

AN ORDINANCE **41165**

AMENDING CERTAIN SECTIONS OF CHAPTER 6 OF THE CITY CODE OF THE CITY OF SAN ANTONIO, BY PROVIDING FOR: DESIGNATION OF THE RABIES CONTROL SECTION AS THE ANIMAL CONTROL **DIVISION**; ESTABLISHMENT OF FEES FOR BOARDING, LICENSING, IMPOUNDING, AND SELLING OF ANIMALS UNDER THE PROVISIONS OF THIS CHAPTER; ESTABLISHING THE ANIMAL CONTROL ADVISORY BOARD, SETTING FORTH ITS DUTIES AND POWERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A FINE NOT TO EXCEED \$200.00 FOR VIOLATION.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Rabies Control Section of the Public Health Department shall hereafter be known as the Animal Control Section, Public Health Department. It shall be the responsibility and duty of the Animal Control Section to enforce and carry out all ordinances of the City of San Antonio concerning animal control within the City.

SECTION 2. Section 6-1(9) and Section 6-1(13) of the City Code are hereby amended so that the same shall read as follows:

(a) Impound. "Impound" means to place an animal in the City's Animal Control Facility; or the taking into custody of an animal for purposes of transportation to the City's Animal Control Facility.

(b) Animal or Livestock. "Animal or "Livestock" is any or all of the following: bovines, equines, swine, goats, sheep, guinea pigs, hamsters, white rats, poultry, parakeets, pigeons, cats, dogs; or any other animal or fowl which may cause a health hazard within the meaning of this chapter.

SECTION 3. Section 6-18 of the City Code is hereby amended so that the same shall read as follows:

It shall be the duty of the director of public health to gather up or cause to be gathered up all horses, mules, jacks, jennets, cattle, sheep, goats, and swine found running at large in the City limits, and to impound same at the public stockyards in the City of San Antonio.

SECTION 4. Section 6-19 of the City Code is hereby amended so that the same shall read as follows:

After giving five days' notice by publication in the official journal of the City, the director of public health shall sell, through the public stockyards, any animal impounded hereunder to the highest bidder for cash. The owner or his agent may redeem any such animal so impounded at any time prior to such sale by paying \$20.00 as an impounding fee for each horse, cow, sheep, goat, swine or other livestock animal. In case of redemption of any of the above-described animals before sale.

SECTION 5. Section 6-24 of the City Code is hereby amended so that the same shall read as follows:

There shall be erected and maintained, under the supervision of the director of public health, a suitable building and kennels, to be known as the Animal Control Facility, for the confinement of all animals found running at large and/or in violation of any of the provisions of this article. The Animal Control Facility shall be kept in a sanitary condition and all animals taken up and impounded therein shall be properly fed and watered while confined in such buildings and kennels, and shall be treated in a humane manner while so confined.

SECTION 6. Section 6-28 of the City Code is hereby amended to read as follows:

(a) Every owner of a dog, upon presentation of a vaccination certificate, as provided for in subsection (a) of Section 6-26, to the director of public health or his representative, showing that the dog has been vaccinated with antirabic vaccine within the preceding three months; and upon payment of a fee of two dollars, shall be issued a numbered dog license and a correspondingly numbered dog license tag. Provided, however, that there shall be no fee for a dog license and dog license tag, in the case of a dog which has been spayed or neutered. The owner of any dog which has been spayed or neutered shall present such proof as the director of public health may specify, in order to entitle said owner to a license and license tag at no cost.

(b) The fee paid hereunder shall cover the period January 1 through December 31 of each year.

(c) The dog license tag issued hereunder shall be of such design for each year as the director of public health may prescribe.

(d) For any dog which is vaccinated during the three months immediately preceeding January 1 of each year, there shall be issued the dog license tag which will be effective during the one year period commencing January 1.

(e) In the event the dog license tag is lost, a duplicate may be obtained from the director of public health upon presentation of a valid vaccination certificate and the payment of one dollar.

SECTION 7. Section 6-31 of the City Code is hereby amended to read as follows:

(a) It shall be unlawful for any person owning or in possession of any animal to permit it to be outside of such person's premises upon the streets, alleys or other public places of the City, unless such animal shall be at all times under the control of such person or his employee or agent by means of a chain, rope or cord of sufficient strength to control the actions of said animal.

(b) Provided, however, that it shall not be an offense under this Section for any animal to be permitted to be free within the confines of the premises of the owner or person in possession of such animal, so long as such animal is under control.

