

**ORDINANCE NO. 641**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS, AMENDING SECTION 3-56 OF CHAPTER 3 – ANIMALS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A PENALTY IN AN AMOUNT UP TO \$2,000 A DAY AND CIVIL PENALTIES UP TO \$1,000 A DAY FOR A VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the City Council of the City of West Columbia, Texas, has determined that the City has a need to update the regulation of dogs within the City in order to protect the health, safety and welfare of its citizens; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS:

**SECTION 1.** The Code of Ordinances of the City of West Columbia, Texas, is hereby amended by amending Chapter 3, to read as follows:

ADDITION

**ARTICLE III CARE AND CONTROL**

Sec. 3-56. Restraint; Nuisance Animals Prohibited

a) It shall be unlawful for any person to own, keep, possess, harbor or allow to remain upon premises under his control any animal which is at large or otherwise not under restraint. For the purpose of this chapter, restraint shall consist of, and is limited to, any one or more of the following:

- 1) confined to the owner's premises within a house, building or a substantial fence of sufficient length and height to prevent the animal from escaping the enclosure or otherwise leaving the Owner's Premises;

- 2) restrained on the Owner's Premises by a leash sufficiently strong to prevent the animal from escaping and which restricts the animal to the premises, provided, however, that cats shall not be required to be on a leash;
- 3) confined by a leash or within an automobile when away from the Owner's Premises, provided, however, public restraint on a leash shall not be sufficient for a female dog or cat in heat; or
- 4) in the presence of the owner or member of the owner's family when on the owner's premises;
- 5) with respect to female dogs and cats in heat, restraint means confined in a building or other secure enclosure in such manner to assure that the female dog or cat in question cannot come into contact with another animal except for planned breeding.

b) Every animal which has bitten or molested persons on at least one occasion shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

c) The animal control officer and any police officer is hereby authorized to trap animals at large by means of wire traps and to issue live traps to citizens for the purpose of trapping animals at large. It shall be unlawful for any person to tamper with a live trap or release an animal confined in a live trap.

d) It shall be unlawful for any person to own, keep, possess, harbor or allow to remain upon premises under his control any animal which is a nuisance animal.

e) A person may not restrain a dog with a chain or tether on private property unless the person is holding the chain or tether.

f) The prohibition in subsection (e) does not apply to a temporary restraint:

- (1) during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or

(2) that is required to protect the safety or welfare of a person or the dog, if the dog's owner or handler remains with the dog throughout the period of restraint.

g) A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than 1/18 of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.

h) A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water.

i) A person may not restrain a dog in a manner that allows the dog to move outside the person's property.

**Section 2.** That a violation of this ordinance shall be a Class C misdemeanor and may be fined up to \$2,000 for each day of violation as each day a violation exists is a separate offense or the city may bring a civil action for the enforcement of this article as provided by the Local Government Code, Chapter 54, Subchapter B, and seek a civil penalty not to exceed one thousand dollars \$1,000 per day or both.

**Section 3.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 4.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of West Columbia, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 5.** That this ordinance shall take effect upon passage by City Council.

PASSED, APPROVED, AND ADOPTED this 8th day of February, 2016.

  
LAURIE B. KINGANNON  
Mayor

ATTEST:

  
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KELLI R. KUBAN  
City Secretary