

CITY OF GRAPELAND, TEXAS

ORDINANCE NO. 08112024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPELAND, TEXAS,
REGULATING DOGS RUNNING AT LARGE WITHIN THE CITY LIMITS; ESTABLISHING
OWNER RESPONSIBILITIES; PROVIDING LEASH AND RESTRAINT REQUIREMENTS;
ESTABLISHING IMPOUNDMENT PROCEDURES AND FEES; PROVIDING PENALTIES FOR
VIOLATIONS; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Grapeland, Texas (the "City") is a home-rule municipality duly organized and existing under the laws of the State of Texas, and the City Council is authorized, pursuant to Texas Health & Safety Code Chapter 826 and other applicable law, to adopt and enforce regulations governing dogs within the corporate limits of the City; and

WHEREAS, unrestrained and at-large dogs present significant risks to the public safety, health, and welfare of the citizens of Grapeland, including the risk of dog bites, attacks upon persons and other animals, traffic accidents, spread of disease, and general public nuisances; and

WHEREAS, it is in the best interest of the citizens of Grapeland, and consistent with responsible community governance, to establish clear, enforceable rules regarding the restraint of dogs, the responsibilities of dog owners, the impoundment of at-large animals, and the consequences for violations thereof; and

WHEREAS, the City Council of the City of Grapeland, Texas, finds that the adoption of this Ordinance is necessary and proper to protect the public health, safety, and general welfare of the community, and that this Ordinance serves a valid and substantial public interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAPELAND, TEXAS:**

SECTION 1 - PURPOSE

The purpose of this Ordinance is to protect the public health, safety, and welfare of the citizens of the City of Grapeland, Texas, by:

1. Regulating dogs running at large within the City limits and requiring that all dogs be properly restrained at all times when off the owner's premises;
2. Preventing dog attacks, bites, and aggressive encounters that endanger persons, other animals, and property;
3. Reducing public nuisances caused by unrestrained, unsupervised, or stray dogs, including nuisances related to waste, noise, and property damage; and
4. Promoting and ensuring responsible pet ownership throughout the corporate limits of the City of Grapeland.

SECTION 2 - DEFINITIONS

For the purposes of this Ordinance, the following words and terms shall have the meanings ascribed to them in this Section, unless the context clearly requires otherwise:

"Animal Control Officer" means any person or persons designated by the City of Grapeland to enforce the provisions of this Ordinance and applicable state law governing the control and regulation of animals within the City limits.

"At Large" means any dog found off the premises of its owner and not under the immediate physical control of a responsible person by means of a leash, cord, chain, or other physical restraint. A dog shall be considered at large if it is outside any fence, pen, or enclosure sufficient to contain it and is not physically restrained.

"City" means the City of Grapeland, Texas, a municipal corporation organized under the laws of the State of Texas.

"Dog" means any domesticated canine (*Canis lupus familiaris*), regardless of age, breed, sex, or size.

"Impound" means the lawful act of taking and holding a dog in physical custody at the City's designated animal control facility by the Animal Control Officer, a peace officer, or other authorized personnel pursuant to this Ordinance or applicable state law.

"Leash" means a cord, rope, chain, strap, or similar physical restraint device not to exceed six (6) feet in length, used to connect a dog to a person for the purpose of physically controlling the dog's movements.

"Owner" means any person, firm, corporation, partnership, association, or organization that owns, keeps, harbors, or has custody or control of a dog within the City. The term "Owner" shall also include any person who feeds or provides shelter to a dog for a continuous period of seventy-two (72) hours or more. For the purposes of this Ordinance, a minor's parent or legal guardian shall be deemed the Owner of any dog kept or harbored by such minor.

"Premises" means the real property owned, leased, rented, or otherwise lawfully occupied by the Owner of a dog, including structures, fenced yards, and enclosures located thereon.

"Public Place" means any street, road, alley, sidewalk, park, playground, school ground, parking area, trail, or other area or property open to or regularly used by the general public, regardless of ownership.

"Restrained" means a dog that is: (a) secured by a leash held by a responsible person of sufficient physical capacity to control the dog; or (b) confined within a fence, pen, kennel, building, or other enclosure of sufficient height, construction, and strength to prevent the dog from escaping onto public property or neighboring private property.

"Stray" means any dog found at large within the City that bears no identification tags, microchip, or other means by which an owner can be identified, or whose owner is unknown or cannot be located.

