

ARTICLE 2.01 GENERAL PROVISIONS

Sec. 2.01.001 Definitions

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

Animal. Any live, nonhuman, vertebrate creature, be it domestic, livestock, reptile, or other.

Animal control officer.

(1) An employee of the city authorized to enforce all ordinances and state laws pertaining to the ownership, care, and management of animals by exercising lawful authority to issue citations and notices of violation, seizing animals, and obtaining warrants or court orders pertaining to animals.

(2) Any state peace officer acting to enforce this chapter or state laws pertaining to animals.

At large. Any animal not restrained, including, without limitation, domestic and livestock animals as defined herein and estrays as defined in state law.

Domestic animal. Those animals which are naturally tame and gentle or which, by long association with man, have become thoroughly domesticated and are now reduced to such a state of subjection to his will that they no longer possess the disposition or inclination to escape. This definition includes household pets such as dogs and cats. This definition specifically does not include domestic barnyard animals such as ducks, chickens, geese, pigeons, guineas, rabbits, other birds or fowl, and miniature animals.

Kennel. Any place where three (3) or more animals, not wild, livestock, or stray, over the age of four (4) months, are raised, trained, boarded, harbored or kept.

Livestock. Any species or family of bovine, ox, cattle, swine, pig, horse, equine, tapir, elephant, deer, or antelope; other grass- or plant-eating single or cloven-hooved mammals (whether indigenous to this state or not); any species or family of emu, ostrich or any other animal (not listed in this chapter as domestic) which may be raised for human consumption in the United States of America; bees, and any animal designated or defined by state law as an stray when straying or at large.

Owner. Any person who owns, keeps, harbors, controls (physically or by verbal or hand commands), feeds, shelters or aids any animal; or any person who is the owner's agent left in charge of an animal; or any person who states that he will be responsible for an animal.

Restrain. Any animal shall be deemed to be restrained when it is:

(1) Confined on the premises of the owner within a fenced enclosure, capable of confining the animal.

(2) Fastened or picketed by a lead, rope or chain so as to keep the animal on the premises.

(3) Under the control of a person by a leash.

(4) Within a vehicle being driven or parked.

Sec. 2.01.002 Penalties

Any animal that is found to be in violation of this chapter may be impounded by an animal control officer. Additionally, any person or owner who violates or fails to comply with any portion of this chapter shall be deemed guilty of a class C misdemeanor for each animal in violation. Each day of violation of this chapter shall constitute a separate offense.

Sec. 2.01.003 Enforcement

This chapter shall be enforced by an animal control officer. The animal control officer shall have the authority to issue notice of violations for any violation of this chapter and any other power or duty stated within the terms of this chapter. The city shall be entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of federal, state, or local law.

Sec. 2.01.004 Unlawful to Run at Large

It shall be unlawful for any person to allow an animal to run at large in the city limits.

Sec. 2.01.005 Impoundment and Redemption

(a) Impoundment.

(1) It is the duty of the animal control officers to capture and impound such animals as are running at large or which are required to be impounded pursuant to other laws or ordinances or to protect public safety. Any officer or citizen of the city is authorized to take up and deliver in a humane manner to the animal services facility any animal that may be found running at large in the city.

(2) The animal control officer shall impound and quarantine all dogs, cats and other animals exposed to, suspected to be exposed to, or infected with rabies, whether the dog, cat or other animal to be impounded is at large, on a leash, or confined to its owner's premises or whether it is currently vaccinated. Any animal which a licensed veterinarian suspects of having rabies shall be humanely euthanized. Any animal exposed to a rabid animal shall be humanely euthanized or quarantined at the owner's expense for a period mandated by the department of state health services, zoonosis control division, not less than ten (10) days from the date of last known exposure.

(3) The animal control officer shall impound an animal at the request of a peace officer when the owner of the animal has been arrested, hospitalized, is missing, or has died, and there is no person present, eighteen (18) years of age or older, who will assume the legal responsibility of providing food, water and shelter for such animal.

(4) It shall be unlawful for a person to fail or refuse to deliver an unregistered or unvaccinated animal to the animal control officer upon demand for impounding.

(b) Identification of impounded animals.

(1) The animal control officer, upon receiving an animal for impoundment, shall make a registry that may include the species, breed, color and sex, or a photograph of such animal, whether it has traceable identification, and the time and place of taking custody. If the animal has traceable identification, he shall enter the name and address of the veterinary clinic, year, the number of the registration tag, and any other pertinent information. When kennel space allows, animals with traceable identification shall be kept separate from animals that do not have identification.