SECTION 8. Section 6-35 of the City Code is hereby amended to read as follows:

(a) Whenever any animal subject to having rabies bites a person or another animal, the owner of the biting animal or the person observing the incident shall immediately report the incident to the police department. The police department shall forward all such reports to the director of public health for follow-up. The animal making the attack shall be placed under observation, at the owner's expense, for a period of ten (10) days from the date of bite, exclusive of the date of bite, and held in the Animal Control Facility or a veterinary hospital operated by a licensed veterinarian, except:

(1) When a veterinarian certifies by letter to the director of public health that putting such animal in the Animal Control Facility, or in a veterinary hospital, would jeopardize the health of such animal;

(2) In cases where the animal bite a member of the immediate family of the owner.

(3) Any guard or police dog currently vaccinated and licensed; but only when the bite occurs in line of duty, and only if any lawful patrol or visitor of a business is not jeopardized by guard dog during the hours of said business is open to the public. Any guard or police dog currently vaccinated and licensed that is involved in a bite incident while in the performance of his guard or police duties, shall be allowed to continue on duty under observation.

Where an exception is granted, the owner of the animal shall be responsible for confining the animal so as to prevent further exposure to humans or other animals during the observation period.

The violation of observation confinement of the biting animal shall be just cause for seizure and confinement of the animal in the Animal Control Facility of the City.

No biting animal shall be released from observation unless a licensed veterinarian certifies in writing to the director of health that such animal is not showing any symptoms of rabies. Exemption from placing such animal in the Animal Control Facility or in a veterinary hospital shall not exempt such owner from securing a proper release as provided above.

(b) Whenever any animal subject to having rabies bites a person and the owner or person in control of such animal is unknown, or where the owner or person in control of such animal is known and fails, neglects or refuses to deliver such animal to a licensed veterinarian or to the Animal Control Facility as provided by subsection (a) and such fact is made known to the judge of the municipal court upon affidavit of a credible person, it shall be the duty of such judge to issue a written order directed to the director of public health ordering him to seize such animal and deliver it to the Animal Control Facility instantly.

Any person who resists or interferes with the officer in the

(d) Any animal confined under the provisions of this section in the Animal Control Facility which are not removed within twenty-four (24) hours after the expiration of the observation period, or within 24 hours after the authorized release from observation, shall be impounded under the provisions of section 6-37.

SECTION 9. Section 6-37 (a) (1) of the City Code is hereby amended to read as follows:

(1) Any animal found running at large contrary to Section 6-31 of the Code or of any of the provisions of this article.

SECTION 10. Section 6-38(b) of the City Code is hereby amended to read as follows:

Owners of dogs, cats or other animals confined in the Animal Control Facility under the provisions of this section shall pay board on such animal at the rate of one dollar and fifty cents per day.

SECTION 11. Section 6-39 of the City Code is hereby amended to read as follows:

(a) All animals impounded under the provisions of section 6-31, or converted to impoundment status under Section 6-35 or Section 6-38 shall be held at least seventy-two hours during which time the owner may reclaim and redeem such animal upon paying to the director of public health the charges due. Dogs shall be vaccinated before being released; provided, that if the owner presents a valid vaccination certificate for the current year, the dog may be released without revaccination.

(b) For every animal reclaimed and redeemed from confinement in the Animal Control Facility for which at the time of such redemption a valid current vaccination certificate and license has been issued, the fee due the director of public health shall be \$5.00, plus board of one dollar and fifty cents (\$1.50) per day.

(c) For every animal reclaimed and redeemed from the Animal Control Facility for which at the time of such redemption no current valid license has been issued, the fee due the director of public health shall be \$10.00 plus board of one dollar and fifty cents (\$1.50) per day. This fee shall include a vaccination for rabies and the annual license fee, if applicable.

(d) No animal impounded under any of the provisions of this Article shall be reclaimed and redeemed except upon full payment of all charges due hereunder.

SECTION 12. Section 6-40 of the City Code is hereby amended to read as follows:

(a) If impounded dogs or other animals are not reclaimed and redeemed by the owner within the seventy-two (72) hour period provided in Section 6-39, such animal shall be offered for sale at five dollars during the next twenty-four (24) hours; provided that the person from whose possession the animal was taken may thereafter redeem such animal upon payment to the purchaser at such sale of the amount paid by the purchaser to the director of public health together with

(c) Any person wishing to purchase a dog hereunder which is too young to undergo vaccination, may nonetheless purchase such dog by placing on deposit a sum equal to twice the total of the sale price, the vaccination fee, and the licensing fee. A dog purchased in this manner need not be vaccinated and licensed prior to release to the purchaser; but, within 90 days after purchase, the dog must be returned to the Animal Control Facility for vaccination and licensing. At the time of such vaccination and licensing, one-half (1/2) of the amount deposited shall be refunded to the purchaser.

