

ORDINANCE NO. 811

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS, AMENDING CHAPTER 10, ANIMALS, ARTICLE III, DOGS, OF THE CODE OF ORDINANCES OF THE CITY OF HEDWIG VILLAGE, TEXAS ("CODE"), BY AMENDING SECTION 10-61, DEFINITIONS, FOR THE PURPOSE OF INCLUDING ELECTRONIC DEVICES WITHIN THE DEFINITION OF PHYSICAL RESTRAINT.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS THAT:

Section 1. *Chapter 10, Animals, Article III, Dogs, of the Code of Ordinances of the City of Hedwig Village, Texas, is hereby amended by amending Section 10-61, Definitions, for the purpose of including electronic devices within the definition of physical restraint. The amended Code shall read as set out in Appendix A, attached hereto. All other portions of Chapter 10 of the City's Code not specifically amended hereby shall remain in full force and effect.*

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 5. This Ordinance shall be effective immediately upon its passage and adoption.

PASSED, APPROVED and ADOPTED this, the 9th day of February, 2023.



Tom Jinks, Mayor
City of Hedwig Village, Texas

ATTEST:



Lisa Modisette, City Secretary
City of Hedwig Village, Texas

Appendix A

Sec. 10-61. - Definitions.

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

Animal Control Officer means the City's Chief of Police or such other person he or she may designate to carry out the duties of animal control.

At large means a dog located off the premises of its Owner, and not under the physical restraint of its Owner.

City dog pound means a suitable place as may be designated from time to time by the city to receive, retain and dispose of dogs taken up by the animal control officer.

Dog means *Canis familiaris*.

Owner means any person owning, keeping, or having custody or control of a dog.

Physical restraint means the condition of having a dog under direct physical control, within 15 feet of the Owner, by means of a leash, chain, rope, cord, electronic device or other similar device.

Premises means that portion of real property to which there is no legal right of use, occupancy, or access except by the owner, tenant, or joint tenants thereof. The term "premises" shall not include areas to which a person has access in common with others by virtue of other property interests, such as common areas available to occupants of apartments, townhomes, commercial lodging facilities, and the like.

Rabies control authority means a state licensed veterinarian appointed by the city council.

Rabies vaccination means a proper injection of a rabies vaccine administered by a licensed veterinarian with a rabies vaccine licensed for use for dogs by the United States Department of Agriculture.

Vaccination means an injection of a type of vaccine approved by the state veterinarian and administered by or under the direct supervision of a veterinarian licensed under state law.