



**Antonio Araujo**  
Mayor

**Leticia Miranda**  
Alderson Place 1

**David Cantu**  
Alderson Place 2

**Lorenzo E. Leyva Sr.**  
Alderson Place 3

**Maria Covernali**  
Alderson Place 4

**George Almanzar**  
Alderson Place 5

### ORDINANCE NO. 1904.02

**AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 1804.02 IN ITS ENTIRETY, ADOPTING REGULATIONS RELATING TO THE KEEPING OF ANIMALS AND FOR ANIMAL CONTROL IN THE CITY OF SAN ELIZARIO; TO ADD AND CLARIFY THE REGULATIONS AND GRANT ENFORCING AUTHORITY TO THE TIGUA ANIMAL CONTROL; CREATING A MISDEMEANOR OFFENSE PUNISHABLE BY A FINE NOT TO EXCEED \$500; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS,** the City Council of the City of San Elizario ("City") adopted Ordinance No. 1804.02 implementing regulations relating to the keeping of animals and for animal control services in the City, which ordinance was readopted to replace Ordinance No. 1704.02 in its entirety; and

**WHEREAS,** Title 10, Chapters 821 through 829, *et. seq.*, of the Texas Health and Safety Code, as amended, ("Code") provides for the disposition and regulation of animals and authorizes the enforcement of these statutory regulations; and

**WHEREAS,** the City Council has determined that an animal control ordinance will serve to protect the health, safety and welfare of the citizens of the City and is in the best interest of the public; and

**WHEREAS,** it is appropriate to now update the regulations to provide for a new Enforcing Authority and to clarify and add new regulations and recognize new changes in the State Law; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of San Elizario:

**ARTICLE I. FINDINGS OF FACT**

The foregoing recitals are adopted as facts and are incorporated fully herein.

**ARTICLE II. ADOPTION AND ENACTMENT**

The City Council of the City of San Elizario hereby repeals the prior ordinance no. 1804.02 and adopts and enacts the "*Animal Control Ordinance (Repealed and Replaced Effective September 7, 2019)*", contained in *Attachment A*, attached hereto and incorporated fully herein for all intents and purposes.

**ARTICLE III. REPEALER AND SEVERABILITY**

**REPEAL AND REPLACEMENT:** Ordinances No. 1804.02 is hereby repealed and replaced by the provisions of this Ordinance simultaneously upon the effective date of this Ordinance.

**REPEALER:** All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**SEVERABILITY:** Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**ARTICLE IV. EFFECTIVE DATE**

This Ordinance shall become effective on September 7, 2019, upon passage and publication in the city's official newspaper.

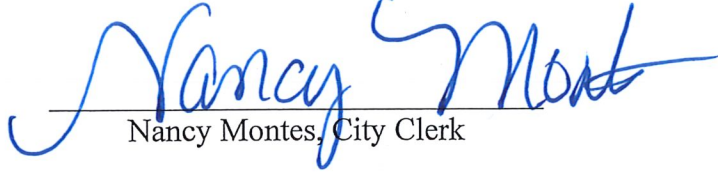
**PASSED AND APPROVED** this, the 27 day of August, 2019, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

**CITY OF SAN ELIZARIO, TEXAS**

A handwritten signature in blue ink, appearing to read "Antonio Araujo".

Antonio Araujo, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Nancy Montes".

Nancy Montes, City Clerk

**City of San Elizario**

**Animal Control Ordinance**

**Repealed and Replaced,  
Effective September 7, 2019**

**ATTACHMENT A**  
**CITY OF SAN ELIZARIO**  
**ANIMAL CONTROL ORDINANCE**

**SECTION I. DEFINITIONS**

The following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

*Acre in size or acre of land*

the size of the lot of land as listed in the records of the El Paso County Central Appraisal District. Adjoining properties owned by the same person(s) or entity which are not separated by a fence will be combined to determine the size of the “lot” for the purposes of this Ordinance. It is the duty of the property owner to establish ownership of any adjoining properties.

*Animal* any living nonhuman creature. vertebrate or invertebrate, domestic or wild.

*Bovine* all domesticated bovine (also commonly referred to as cattle).

*Caprine* all domesticated caprine (also commonly referred to as goats).

*Cat* means *Felis catus*.