SECTION 3 – OWNER RESPONSIBILITIES

3.1 Restraint Off Premises. Every Owner shall keep their dog restrained at all times when the dog is off the Owner's premises. No Owner shall permit, allow, or suffer their dog to run at large within the City limits of Grapeland.

3.2 Outdoor Confinement on Premises. Every dog kept outdoors on the Owner's premises shall be confined by a fence or enclosure of sufficient construction to prevent escape, or shall be secured on a tether of at least ten (10) feet in usable length. Any tether or enclosure shall be placed and maintained in such a manner that the dog cannot reach, access, or endanger any public place, right-of-way, or neighboring private property.

3.3 Vaccination and Registration Tags. Every Owner shall ensure that their dog wears, at all times, a current and valid rabies vaccination tag and a City of Grapeland registration tag, as required by Texas Health & Safety Code Chapter 826 and any applicable City registration requirements. Failure to maintain current vaccination status or to display required tags shall be a violation of this Ordinance.

3.4 Liability for Dog's Actions. Owners are responsible for the conduct and actions of their dogs at all times. Any Owner whose dog runs at large and causes property damage or personal injury to any person or animal shall be civilly liable for such damage or injury to the extent permitted by applicable Texas law. The assessment of a fine under this Ordinance shall not relieve the Owner of civil liability.

3.5 Waste Removal. No Owner shall allow their dog to defecate upon any public property or upon the private property of another person. Any Owner whose dog defecates in a public place or upon the private property of another shall immediately remove and properly dispose of such waste in a sanitary manner. Failure to do so shall constitute a separate violation of this Ordinance.

SECTION 4 – LEASH AND RESTRAINT REQUIREMENTS

4.1 Prohibition on Dogs at Large. No person shall permit, cause, or allow any dog to run at large within the corporate limits of the City of Grapeland. This prohibition applies at all times, including nighttime hours.

4.2 Leash Requirement in Public Places. Any dog present in or upon a public place within the City shall be kept on a leash not exceeding six (6) feet in length at all times. Such leash shall be held by a person of sufficient age, size, and physical capacity to maintain effective control of the dog.

4.3 Exceptions. The leash requirement set forth in Section 4.2 shall not apply to:

5. Dogs within enclosed, City-designated off-leash areas or dog parks, provided the dog is under the direct supervision of its Owner and the Owner complies with all posted rules of such area;
6. Dogs actively being used by law enforcement officers in the performance of official law enforcement duties;
7. Certified service animals as defined under the Americans with Disabilities Act (ADA) that are under reliable voice control of their handler at all times; and
8. Dogs actively participating in a sanctioned dog show, agility trial, or organized community event, provided that prior written approval from the City of Grapeland has been obtained for such event.

4.4 Prohibition on Unattended Tethering in Public. No person shall leave a dog unattended or unsupervised while the dog is tethered in any public place. A dog tethered in a public place must be actively attended by a responsible person at all times.

SECTION 5 – IMPOUNDMENT PROCEDURES

5.1 Authority to Impound. The Animal Control Officer, any officer of the Grapeland Police Department, or any other authorized peace officer may lawfully impound any dog found at

large, unrestrained, or otherwise in violation of this Ordinance. Such authority to impound exists regardless of whether a citation has been issued.

5.2 Minimum Holding Period. All dogs impounded pursuant to this Ordinance shall be held at the City's designated animal control facility for a minimum of three (3) business days (seventy-two [72] hours), exclusive of the day of impoundment, to provide the Owner a reasonable opportunity to reclaim the animal. Dogs shall be provided adequate food, water, shelter, and veterinary care as required by Texas law during the holding period.

5.3 Owner Notification. If the impounded dog bears an identification tag, microchip, or other means of owner identification, the Animal Control Officer shall make a reasonable attempt to notify the Owner of the impoundment by telephone, written notice, or other practicable means within twenty-four (24) hours of impoundment.

5.4 Reclaiming an Impounded Dog. To reclaim an impounded dog, the Owner must:

9. Present satisfactory proof of ownership, including but not limited to registration records, veterinary records, or photographic identification of the animal;
10. Pay all applicable impoundment and daily boarding fees as set forth in Section 5.5;
11. Present proof of current rabies vaccination, or make arrangements acceptable to the Animal Control Officer for the dog to be vaccinated before release; and
12. Pay any outstanding fines or penalties assessed for the violation giving rise to the impoundment.

