10<sup>th</sup> day of November 2015, by a vote of 7 (ayes) to 0 (nays) to 0 (abstentions) of the Town Council of Horizon City, Texas.

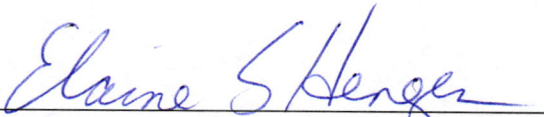
**Town of Horizon City**

By:   
Walter L. Miller, Mayor

**ATTEST:**

By:   
Elvia Schuller, City Clerk

**APPROVED AS TO FORM:**

  
Elaine S. Hengen, Assistant City Attorney

First Reading: 11/2/2015  
Second Reading: 11/10/2015