

ORDINANCE 4-14-97

ANIMAL CONTROL

An ordinance to protect against dogs roaming at large; provide for registration of dogs and/or cats with the City of Berryville for a fee of seven dollars & 50 cents (\$7.50) annually, for the first (1st) animal. Persons registering more than one (1) animal will be charged five dollars (\$5.00) per animal after the registration of \$7.50 for the first (1st) animal. Proof of current rabies vaccination required; provide for the limited impoundment of three (3) dogs per month, appointment of a non-certified animal control officer, and to provide for its enforcement by imposing a fine of not less than fifty-dollars (\$50.00) nor more than two-hundred dollars. (\$200.00)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERRYVILLE, TEXAS;

DEFINITIONS:

ANIMAL CONTROL OFFICER – Person designated by the City of Berryville, Texas to enforce this ordinance. This person will not be a certified officer and cannot identify himself as such. He will not have the authority to issue fines to individuals. His duties will be to pick up non-tagged dogs and deliver such dogs to the Henderson County Animal Shelter. Tagged dogs not on the owner's property will be reported by the animal control officer to the City Manager.

DOG – A domestic canine of either sex, including one neutered or sterilized and over the age of four (4) months.

CAT – A domestic feline of either sex, including one neutered or sterilized and over the age of four (4) months.

OWNER – Any person who has right of property in an animal or who harbors any animal or allows an animal to remain about his premises for a period of three (3) days.

RUNNING AT LARGE – Shall mean any dog off the premises of the owner or other person in charge or custody of such animal unless accompanied by the owner or caretaker.

STRAY DOG – Any dog for which there is no identifiable owner or harbored.

SECTION I.

REGISTRATION TAGS:

All owners or harbors of dogs and/or cats within the city limits of Berryville, Texas, shall register said dogs and/or cats with the City Manager of Berryville, Texas for a fee of seven-dollars and 50 cents (\$7.50) per dog and/or cat, annually. Persons registering more than one animal will be charged five-dollars (\$5.00) after the registration of \$7.50 for the first animal. Proof of current rabies vaccination is required. Concurrent with the registration of a dog and/or cat,

over the age of four (4) months of age, the owner of a dog and/or cat shall cause to be attached to the collar or harness of the City registered dog and/or cat, a metal tag, serially numbered to correspond with the registration log kept by the City Manager. This tag may NOT be transferred to another dog and/or cat. Dogs and/or cats that have been registered with the City, but have lost their tags, must be re-registered with the City for the price of the tag only. Dogs handles by handicapped persons will be exempt from this registration.

SECTION II.

DOGS ROAMING AT LARGE:

It shall be unlawful for any dog owned, kept or harbored to run at large. The Animal Control Officer shall have the authority to impound any non-tagged dog. The Animal Control Officer shall report to the City Manager any tagged dog that is roaming at large. The first offense of roaming at large will result in a warning issued by the City Manager to the owner or keeper of said dog. The second offense of roaming at large, the owner or keeper of said dog will be fined not less than fifty-dollars (\$50.00) nor more than two-hundred dollars (\$200.00). The third offense of roaming at large will result in impoundment of said dog at the Henderson County Animal Shelter. Each reported offense remains on record for a period of one (1) year. Residents of Berryville may also obtain a tag number from a dog roaming at large and file a complaint with the City Manager.

SECTION III.

IMPOUNDED DOGS:

As soon as practicable after impoundment, if the owner of the impounded dog is known, immediate notice shall be given to him by the City Manager. Any impounded dog may be redeemed after the owner or harborer meets the requirements imposed by the Henderson County Humane Society.

SECTION IV.

PENALTY:

Unless otherwise stated herein, violation of this ordinance shall be punishable by a fine of not less than fifty-dollars (\$50.00) nor more than two-hundred dollars (\$200.00), exclusive of said court cost.

SECTION V.

MISCELLANEOUS PROVISIONS:

Any and all notices or other communications required by this ordinance may be given orally or in writing, however, if in writing, the notice shall be deemed duly given when personally delivered to the party to whom it is directed, or in lieu of such personal service, when deposited in the United States mail, postage prepaid and addressed to the party's last known address.

This ordinance shall become effective sixty (60) days after its passage by the Berryville City Council.

SECTION VI.

In the event any one of the provisions contained in this ordinance shall for any reason held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceable shall not affect any other provision thereof and this ordinance shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

SECTION VII.

There will be a limit of three (3) dogs per month picked up within the city limits of Berryville that will be taken to the Henderson County Humane Society by Berryville's Animal Control Personnel, effective July 1, 2004.

SECTION VIII.

This ordinance supersedes Ordinance 3-20-94A.

PASSED AND APPROVED THIS 5TH DAY OF MAY, 1997.

John McElvany
Mayor
Berryville, Texas

Attest:
Sharyn Harrison
Berryville City Manager

This ordinance filed with Henderson County in Vol. 13 Page 445, Page 446, Page 447 (7386)
Filed and recorded May 12, 1997

Section I amended 6/23/03 to include rabies control for both dogs and cats.

Section II amended 6/14/04 to be effective 7/1/04. The permit fee was increased from \$5.00 per animal to \$7.50 per animal annually.

Section VII amended 7/21/04 limiting the number of dogs taken to the Henderson County Humane Society each month to 3 dogs.