*City* City of San Elizario.

*Collar* a band, chain, harness or other suitable device worn around the neck of an animal to which a current rabies vaccination and registration tag can be affixed.

*Coop* a fully enclosed and ventilated or open-air cage or structure that is of sufficient height, width and strength to retain the fowl living in it.

*Dangerous wild animal*

(a) an animal of a species defined as a “dangerous wild animal” in Section 822.101 of the Texas Health and Safety Code (Dangerous Wild Animals) as amended; or

(b) an animal of any other species of wild or feral mammal or reptile that by its nature or breeding is capable of inflicting serious bodily injury to a human.

*Dog* an animal that is a member of the canine family, *Canis familiaris*.

*Enforcing Agency*

the Tigua Animal Control as provided by Tigua Facility Services Inc, a Native Owned 8a Corporation under the Small Business Act of 1985.

*Enforcement Officer, Officer*

an employee of the Enforcing Agency, employees as designated by the City of El Paso pursuant to an ILA, a Code Enforcement or Compliance officer of the City, or a commissioned peace officer.

*Equine* all domesticated equine (also commonly referred to as horses).

*Established fee*

a fee that is authorized within this Ordinance that is the amount established by or through agreement with the City of El Paso or by a resolution of the city council.

*Exotic animal*

any animal not commonly domesticated by man. This does not include small caged animals that are typically sold through pet stores, including rabbits, indoor caged birds, reptiles, amphibians and small mammals (hamsters, guinea pigs, rats, mice and gerbils), fish typically kept in an aquarium or ornamental pond, and ferrets.

*Fowl* domestic birds to include hens , juvenile roosters, ducks, geese and pigeons.

*Half-acre of land*

a measurement of land for determining the maximum numbers of animals or fowl permitted to occupy property under this Ordinance. Any property one-half acre in size or less shall be considered as a half-acre of land under the provisions of this Ordinance. Thereafter, all property shall be measured in full half-acre increments, with all measurements rounded down to the nearest half-acre.

*Hen* a female domestic chicken.

*Juvenile rooster*

a male domestic chicken less than 5 months of age, or one that has not yet started crowing.

*ILA, ILAs* Interlocal Agreement(s) as entered into by the City and the County of El Paso and/or by and between the City and the City of El Paso, pursuant to Chapter 791 of the Texas Government Code, relating to animal control, the matters covered by this Ordinance and for authority to enforce this Ordinance.

*Livestock* domesticated equine, bovine, caprine or ovine.

*Owner* an owner, custodian, caretaker or person who feeds or harbors the subject animal for more than seventy-two hours. Persons caring for an animal at the specific request of an owner are not included in the definition of owner but are required to keep the animal in compliance with this Code.

*Ovine* all domesticated ovine (also commonly referred to as sheep).

*Program, Animal Regulation Program*  
the City of El Paso's animal services program.

*Residential area*

any area within the city limits that is within a zoning district that allows for single-family or multiple-family occupancy of the residences and is being used for residential purposes, not to include land that is being used for agricultural purposes and contains residences that are associated with the farm or ranch.

*Restraint* a chain, rope, tether, leash, cable or other device that attaches a fowl to a stationary object.

*Rooster* an adult male domestic chicken over five months of age or one that crows.

*Small Livestock*

domesticated equine, caprine or ovine that when standing measures less than thirty inches (30") in height at the top of the shoulder.

*Swine* all domesticated swine (also commonly referred to as hogs or pigs) other than a Vietnamese pot-bellied pig.

*Turtles* all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order *Testudinata*, class *Reptilia*, except marine species (families *Dermachelidae* and *Chelonidae*).

*Vaccination*

inoculation of an animal with a vaccine that is licensed by the United States Department of Agriculture, and which is administered by a veterinarian for the purpose of immunizing the animal against rabies and which is administered in compliance with the requirements of this Ordinance.

*Veterinarian*

a doctor of veterinary medicine who holds a valid license to practice his profession in one or more of the fifty United States.

*Veterinary clinic*

a facility or hospital for diagnosis and treatment of animals.

*Veterinary Officer*

a veterinarian or other person officially designated by the City, to include a designation or agreement through an Interlocal Governmental Agreement, to be the Veterinary Officer.