(2) If, by registration tag, the owner of an impounded animal can be identified, the animal control officer shall, as soon as possible, notify the owner by telephone or mail, however it is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(3) Impounded animals with no means of traceable identification shall be kept for not less than three (3) days, unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by this chapter. It is the responsibility of

the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(4) Animals with any type of traceable identification shall be kept for not less than ten (10) days, or not less than three (3) days from the time the owner is notified of their animal being impounded, whichever is the shorter time period, unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by this chapter. If an animal has a tag that does not list the owner's phone number or address, and the person or business that is in possession of the owner's contact information will not release it to the city enforcement agency, then for the purposes of this section, it shall be the responsibility of that person or business to notify the owner of the animal being impounded, and the animal shall be held for three (3) days after the city enforcement agent contacts the person or business in possession of the owner's contact information. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(c) Retention of impounded animals.

(1) An animal impounded at the request of a peace officer as required by this chapter shall be kept for not less than ten (10) days unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by this chapter. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim such pets.

(2) An impoundment period is not required for an animal voluntarily released to the city enforcement agent by its owner.

(d) Redemption of impounded animals.

Any owner of an animal that has been impounded under this chapter who wishes to have it returned to him shall personally visit the animal services facility where it is impounded or contact city hall. The animal control officer shall return the animal if the owner can provide sufficient proof of being the animal's owner and if such release will not impair the safety of the public or the animal. The owner of the animal must pay any and all fees set forth herein and must agree to abide by all of the requirements of this chapter before the animal is returned. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

Sec. 2.01.006 Disposition of impounded animals

(a) The animal control officer may dispose of impounded animals after the expiration of any required impoundment period by any of the following methods:

(1) Adoption.

(A) The animal control officer shall be authorized to place for adoption dogs or cats impounded by the city under the following conditions:

(i) The animal control officer shall determine whether a dog or cat is healthy enough for adoption and if its health and age are adequate for vaccination. However, such decision shall not constitute a warranty of the health or age of the animal. There may be an adoption fee for all dogs and cats at an amount set by the city.

(ii) All animals adopted from the animal services facility shall be vaccinated against rabies, and sterilized before ownership of the animal is

transferred to the adopter. If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of this surgery, the person adopting the animal shall sign a written agreement stating that they will have the animal sterilized. A person who signs a sterilization agreement commits an offense if he fails to have the animal sterilized on or before the sterilization completion date stated in the agreement. For the purposes of this section, a legitimate health risk cannot be based solely on the animal's age.

(B) If an adopted animal dies on or before the sterilization completion date, the adopting person must provide written documentation to the enforcement agents that the animal has died.

(C) If an adopted animal is lost or stolen before the sterilization date, the adopting person must provide written documentation to the enforcement agents stating that the animal is lost or stolen and a police report verifying the report of theft. The letter shall be delivered not later than the seventh day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.

(D) The animal control officer may reclaim an adopted animal if the animal control officer has not received confirmation of the sterilization as required.

(2) Temporary placement. The animal control officer may temporarily place the animal in a foster home.

(3) Euthanasia. The animal control officer may humanely euthanize the animal by methods approved by the American Veterinary Medical Association or the department of state health services.

(4) The choice of which of these options to use shall be made at the sole discretion of the animal control officer unless otherwise mandated by a court order.

(5) Any impounded registered or unregistered animal which appears to be suffering from serious injury or disease and which is in great pain and suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals in the opinion of the enforcement agents or which, due to its extremely violent nature, poses a substantial risk of bodily harm to the safety of the staff, may be humanely euthanized at any time during its holding period by the enforcement agents. In the event such an animal is wearing an identification tag on its collar or harness, the enforcement agents shall attempt to notify the owner by telephone before taking action.

Sec. 2.01.007 Fees

(a) Impoundment fees.

(1) Impoundment of any animal during a one year period (except subsections (2) and (3) below):

(A) First impoundment: \$25.00.

(B) Second impoundment: \$50.00.

(C) Third impoundment and thereafter: \$75.00.

(2) Impoundment of livestock: Double the fees listed in subsection (A) above, per head.

(3) Daily care fees (excluding first day of impoundment): \$5.00/day.

(b) Other fees.

(1) Rabies or erysipelas vaccination fee. Owner will have to show proof of vaccination before the animal will be released, and if the animal is not vaccinated, then the owner will be assessed the following fee and will have to have the animal vaccinated within five business days: \$10.00. The \$10.00 fee will be refunded upon proof of vaccination within five business days of the animal's release.

(2) Euthanasia. Actual cost to City.

ARTICLE 2.02 LIVESTOCK AND OTHER ANIMALS

Sec. 2.02.001 Nuisance animals

It shall be unlawful for any person to own or maintain an animal in such a manner as to constitute a public nuisance. The following acts shall constitute a public nuisance:

(1) It shall be a nuisance and unlawful to keep any livestock within the city limits.