Provided, however, that the purchaser may display such proof as may be required by the director of public health, showing that the dog has been vaccinated and licensed by a private veterinarian within 90 days after purchase, and such purchaser shall be entitled to refund of one-half (1/2) of the amount deposited.

SECTION 13. Article 4 of Chapter 6 of the City Code is hereby further amended by adding thereto Sections 6-45.7 and 6-45.8, which Sections shall read as follows:

Section 6-45.7 - Animal Control Advisory Board; creation; composition; term of service.

There is hereby created the Animal control Advisory Board, which Board shall consist of five members, representing the following groups:

Bexar County Veterinary Medical Association - one member
Bexar County Humane Society - one member
Animal Defense League - one member
General Public - two members

The members of this Board shall be appointed by the City Council, and shall serve on said Board for a term of two years from date of appointment.

Section 6-45.8 - Same - duties and powers

(a) The Animal Control Advisory Board shall visit the Animal Control Facility of the City at times selected by said Board, and shall inspect all phases of the operation at said Facility. To this end, Board members shall have access, for observation purposes only, to all areas of the Animal Control Facility.

(b) The Animal Control Advisory Board shall submit quarterly reports to the City Council, through the City Manager, concerning the operation of the Animal Control Facility and the Animal Control program, together with their recommendations and/or advice concerning same.

(c) The Animal Control Advisory Board shall further advise the City Council, through the City Manager, on any aspect of animal control which in the Board's opinion merits the attention of the City.

SECTION 14. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional

hereby and it shall be unlawful to fail to do any act required hereby.
Upon conviction, any violation hereof shall be punished by a fine of
not more than \$200.00.

PASSED AND APPROVED this 7th day of September, 1972.

John Math
M A Y O R

ATTEST: *JH. Luchman*
City Clerk

APPROVED AS TO FORM: *Howard Co. Walker*
City Attorney

APPROVED AS TO FUNDS: _____
Director of Finance

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DISTRIBUTION

ALCOHOL SAFETY ACTION	
AVIATION DIRECTOR	
CITY WATER BOARD	
CONVENTION BUREAU	
CONVENTION CENTER	
CORPORATION COURT	1
FINANCE DIRECTOR	1
ASSESSOR	
BUDGET	1
CONTROLLER	1
TREASURY DIVISION	
FINANCE-MODEL CITIES	
INTERNAL AUDIT	1
PROPERTY RECORDS	
FIRE CHIEF	
HEALTH DIRECTOR	1
HOUSING & INSPECTIONS DIRECTOR	
HUMAN RESOURCES	
LAND DIVISION	
LEGAL	1
BACK TAX ATTORNEY	
LIBRARY DIRECTOR	
MANAGEMENT ANALYSIS	
MODEL CITIES	
MUNICIPAL FACILITIES	
PARKS & RECREATION DIRECTOR	
PERSONNEL DIRECTOR	
PLANNING DIRECTOR	
POLICE CHIEF	1
PRESS ROOM	
PUBLIC INFORMATION	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIVISION	
PUBLIC SAFETY-ASSOC. MGR.	1
PURCHASING	
TRAFFIC & TRANSPORTATION	
<i>Municipal Code Corp</i>	1
CITY PUBLIC SERVICE BOARD	
AACOG	
S.A. TRANSIT SYSTEM	
URBAN RENEWAL AGENCY	

ITEM NO. 15

SEP 7 1972

MEETING OF THE CITY COUNCIL

DATE: _____

MOTION BY: Haberman

SECONDED BY: Hill

ORD. NO. 41165

ZONING CASE _____

RESOL. _____

PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
CAROL R. HABERMAN PLACE NO. 1		✓	
ED H. HILL PLACE NO. 2		✓	
CHARLES L. BECKER PLACE NO. 3			NO
DR. ROBERT L.M. HILLIARD PLACE NO. 4		✓	
LEO MENDOZA, JR. PLACE NO. 5		✓	
GILBERT GARZA PLACE NO. 6 MAYOR PRO TEM		✓	
PLEAS C. NAYLOR, JR. PLACE NO. 7		abs	
ALVIN G. PADILLA, JR. PLACE NO. 8		abs	
JOHN GATTI PLACE NO. 9 MAYOR		abs	