5.5 Impoundment Fees. The following fees shall apply to the impoundment of dogs under this Ordinance:

Impoundment Occurrence	Base Impoundment Fee	Daily Boarding Fee
First (1st) Impoundment	\$50.00	\$15.00 per day
Second (2nd) Impoundment within 12 months	\$100.00	\$15.00 per day

Impoundment Occurrence	Base Impoundment Fee	Daily Boarding Fee
Third (3rd) and Subsequent Impoundments within 12 months	\$150.00	\$15.00 per day

Daily boarding fees shall accrue beginning on the first full day following impoundment and shall continue until the dog is reclaimed, transferred, adopted, or otherwise lawfully disposed of.

5.6 Disposition of Unclaimed Dogs. Any dog not reclaimed by its Owner within the three (3) business day minimum holding period as set forth in Section 5.2 may, at the discretion of the Animal Control Officer and consistent with applicable Texas law and humane disposition standards, be:

- 13. Transferred to a licensed animal rescue organization;
- 14. Placed for adoption by a qualified individual; or
- 15. Humanely euthanized in accordance with Texas Health & Safety Code Chapter 821 and all applicable humane disposition standards.

5.7 Emergency Euthanasia. Nothing in this Section shall be construed to prevent the Animal Control Officer or any authorized peace officer from immediately and humanely euthanizing an impounded or at-large dog that is: (a) severely injured or critically ill with no reasonable prospect of recovery; or (b) poses an imminent, serious threat to the safety of any human being or other animal and cannot be safely contained. Such action shall be documented and reported as required by applicable Texas law.

5.8 Disposition of Fees. All fees collected pursuant to this Section shall be deposited into the City treasury and shall be used solely to defray the costs of administering this Ordinance, operating animal control facilities, and carrying out related animal welfare functions, consistent with Texas Health & Safety Code § 826.033(d).

SECTION 6 – DANGEROUS AND VICIOUS DOGS

6.1 Declaration of Dangerous Dog. Any dog that has, without provocation, bitten a person or another domesticated animal causing injury, or that has exhibited aggressive behavior sufficient to place a reasonable person in fear of bodily injury, may be declared a "dangerous dog" by the Animal Control Officer pursuant to the procedures set forth in Texas Health & Safety Code Chapter 822, Subchapter D. A dog that is provoked by abuse, torment, or trespass shall not be designated dangerous solely on that basis.

6.2 Owner Obligations — Dangerous Dog. The Owner of any dog declared to be a dangerous dog under this Ordinance or applicable state law shall comply with all requirements imposed by Texas Health & Safety Code Chapter 822, Subchapter D (Dangerous Dogs), including but not limited to:

- 16. Maintenance of the dog in a secure enclosure as defined by state law;
- 17. Compliance with liability insurance or financial responsibility requirements; and
- 18. Registration of the dangerous dog with the Animal Control Officer and compliance with all applicable registration and reporting requirements.

Failure to comply with any requirement applicable to a dangerous dog shall constitute a separate violation of this Ordinance.

6.3 Vicious Dog — Disposition. Any dog that attacks and causes serious bodily injury or death to a human being may be declared "vicious" by the Animal Control Officer or a court of competent jurisdiction. A dog declared vicious shall be subject to humane euthanasia following notice to the Owner and an opportunity for a hearing, consistent with due process requirements and all applicable provisions of Texas law. The Owner of a vicious dog may also be subject to criminal prosecution under applicable state statutes.

SECTION 7 – VIOLATIONS AND PENALTIES

7.1 Misdemeanor Offense. Any person who violates any provision of this Ordinance shall be deemed guilty of a Class C misdemeanor. Upon conviction, such person shall be subject to a fine as set forth in Section 7.2, in addition to any applicable court costs and fees.

7.2 Fine Schedule. Fines for violations of this Ordinance shall be assessed as follows:

Offense	Minimum Fine	Maximum Fine
First (1st) Offense	\$50.00	\$200.00
Second (2nd) Offense within 12 months	\$100.00	\$350.00
Third (3rd) and Subsequent Offenses within 12 months	\$200.00	\$500.00

7.3 Continuing Violations. Each day that a violation of this Ordinance continues unabated shall constitute a separate and distinct offense, and a separate fine may be imposed for each such day.

7.4 Fines Non-Exclusive Remedy. The imposition of any fine under this Ordinance shall not relieve the Owner of the obligation to pay applicable impoundment and boarding fees as set forth in Section 5.5, nor shall any such fine limit or extinguish any civil liability of the Owner for property damage or personal injury caused by the Owner's dog.