## SECTION II. ANIMAL NUISANCE DEFINED

The following shall be considered a public nuisance and shall be unlawful:

- (1) The keeping of an animal which causes frequent or long continued noise, barking, howling, meowing, or whining in such a manner, with such intensity, or with such continued duration, so as to annoy, distress or disturb the quiet comfort of repose of persons of ordinary sensibilities within the vicinity of hearing thereof;
- (2) The keeping of more than seven (7), in any combination, of dogs, cats and ferrets above the age of four (4) months in any of the residential areas within the city limits;
- (3) The keeping of more than five animals defined as small livestock and more than 2 animals defined as livestock excluding bovine under this Ordinance for each ½ acre of land contained in the lot in any of the residential areas within the city limits provided that the residential lot where the animal(s) is kept is a minimum of ½ acre in size;
- (4) The keeping of swine except in areas zoned agricultural where the swine are kept in pens located at least 50 feet from a dwelling located on an adjacent property, provided the swine may be allowed to roam or forage for up to 2 hours a day when a person is present to ensure that they do not leave the property and to remove any feces;
- (5) The keeping of more than one Vietnamese pot-bellied pig on a property in the City where the pig when kept outside is kept in a pen at least twice the size of the pig located at least 50 feet from a dwelling located on an adjacent property, provided the pig may be allowed to roam or forage for up to 2 hours a day when a person is present to ensure that it does not leave the property and to remove any feces;
- (6) The keeping of fowl, except in accordance with the following requirements:
  - a. Fowl must be maintained in a coop or outside run, provided however, fowl kept in areas zoned agricultural are not be required to be so enclosed so long as that they remain on the property, and fowl kept in areas not zoned agricultural may be allowed free range of a fenced in yard for a period of time not to exceed four hours daily when that all feces or other putrid materials are removed daily upon the return of the fowl to the coop or outside run;
  - b. A minimum of four-square feet of covered floor space per fowl kept in a coop, with a minimum width of 20" per fowl or 4 feet whichever is less and a minimum length of 42" per fowl or 8 feet whichever is less so long as the total square footage equals four-square feet of space per fowl, and the cover over the coop is placed at least four feet above the floor of the coop; and
  - c. A minimum of ten-square feet per fowl kept in an outside run or other area fenced off within a yard;
  - d. Natural or artificial shade from direct sunlight must be available to the fowl at all times during daylight hours;
  - e. Any combination of female fowl may be kept in numbers of 25 or less for each one-half acre of land;



- f. A maximum of 15 fowl hatchlings of either sex, to include but not be limited to juvenile roosters, may be kept for up to 6 months of age, provided however a rooster that is 5 months old but less than 6 months old may only be kept in compliance with the provisions limiting the number of roosters on a property or when other fowl of the same age are also present on the property;
  - g. Either a maximum of two roosters or other male fowl may be kept on any property in the city when no hens are present on the property, or one rooster may be kept for each six hens.
- (7) The keeping of more than ten (10) small caged animals above the age of four (4) months in any of the residential areas within the city limits;
  - (8) The keeping of any animal in any area that does not permit the animal to walk on or rest in shaded areas that are not covered with concrete, paving stones, blocks or bricks, asphalt, or any similar material, unless the animal is provided with an elevated bed of at least 6" in height in a continuously shaded area, from May 1<sup>st</sup> through September 30<sup>th</sup> of each year;
  - (9) The keeping of any animal, animal pen, cage, coop, shelter or yard in such a manner as to endanger the public health or as to annoy neighbors or other nearby persons of ordinary sensibilities by the accumulation of feces and putrid materials which cause foul and offensive odors or the creation of a condition that is a breeding place for fleas or other vector;
  - (10) The keeping of any animal which habitually deposits body wastes upon or destroys by chewing, scratching, digging or otherwise, property other than that of the owner of such animal;
  - (11) The keeping of animals for which a rabies vaccine is available and which remains unvaccinated against rabies; or
  - (12) The improper disposal of animal waste or feces in such manner as to endanger the public health, cause the accumulation of foul and offense odors, or to annoy neighbors or other nearby persons of ordinary sensibilities.