(2) It shall be unlawful to keep fowl or poultry within the city limits, except as provided herein.

(3) It shall be a nuisance and unlawful for any person to keep swine within the limits of the city, except for the keeping of swine under the direct supervision by and upon the premises of public and private schools, fairs, or livestock shows provided specifically that the swine must be kept at the agricultural barn owned and operated by the school.

(4) All domestic animals authorized to be kept shall be confined to the premises of the owner or custodian of such domestic animal, and it shall be unlawful for any person to allow such domestic animal to run or fly at large or go upon the premises of another person, or to allow any shelter or cage for any animal to be located on a vacant property.

(5) Permitting an animal to bark, whine, howl, and make any other noise which causes annoyance or interference with the reasonable use and enjoyment of a premises.

(6) Maintaining a domestic animal in an unsanitary environment, which shall include but not be limited to the failure to remove urine and feces from the confinement area to minimize the breeding of flies and rodents.

(7) It shall be a nuisance and unlawful for the owner or custodian of any animal which has been killed or died and which is not intended as food for human consumption to permit or suffer any such dead animal to remain upon any premises.

(8) Damage to property caused by an animal.

(9) The neglecting of maintenance of a kennel.

Sec. 2.02.002 Keeping of Chickens

Six (6) chicken hens may be permitted in an R-1 or R-2 zoned residence with the following requirements:

(1) the keeping of any chicken hens(s) shall be considered an accessory use to the main building or structure of any property.

(2) any and all chicken hens so kept shall remain confined in an enclosure to prevent their running at large.

(3) any such above-described enclosure shall be kept in the rear yard.

(4) any such above-described enclosure that is less than 320 square feet shall maintain a minimum five (5) foot setback from a side or rear property line. Any such above-described enclosure that is more than two hundred (320) square feet shall be subject to a variance request.

(5) any and all enclosures or other such shelters provided for said permitted chicken hens shall be of a size sufficient to be conducive to good sanitation, and shall provide adequate and sanitary drainage for the enclosure or shelter.

(6) all litter and droppings resulting from the keeping of permitted chicken hens shall be collected, at sufficient intervals so as not to create a nuisance, in a container or receptacle of such a type that when closed is rat proof and fly tight and said container or receptacle shall remain closed after collection of litter or droppings. Any such litter and droppings so collected shall be disposed of in a manner that complies with all provisions of this code and in such a way as not to permit fly breeding or any other unsanitary condition.

(7) all feed provided for any such permitted chicken hens shall be stored and kept in a rodent and wildlife proof and fly tight receptacle.

(8) roosters are not permitted.

(9) no keeping of any hen(s) or associated use(s) shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

Sec. 2.02.003 Limitation on number of animals

No household will be allowed to register or keep more than three (3) dogs or three (3) cats, or a combination thereof totaling three (3). Puppies or kittens are allowed to be kept until nine (9) weeks after birth. After nine (9) weeks of age, the limitations provided herein will apply.

ARTICLE 2.03 RABIES CONTROL

Sec. 2.03.001 Vaccination

No person shall own, keep or harbor a dog or cat within the city limits unless the dog or cat shall have been vaccinated with an antirabies vaccine by a licensed veterinarian. As a minimum, dogs and cats shall be so vaccinated at the ages and intervals specified by regulations, as amended, of the department of state health services or its successor agency.

Sec. 2.03.002 Vaccination tag

Dogs and cats shall at all times wear the rabies vaccination tag issued to that animal.

ARTICLE 2.04 DANGEROUS DOGS

Sec. 2.04.001 Dangerous Dogs

Dangerous dogs, as defined in V.T.C.A., Health and Safety Code, Section 822.041, shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, Chapter 822, Subchapter D.

ARTICLE 2.05 CARE AND TREATMENT

Sec. 2.05.001 Cruelty to animals

It is unlawful and a violation of this section to cruelly treat an animal, as defined in Texas Penal Code section 42.09. Upon discovering or being notified by any person that an animal is or may be cruelly treated as prescribed by Texas Penal Code section 42.09, or successor statute, an

animal control officer shall investigate such charges. If probable cause is found for an allegation of cruelty to an animal, then citation may issue for violation of this section, or refer the matter to the county attorney for prosecution in county court, or seize the animal pursuant to Texas Health and Safety Code chapter 821, or a combination of these. The animal control officer shall follow Texas Health and Safety Code chapter 821, or successor statute, as it relates to hearings, seizure and disposition of such allegedly cruelly treated animal. The remedies for inhumane or cruel treatment of animals under Texas Penal Code section 42.09 or Texas Health and Safety Code chapter 821 are cumulative, and the use of one does not preclude the use of another in a given case.