7.5 Jurisdiction. Violations of this Ordinance may be prosecuted in the Grapeland Municipal Court. The Grapeland Municipal Court shall have jurisdiction over all offenses defined herein and all proceedings arising therefrom.

SECTION 8 – ENFORCEMENT

8.1 Enforcement Authority. This Ordinance shall be enforced by the Animal Control Officer, the Grapeland Police Department, and any other peace officer with lawful jurisdiction within the corporate limits of the City of Grapeland. All enforcement personnel are authorized to exercise all powers granted by this Ordinance and applicable state law.

8.2 Right of Entry. Animal Control Officers and peace officers enforcing this Ordinance are authorized to enter any public place within the City for the purpose of investigating potential violations and impounding at-large animals. Entry onto private property shall be conducted only with the consent of the property owner or occupant, pursuant to a lawfully issued warrant, or as otherwise authorized by applicable law.

8.3 Citations and Notices. Officers enforcing this Ordinance may issue written citations, verbal or written warnings, or notices to appear before the Grapeland Municipal Court to any person found in violation of any provision of this Ordinance. The issuance of a warning shall not bar subsequent citation for the same or a continuing violation.

8.4 Contracted Services. The City of Grapeland may enter into an interlocal agreement with Houston County or a contract with any licensed animal shelter, animal control provider, or humane society for the provision of animal control services, impoundment facilities, or related functions as authorized by applicable Texas law.

8.5 Public Reporting. Any person who observes a violation of this Ordinance may report such violation to the Grapeland Police Department or to Grapeland City Hall. Reports may be made in person, by telephone, or by any other means made available by the City. Anonymous reports shall be accepted to the extent permitted by law.

SECTION 9 – APPEALS

9.1 Right of Appeal. Any person aggrieved by a decision of the Animal Control Officer, including but not limited to decisions relating to impoundment, the refusal to release an impounded animal, or the designation of a dog as dangerous, shall have the right to appeal such decision to the City Council of the City of Grapeland or to a hearing officer designated by the City Council. Such appeal must be initiated within ten (10) calendar days of the date of the decision being appealed.

9.2 Appeal Procedure. An appeal under this Section shall be filed in writing with the City Secretary of the City of Grapeland. The written appeal shall identify the decision being

appealed, the name and contact information of the appellant, and the grounds upon which the appeal is based. Upon receipt of a timely and complete written appeal, the City Secretary shall schedule a hearing before the City Council or designated hearing officer within fifteen (15) calendar days of receipt.

9.3 Effect of Appeal on Impoundment. The filing of an appeal under this Section shall not stay or suspend the impoundment of the subject animal, nor shall it relieve the Owner of the obligation to pay accruing daily boarding fees. However, the Animal Control Officer shall not transfer, adopt out, or dispose of the appealed animal pending the final resolution of the appeal, except as provided in Section 5.7 (Emergency Euthanasia).

SECTION 10 – SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or provision of this Ordinance shall be held unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such holding shall not affect or impair the validity of the remaining provisions of this Ordinance, each of which shall continue in full force and effect. The City Council of the City of Grapeland hereby declares that it would have adopted this Ordinance, and each provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or provisions may be held unconstitutional, invalid, or unenforceable.

SECTION 11 – REPEAL OF CONFLICTING ORDINANCES

All ordinances, resolutions, orders, or parts thereof previously adopted by the City Council of the City of Grapeland, Texas, that are in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency. The repeal of any prior ordinance shall not affect any right accrued, any offense committed, any penalty

incurred, or any proceeding commenced under such prior ordinance before the effective date of this Ordinance.

SECTION 12 – EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after the date of its passage and approval by the City Council of the City of Grapeland, Texas, and after publication as required by applicable law. The City Secretary is hereby directed to publish this Ordinance or a caption summary thereof in the official newspaper of the City, or as otherwise required by the Texas Local Government Code, promptly following its adoption.

Note to City Council:

Upon adoption, the City Secretary should assign the official Ordinance Number, record the adoption date, and arrange for publication in accordance with Texas Local Government Code § 52.011 or the applicable publication requirement for the City of Grapeland's charter and classification.

PASSED AND APPROVED by the City Council of the City of Grapeland, Texas, on this ____ day of _____, 20____.

APPROVED:



Mayor, City of Grapeland, Texas

ATTEST:

City Secretary, City of Grapeland, Texas

APPROVED AS TO FORM:

City Attorney

City of Grapeland, Texas | Loose Dog Ordinance | Ordinance No. ____ | Adopted: _____ 20____