### **SECTION III. VACCINATION REQUIREMENTS**

- A. Vaccination required. No person shall have within the city any dog or cat four months of age or older for more than ten days unless such dog or cat is currently vaccinated against rabies.
- B. Local Rabies Control Program and Authority.  
In accordance with ILAs between the City and the City of El Paso, and pursuant to the Texas Health and Safety Code Sections 826.014 and 826.017, as amended, and to provide for the efficient implementation of this Ordinance, the City hereby adopts the Local Rabies Control Program of the City of El Paso and designates the Veterinary Officer or other designee of the City of El Paso to serve as the Local Rabies Control Authority for the City of San Elizario, as necessary pursuant to Section 826.017, Texas Health and Safety Code.

C. 1974 Rabies Order.

In accordance with the ILAs, and to provide for the efficient implementation of this Ordinance, the City adopts the February 15, 1974 Rabies Order of the El Paso County Commissioners' Court and successor orders for application within the city limits of the City.

**SECTION IV. STANDARDS OF CARE AND CONDUCT**

- A. Every person owning or having charge, care, custody or control of any animal (“custodian”) shall:
1. Keep such animal exclusively upon his or her own premises by means of physical restraint within the parameters established in state law, provided however, that such animal may be off such premises if it is under direct physical control of a competent person.
  2. Keep an animal properly leashed in accordance with state law.
  3. Not walk such animal on public property or upon the private property of another without carrying at all times, a suitable container or other suitable instrument for the removal and disposal of animal feces. Disabled persons using trained guide or personal assistance dogs are exempt from this requirement. This requirement does not apply to any peace officer while using an animal in the discharge of law enforcement activities.
  4. If a dog or cat, not permit such animal to defecate upon any property unless the person immediately removes the feces and properly disposes of it; provided, however, that nothing contained in this Ordinance authorizes such person to enter upon the private property of another without permission.
  5. Provide proper care for the animal, as follows:
    - a. Keep the animal in a clean, sanitary, and healthy condition.
    - b. Provide for the animal:
      - i. regular and adequate amounts of nutritious food that is appropriate for the species and that maintains the animal in good health;
      - ii. a constant and adequate supply of clean, fresh, potable water that keeps the animal hydrated for environmental conditions; and
      - iii. care and medical treatment for injuries, parasites, and diseases that is sufficient to maintain the animal in good health and minimize suffering.
  6. Provide proper shelter for the animal, as follows:
    - a. If a dog, provide the dog with shelter that:
      - i. is large enough for the dog to enter, stand, turn around, and lie down in a natural manner;
      - ii. keeps the dog dry;
      - iii. protects the dog from excessive heat and cold and other adverse weather conditions; and
      - iv. is adequately ventilated.
    - b. Provide the animal with natural or artificial shade from direct sunlight, except for grazing livestock or small livestock, or pens for feeding livestock or small livestock allowed by this Ordinance or feeding livestock and swine in a non-residential area.
    - c. Provide the animal with exercise space that is large enough to prevent injury and keep the animal in good condition.

- d. The custodian of an animal may not confine the animal to the extent that it is forced to stand, sit, or lie in its own excrement.
  - e. It is an affirmative defense to prosecution under this subsection that the animal's treatment was as directed by a licensed veterinarian.
7. Shall not intentionally or knowingly engage in acts of animal cruelty including:
- a. Torture an animal;
  - b. Fail unreasonably to provide necessary food, care and shelter for an animal in the person's custody. An animal enclosure shall be structurally sound and maintained in good repair. Plastic air shipping containers and/or pet carriers shall not be used as outdoor shelters;
  - c. Abandon unreasonably an animal in person's custody;
  - d. Transport or confine an animal in a cruel manner;
  - e. Kill, seriously injure, or administer poison to an animal belonging to another without legal authority or the owner's effective consent, except when an animal is discovered on the person's property in the act of or immediately after injuring or killing livestock, swine, fowl or any domestic animal;
  - f. Cause one animal or fowl to fight with another;
  - g. Use a live animal as a lure in dog race training or in a dog coursing on a racetrack;
  - h. Trip a horse;
  - i. Seriously overwork an animal;
  - j. Tether an animal in a manner that causes injury or death; or
  - k. Allow conditions that cause or permit unwarranted pain and suffering.
  - l. This section applies to any person in possession of an animal regardless of ownership. It is a defense to prosecution that the conduct engaged in involved self-defense, or is a bona fide scientific experimentation, or is related to wildlife management.
- B. Any outdoor pens, cages or shelters constructed to confine or hold any type of animal must be located in an area that is surrounded by a fence or rock wall, and any pen, cage, or a shelter constructed to confine or hold any type of animal other than a dog or cat must be situated within that area such that the sides or walls of the pens, cages or shelters are a minimum of five feet from any fence or rock wall that is immediately adjacent to a developed or occupied residential area property, unless a stricter regulation is created by another section of this Ordinance.
- C. An owner or custodian shall confine within a building or enclosure every fierce, dangerous or vicious animal in accordance with all applicable Texas statutes. Confinement shall be in such a manner that the animal cannot come in contact with any person or other animal except for supervised breeding.
- D. The Veterinary Officer or his designee, or any other person authorized by law, may cause the muzzling, secure confinement, quarantine, removal from the city or humane destruction of any animal on an emergency basis for any reason of public health and safety, including due to:
- 1. An unprovoked attack by an animal upon any person or animal; or
  - 2. Whenever any lawful patron or visitor of a business is jeopardized by a guard dog, which is not securely confined during hours the business is open to the public.

