

ORDINANCE NO. 1147-12-17

**AN ORDINANCE OF THE CITY OF HONDO TEXAS CODE OF
ORDINANCES AMENDING CHAPTER 2. ANIMAL CONTROL,
ARTICLE 2.01. GENERAL PROVISIONS; ARTICLE 2.04
IMPOUNDMENT; INCORPORATING RECITALS; SAVINGS CLAUSES,
AND SETTING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Hondo Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the City of Hondo, Texas (“City”) to establish comprehensive rules and regulations for animal control in the City; and

WHEREAS, the proper care, regulation and control of animals, fowl and livestock is necessary for the health, safety and quality of life of the citizens of the City; and

WHEREAS, the establishment of reasonable requirements for the care and control of dogs, cats, animals, fowl and livestock is necessary to protect such animals and the general public; and

WHEREAS, it is necessary for the City to adopt requirements and regulations which will enable the officers and employees of the City to respond in a manner consistent with State law to unusual circumstances and conditions that arise from time to time with respect to the keeping, care and control of domestic, wild and exotic animals; and

WHEREAS, the rules, regulations and requirements established by ordinance may not be inconsistent with State law; and

WHEREAS, the City Council has determined that it is in the best interest of the City to regulate animals within the City in accordance with State law.

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

SECTION 1. AMENDMENT. That the Code of Ordinances of the City of Hondo, Texas is hereby amended Chapter 2, “Animal Control,” Article 2.01, “General Provisions,” which shall hereinafter read as follows:

**CHAPTER 2 – ANIMAL CONTROL
ARTICLE 2.01. – GENERAL PROVISIONS**

Sec. 2.01.001. - Definitions.

Shelter. Shall mean a clean and sturdy structure with a roof and three (3) sides and a fourth side allowing access that is protected from the elements and a floor that is elevated enough to keep the shelter dry. A shelter shall provide protection from rain, hail, sleet, snow, and subfreezing temperatures and must be large enough to allow the dog or animal to stand erect, sit, turn around and lie down in a normal manner. The size of the shelter must be conductive to the size of the animal to allow movement within the interior without restrain.

SECTION 2. AMENDMENT. That the Code of Ordinances of the City of Hondo, Texas is hereby amended Chapter 2, “Animal Control,” Article 2.04, “Impoundment,” which shall hereinafter read as follows:

ARTICLE 2.04 - IMPOUNDMENT

Sec. 2.04.004 – Cruelty to Animals

(a) Cruelty to non-livestock and livestock animals, excluding uncaptured wild living creatures, is a violation of the Texas Penal Code and depending on the circumstances, is a class A misdemeanor, state jail felony, or a felony of the third degree.

(b) Cruelly treated includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, or caused to fight with another animal.

(c) Animal care officials shall liberally utilize the authority granted by Section 821.022 of the Texas Health and Safety Code to seize and impound any animal that has been or is being cruelly treated. If the investigating animal care officer or cruelty investigator has reason to believe that an animal has been or is being cruelly treated, pending a hearing before the municipal court judge on the issues of cruelty and disposition of the animal, the seizure of the subject animal prior to receiving a warrant is hereby authorized if such delay endangers the life of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention.

SECTION 3. The remainder of Chapter 2 in the City's Code of Ordinances remains unchanged. The Code of the City of Hondo, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 5. The Amendment to this Ordinance shall take effect immediately upon approval by the City Council of Hondo.

**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HONDO
TEXAS THIS 11th DAY OF DECEMBER, 2017.**

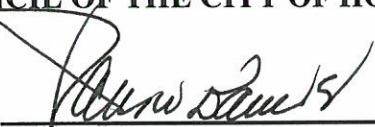
ATTEST:


Miguel Cantu, City Secretary

APPROVED AS TO FORM:


Frank Garza, City Attorney




James W. Danner, Mayor