

County of Hidalgo § § §  
City Of Penitas § § §

**ORDINANCE 2005-06**

**AN ORDINANCE REGULATING THE HARBORING OF  
DOGS; PROVIDING FOR RESPONSIBILITIES AND  
PENALTIES FOR VIOLATION OF SAID ORDINANCE AND  
ORDAINING OTHER PROVISIONS RELATING TO THE  
SUBJECT MATTER THEREOF.**

WHEREAS, the City of Penitas operates under the General Laws of the State of Texas; and,  
WHEREAS, the City of Penitas has continued to grow in population;  
WHEREAS, the character of the City of Penitas is changing from a rural to an urban nature;  
WHEREAS, the City of Penitas in enactment of this Ordinance intends to protect the welfare,  
health, peace and public safety of its citizens;

NOW, IT IS, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of  
Penitas as follows:

1. The Board of Aldermen find that all requirements of law have been met in the passing of this Ordinance;
2. THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING:
  - a. AT LARGE- Not under the control of the owner either by a leash, chain, cord or other suitable material attached to a collar or harness; not restraint securely within an enclosure or fence; or under such personal presence and attention as will reasonably control the actions and conduct of said animal.
  - b. DOG- any canine animal, male or female.
  - c. OWNER-Any person owning or keeping or harboring or having control or custody of any animal.

**PUBLIC PROPERTY.**

3. It shall be unlawful for any owner of any dog to permit or allow such dog to be at large upon any public highway, street, alley, court, square, park, sidewalk or any other public grounds or public property within the city.
4. It shall be unlawful for any owner of any dog to permit or allow such dog to run or be at large on any unfenced lot, track or parcel of land within the city.

CONFINING A FEMALE DOG AS A

5. Every female dog in heat shall be confined in a building or secured enclosure, or in a veterinary hospital or boarding kennel, in such a manner that another dog cannot come in contact with it, except for control breeding process.
6. There is hereby levied upon each male dog and spayed female dog more than four months of age which is kept, harbored or maintained by the owner therefore in the city an annual license fee of \$2.00, and for each un-spayed female an annual license of \$3.00 which license fees are due before April 1<sup>st</sup> of each year from which they are paid commencing April 1, 2003.
7. It shall be unlawful to maintain or keep a dog more than four months of age on any premises within the city unless such dog wears a collar or harness secured attached to it's body to which shall be secured attached a tag issued for the dog by a licensed veterinarian, licensed to practice veterinary medicine in the state, showing the dog has been, with the current calendar year, vaccinated against rabies, and also securing attached to the collar or harness a licensed tag showing such dog has been licensed by the city for the current year. This section shall not apply to dogs four months or less of age.
8. It shall be the duty of the animal warden or his designee or any city police officer while on duty to seize and impound, subject to the provisions of this ordinance, all dogs found at large on a public city, street, alley, court, square, park, sidewalk or any other public within the city, whether not in the immediate presence of the owner.
9. The owner of any licensed dog impounded may redeem such dog at any time prior to sell or destruction by the payment of \$5.00 impound fee for the licensed dog and \$3.00 per day for board fee for each day each such dog shall have been impounded.
10. The unlicensed owner of any dog impounded may redeem such dog at any time prior to the sell or destruction by a such dog duly licensed, vaccinated against rabies, and paying of a \$7.50 impound fee and \$3.00 per day for each day such dog shall have been impounded.
11. It shall be the duty of the animal warden or his designee or the police chief to keep all licensed dogs for a period of six days from the date of the impounding. If, at the expiration of six days such dog has not been redeemed by the owner, it shall be sold or destroyed.

12. It shall be the duty of the animal warden or his designee to keep all unlicensed dogs for a period of three days. If at the expiration of the three days from the date of impounding, such dog has not been redeemed, it may be destroyed or sold as herein provided.
13. Any time after the expiration of the period time for redemption for impounding dogs shall have expired, the animal warden or his designee may, without further notice, and without advertising any manner, sell at a private sale or public auction, for cash, any dog not Redeemed, reclaimed or sold after the period for redemption has expired shall be destroyed by the animal warden or his designee.
14. The owner of any dog at the time it is impounded, may within thirty days after such dog is sold, redeem the same from such purchaser by paying to such purchaser to the animal warden or his designee, and in addition thereof to the licensed fee and vaccination charges, if any were incurred in addition there to charge of \$1.00 per day for the number of days from the date of sale to the day of redemption. At the end of the thirty days from the day the dog is sold, the right redeem shall expire.
15. The leash Ordinance, if any, is hereby incorporated except to the extent that it conflicts with this Ordinance.

Any person violating these sections of these Ordinance shall be guilty of a misdemeanor and shall be punished by fine not to exceed \$ 500.00.

Shall any phrase, word, paragraph, or portion of this Ordinance be found void or voidable or unconstitutional, the remaining portion shall remain in full force and effect.

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2003 at a Regular and Duty Called Meeting of the Board of Alderman of the City of Peñitas, Texas, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Local Government Code.


EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2003.

City of Peñitas



Mayor Servando Ramirez

Attest:



Dina Garcia, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Ricardo Gonzalez, City Attorney