Any such confinement and quarantine shall be conducted in accordance with the regulations established by the City of El Paso, to include but not be limited to the time and manner of confinement, and the humane destruction of the animal or the return of the animal to its owner.

## SECTION V. PROHIBITED ACTIONS AND PROHIBITED ANIMALS

It shall be unlawful for any person:

1. To have, maintain or allow an animal nuisance, as defined in Section II of this Ordinance;
2. To violate a standard of conduct, as set forth in Section IV of this Ordinance.
3. To keep wild or exotic animals within the city limits, except an entity may keep wild animals other than exotic animals in a non-residential area of the City if all of the following conditions are met:
  - a. The entity maintains wild animals other than exotic animals on the entity's property and establishes that such animals are kept for the purpose of maintaining or rehabilitating injured or rescued wild animals until they can be released into the wild or relocated, or are safely kept and maintained on the property if such animals are disabled or in such a condition that they cannot be released into the wild.
  - b. The entity obtains an annual permit from the City's code enforcement or compliance officers to allow for the keeping of such animals. To obtain the permit, the owner shall permit an inspection of the property and the manner in which the animals are kept and will allow the City to verify the number of animals typically kept and that such animals are properly kept in proper conditions in accordance with the requirements of this Ordinance.
4. To keep or allow bees, their hives, or any abandoned beehives within the city limits, provided that honeybees may be kept if all of the following conditions are met:
  - a. Prior to placing or keeping one or more hives, or maintaining any beehive(s) in place at the time of adoption of this ordinance for more than ninety (90) days after the date of adoption, the majority of all abutting property owners shall give written approval for the placement of bee hive(s);
  - b. All hives shall be located a minimum of thirty (30) feet from any property line and enclosed in a fenced area;
  - c. There shall be no more than four (4) hives per city lot or parcel of property, provided however, if the lot or parcel is greater than one-half acre in size, one additional hive may be placed on the lot or parcel for each additional half-acre of land in the lot or parcel to a maximum of 10 hives when all other requirements of this Ordinance can be met;
  - d. There is an adequate source of water within fifty (50) feet of each hive;
  - e. There may be maintained one nucleus for each two (2) colonies; the nucleus shall not exceed one ten-frame hive body; and each nucleus shall be disposed of within sixty (60) days after it is acquired;
  - f. Each hive must be re-queened at least once every three years; and
  - g. The owner shall notify the City's code enforcement or compliance officer(s), in writing of the location and number of hives in his or her possession and provide a copy of the written approval given by the abutting property owners. Upon verification, the City will issue a permit for such hive(s). The owner shall also notify the City's code enforcement or compliance officer(s) in writing no more than thirty (30) days after each time that he or she re-queens each hive. Any increase in the number of hives requires a new permit in accordance with this Ordinance.
5. To sell, offer for sale, barter or give away baby chickens, ducks, or other fowl under three weeks old; rabbits under two months old; or viable turtle eggs and live turtles with a carapace (shell) length of less than four inches except as permitted by federal law or regulation; as pets, toys, premiums, or novelties;

6. To sell, trade, barter, lease, rent, give away, or display for a commercial purpose any animal on any roadside, public right-of-way, commercial parking lot, or at any flea market or festival; or
7. To provide grooming, kenneling or boarding of animals for a fee, or to breed and sell more than two (2) litters from one or more animals on the same property in one calendar year, without complying with all applicable requirements of the Ordinances of the City, to include Ordinances regulating the permitted uses for the various zoning districts and Ordinances requiring the registration of businesses and the licensing of home occupations.

