

AN ORDINANCE AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 2, ANIMAL CONTROL BY UPDATING ARTICLE 2.01, SECTION 2.01.001, DEFINITIONS; ADDING SECTION 2.01.030 STRAY, AT-LARGE, AND ABANDONED ANIMALS; AND CHANGING THE PREVIOUS SECTION 2.01.030 UNLAWFUL ACTS; CRIMINAL PENALTIES; CIVIL REMEDIES TO SECTION 2.01.031; PROVIDING FOR REPEALING, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend the City of Leon Valley Code of Ordinances to provide guidance for the possession of domesticated animals in Leon Valley; and

WHEREAS, it is also necessary to properly define what constitutes a *Temporary Owner* within Leon Valley; and

WHEREAS, it is necessary to create ordinances to provide for the well-being of domestic animals as well as the stray, at-large and abandoned animals within the City of Leon Valley; and

WHEREAS, it is now the desire of City Council to amend Chapter 2 Animal Control of the City of Leon Valley Code of Ordinances as detailed below;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

Section 1. The City of Leon Valley Code of Ordinances, Chapter 2, Animal Control is hereby amended as follows:

**CHAPTER 2
ANIMAL CONTROL**

ARTICLE 2.01 GENERAL PROVISIONS

Sec. 2.01.001 Definitions

At-large animal. Any domesticated animal free of restraint while outside the boundaries of the real property of the owner.

~~*Run-at-large.* To be free of restraint while outside the boundaries of the real property of the owner.~~

Owner. Any person who harbors or keeps, or causes or permits to be harbored or kept, or has an animal in his care or custody, or permits an animal to remain on or about his premises, excluding a temporary owner.

Roam. To be free of restraint while inside the boundaries of the real property of the owner.

Stray animal. Any non-livestock animal that is at-large with no physical restraint, without an identification tag, collar, or chip and has no record of ownership.

Temporary owner. An individual who finds a stray animal, has the animal for fewer than fifteen (15) days, and attempts to find the true owner of the animal, including notifying the animal control officer of the city of the circumstances of finding the animal. A temporary owner is not considered an “owner” for the purposes of this Chapter.

Sec. 2.01.030 Stray, run at-large, and abandoned dogs

(a) Stray, run at-large, and abandoned dog(s) may be captured for a temporary period of time by a member of the public. The capturer becomes the *temporary owner* for the purposes of and as defined in this Chapter. The temporary owner assumes all risk of liability associated with the temporary capture of a stray, run at-large, or abandoned dog(s), whether the dog(s) be found on public or private property.

(b) The temporary owner must adhere to the standard of care, outlined in Sec. 2.01.022 for stray, run at-large, and abandoned dog(s) captured.

(c) The temporary owner shall inform the animal control officer they have assumed temporary care of a stray, run at-large, or abandoned dog within 48-hours of assuming care of the stray, run at-large, or abandoned dog. The temporary owner shall make a report to animal control by calling the Bexar County non-emergency number, where a log of the call will be recorded and forwarded to the animal control officer on-duty.

(d) The animal control officer or his/her designee shall make contact with the temporary owner, whether in-person or over the phone, within 24 hours of the report being made with Bexar County. During the initial contact, the animal control officer shall inquire as to the voluntary willingness of the temporary owner to extend temporary care of the stray, run at-large, or abandoned dog(s).

(e) If the temporary owner is not willing to voluntarily extend the temporary care of stray, run at-large, or abandoned dog(s), the animal control officer shall immediately make arrangements to take custody of the dog(s). The animal control officer shall assume custody of the dog(s) within 24-hours of the initial contact.

(f) If the temporary owner is willing to voluntarily extend the temporary care of the stray, run at-large, or abandoned dog, the animal control officer shall make physical contact with the temporary owner and captured dog(s) within 24-hours. During this contact, the animal control officer shall take photos of the stray, run at-large, or abandoned dog(s), scan for a microchip, and/or document any other pertinent findings that might help in locating the owner. In addition to the temporary owner's attempts to locate the owner of the dog, the animal control officer shall post photos of the dog(s) on social media applications and other media platforms to help locate the owner.

(g) If the temporary owner is willing to voluntarily extend the temporary care of the stray, run at-large, or abandoned dog(s), however later determines that they no longer wish to be the temporary owner, they shall immediately call the Bexar County non-

emergency number and make a report to be forwarded to the animal control officer. The animal control officer or his/her designee shall take custody of the stray, run at-large, or abandoned dog(s) within 24-hours of this report with Bexar County.

(h) If the owner cannot be located within 15 days of the temporary owner capturing the stray, run at-large, or abandoned dog(s), the temporary owner shall determine if they would like to become the permanent owner of the stray, run at-large, or abandoned dog(s). The temporary owner shall inform the animal control officer of this decision. If the temporary owner does not want to become the owner of the stray, run at-large, or abandoned dog(s), the animal control officer shall immediately take custody of the dog.

(i) The non-emergency number for Bexar County shall be permanently posted on the desktop and mobile versions of Leon Valley's website as well as Leon Valley's policy regarding stray, abandoned, and run at-large dogs.

(j) Nothing in this chapter precludes the temporary owner from transferring a stray, run at-large, or abandoned dog(s) they have captured to an animal rescue organization, animal shelter, or other non-profit organization. The temporary owner is encouraged to notify the animal control officer of this disposition.

(k) Nothing in this chapter authorizes a person to enter private property without the prior consent of the property owner.

Sec. 2.01.031 Unlawful acts; criminal penalties; civil remedies

(a) Unless otherwise specifically provided for in this chapter, if it is found that a person intentionally, knowingly or recklessly violated any provision of this chapter, then upon conviction a person shall be fined an amount in accordance with Section 1.01.009 of this code.

(b) Nothing in this section shall limit any and all other criminal, civil or administrative remedies available to the city in seeking to enforce the provisions of this chapter. Each day's violation thereof shall constitute a separate offense.

(c) Where it is deemed necessary by the city manager and the director, the city attorney's office is hereby empowered to secure injunctive relief to enforce the provisions of this chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this chapter.

Section 3. All provisions of the Code of Ordinances of the City of Leon Valley codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Leon Valley codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 4. 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, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or

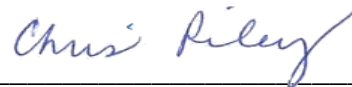
section of this Ordinance.

Section 5. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

Section 6. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 7th day of December 2021.

APPROVED



CHRIS RILEY
MAYOR

Attest :



SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form: City Attorney



ROXANA PEREZ STEVENS
City Attorney