## **SECTION VI. DANGEROUS ANIMALS GENERALLY; DANGEROUS DOGS**

- A. The provisions of Sections 822.001 through 822.005 (Subchapter A), Sections 822.011 through 822.013 (Subchapter B) and Sections 822.041 through 822.047 (Subchapter D) of the Texas Health and Safety Code regarding dogs that attack persons are hereby adopted and incorporated fully herein in this Ordinance. Amendments to and modifications of such laws shall apply and be incorporated herein.
- B. The animal control authority referenced in the above cited statutory sections shall refer to the enforcement officer.

## **SECTION VII. UNLAWFUL RESTRAINT**

A. Dogs. The provisions of Chapter 821, Subchapter D, Sections 821.076 *et seq.* of the Texas Health and Safety Code regarding the unlawful restraint of a dog, are hereby adopted and incorporated fully herein in this Ordinance. Amendments to and modifications of such laws shall apply and shall be incorporated herein.

B. Fowl. No fowl, including but not limited to roosters, shall be tied up or otherwise restrained through the use of an unattended restraint.

C. Livestock. No livestock shall be tethered, tied up, or otherwise restrained through the use of an unattended tether, tie or restraint. Provided however, a person may tether equine that he or she has been riding or intends to ride for up to 5 hours so long as the equine has shade during daylight hours and is protected from any falling rain or snow. Provided further, caprine may be tethered for up to 5 hours while they graze so long as the caprine has shade during daylight hours and is protected from any falling rain or snow.

## **SECTION VIII. REPORTING REQUIREMENTS**

- A. Abandonment — Reporting violations.
  1. It is unlawful for any person to abandon any animal in the city.
  2. It is unlawful for any person having charge or custody of an animal, as owner or otherwise, to place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle or livestock trailer under such condition or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or water, or such other circumstances as may reasonably be expected to cause suffering, disability or death.

- a. Any officer finding an animal in a motor vehicle or livestock trailer in violation of the provisions in this subsection is authorized to obtain a locksmith at the owner's cost, or break and enter the vehicle if necessary, to remove the animal at the owner's expense.
- b. Removed animals will be impounded in accordance with the ILA's or placed in a veterinary clinic for safekeeping. Owners may claim their animals upon payment of all reasonable charges or fees that accrued for removal and maintenance of the animal, plus impoundment fees charged by the entity holding the impounded animal in accordance with the ILA's.
- c. At the time the animal is removed from the motor vehicle or livestock trailer, the officer shall leave a written notice bearing his name and title and the address where the animal may be claimed.
- d. The animal will be retained for a minimum of six days or other time designated by the entity holding the impounded animal, and if not claimed, may be disposed of by that entity in accordance with their rules and state regulations.

**B. Animal bites—Reporting requirements.**

1. A person who knows of an animal bite or scratch to an individual or another animal that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the Enforcing Agency (Tigua Animal Control) or the City Marshal's Office as soon as possible but not later than twenty-four hours from the time of the incident. The report must include:
  - a. The name and address of the victim and of the animal's owner, if known; and
  - b. Any other information that may help in locating the victim or animal.
2. It shall be the duty of every veterinarian having an animal quarantined for a bite incident to submit a written report to the Animal Regulation Program of the City of El Paso or the Enforcing Agency if requested, as to the condition of the quarantined animal on the initial day of observation and on the fifth day and the tenth day immediately following the date of the bite incident.
3. It shall be the duty of every veterinarian to report immediately to the Animal Regulation Program of the City of El Paso his diagnosis of any animal observed by him as a rabies suspect, and if requested to provide a report to the Enforcing Agency or the City.

**C. Zoonotic disease reporting required.**

It shall be the duty of every veterinarian, physician, or other person having knowledge of any zoonotic disease or condition caused by animals which may endanger the public or animal health or create a public nuisance to report same to the Animal Regulation Program of the City of El Paso, and if requested to provide a report to the Enforcing Agency or the City.

**SECTION IX. FEES AND IMPOUNDMENT**

- A. The owner of any animal detained and impounded by the Enforcing Agency or the City of El Paso shall be entitled to resume possession of such animal upon compliance with the laws and regulations of the Enforcing Agency or enforced by the Enforcing Agency, and the City of El Paso and the payment of any impoundment, board and quarantine fees as established by the City of El Paso or as has been established by the ILAs.
- B. Any animal detained or impounded under the provisions of State law or this Ordinance or held by the City of El Paso in the jurisdiction of the City of El Paso, and not reclaimed in the manner and time



periods as provided by the laws and regulations of the City of El Paso and its animal services program, will become the property of the City of El Paso and be subject to its regulations governing animal impoundment, redemption and disposition.

- C. The City Council may establish a fee for any of the permits that it issues under this Ordinance, and if such a fee is established, the fee shall be paid by the applicant prior to the issuance of the permit.

## **SECTION X. CRIMINAL PENALTIES, ENFORCEMENT AND RIGHT OF ENTRY**

- A. The provisions of this Ordinance and of state law, Title 10, Chapters 821 through 829, *et. seq.*, of the Texas Health and Safety Code, as amended, regarding Health and Safety of Animals, shall be enforced by any enforcement officer, and such person shall have the authority to issue citations to persons violating the provisions of this Ordinance or of state law.
- B. Enforcement.
  - 1. The Veterinary Officer, and other persons authorized to serve as officers as this term is defined by this Ordinance, shall be primarily responsible for the enforcement of this Ordinance.
  - 2. The Code Enforcement or Compliance Officers of the City are additionally responsible for the enforcement of this Ordinance and serve as officers, as this term is defined by this Ordinance, and are authorized to issue citations for violations of this Ordinance as a mechanism to bring charges in the San Elizario Municipal Court.
  - 3. The corporate officers and employees of the Enforcing Agency, and all other agents as designated by or on behalf of the Enforcing Agency, are additionally responsible for the enforcement of this Ordinance and shall serve as officers, as this term is defined by this Ordinance, and are authorized to issue citations for violations of this Ordinance as a mechanism to bring charges in the San Elizario Municipal Court.
  - 4. The Sheriff and his deputies shall have full authority to enforce this Ordinance as peace officers of the State of Texas, to include but not be limited to, the issuance of citations for violations of this Ordinance.
- C. Right of entry — Interference with officer.
  - 1. For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any officer is empowered at all reasonable times, upon a determination of probable cause and upon presentation of appropriate credentials if possible, to enter any premises upon which an animal is kept or harbored and to demand the exhibition, by the owner of a dog or cat, of the certificate of vaccination and certificate of registration for such dog or cat. It is further provided that any officer may enter, upon a determination of probable cause and upon presentation of appropriate credentials if possible, the premises where an animal is kept in an allegedly cruel or inhumane manner and demand to examine or impound such animal, when in his opinion it requires humane treatment. Any officer may also enter, upon a determination of probable cause and upon presentation of appropriate credentials if possible, the premises where bee hive(s) are kept for the purpose of ascertaining compliance with the provisions of this Ordinance. No officer shall, however, enter a private residence for purposes of making an inspection under this Ordinance without first receiving permission from an occupant of such residence or in an emergency situation



and determination of probable cause or by order of a magistrate or of a court of competent jurisdiction as provided by law.

2. No person shall interfere with, hinder or molest any officer in the performance of his duty.
3. Nothing in this section shall be construed to limit an officer's ability to enter upon a premise when a violation of this Ordinance or other law occurs in their presence and entry is made in accordance with state and federal law.
4. Those enforcing the provisions of this ordinance and/or of state law shall have the right to pursue and apprehend animals running at large onto private property while enforcing the provisions of this Ordinance and shall not be guilty of trespass while doing so.

D. Violation — Penalty and Remedies.

1. Except as otherwise provided by state law, any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed two thousand dollars (\$2,000.00). For a violation of this ordinance which is also a violation of state law, the state punishment applies.
2. Each occurrence shall be deemed to be a separate violation.
3. The city shall be entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other ordinances or state law.