

## CHAPTER 2

### ANIMAL CONTROL

#### **ARTICLE 2.01 GENERAL PROVISIONS<sup>\*</sup>**

##### **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 living creature except a human being.

*Animal control officer.* Any person or persons designated by the city council or the city administrator or the chief of police of the city to enforce the provisions of this chapter.

*Bite.* Any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.

*City.* The City of Bandera, Texas, or the corporate limits thereof.

*Dog.* All domesticated members of the canine family, but such term shall not include wolves, jackals, foxes or any other wild or dangerous member of such family. An adult dog is one which is more than three (3) months of age.

*Domestic animal.* Those 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 a disposition or inclination to escape.

*Guard dog.* Any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog and that is either securely enclosed within that area at all times or under continuous control of a trained handler.

*Harbor.* To keep and care for an animal or to provide premises to which an animal returns for food, shelter or care for a period of three (3) days.

*Keep within the city.* The harboring or owning of animals permanently located or living at any location within the city.

*Kennel.* Any place where more than four (4) dogs or more than four (4) cats or any combination of cats and dogs where the total exceeds four (4) animals over the age of three (3) months are raised, trained, boarded, harbored or kept.

*Owner.* Any person, firm or corporation owning, keeping, feeding, harboring or in charge of any animal. "Owner" shall include those persons who are responsible for any animal, or have custody of any animal, or who have apparent responsibility or custody.

Premises. The residence and the attached property surrounding such residence that is leased or owned by an owner or custodian, but not including any common area, park or recreational property jointly owned or leased by the members of a homeowners' or tenants' association.

Restraint. An animal shall be deemed restrained when it is:

- (1) Confined on the premises of the owner within a fence or enclosure;
- (2) Fastened or picketed by a lead rope or chain, so as to keep the animal on the premises or under the control of a person by a leash;
- (3) On or within a vehicle being driven or parked; or
- (4) At heel beside a competent person and obedient to that person's command.

Running at large.

- (1) Off premises. Any animal which is not held or controlled by a person physically capable of controlling the animal or which is not restrained by means of a leash, rope or chain of sufficient strength and length to control the actions of such animal or not confined within any vehicle or cage.
- (2) On premises. Any animal which is not held or confined to the owner's premises inside a substantial fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on such premises and so arranged that the animal will remain upon the premises when the leash or chain is stretched to full length in any direction, or confined in a building or vehicle.

Service call. Any type of work order that is reported to the city, that a representative of the city must come out and investigate the call received.

Stray animal. Any animal for which there is no identifiable owner, which is found to be at large in the city.

Vicious animal. Any animal that, without intentional provocation, bites, scratches or attacks humans or other animals, or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated. Guard dogs are exempted from this definition if maintained in compliance with this chapter.

Wild animal. Includes but is not limited to lions, tigers, bears, skunks, foxes, coyotes, raccoons, alligators, apes and all forms of poisonous reptiles and other like animals.

Wild or exotic animal. Any mammal, amphibian, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition; or because of its size, vicious nature or other characteristics would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters.

(Ordinance 253, sec. 3-1, adopted 10/20/05)

## **Sec. 2.01.002 Penalty**

Any person that violates any portion of this chapter is guilty of a misdemeanor and shall upon conviction be subject to a fine of not less than thirty-five dollars (\$35.00) nor more than five hundred dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such. (Ordinance 253, sec. 3-141, adopted 10/20/05)

#### **Sec. 2.01.003 Additional methods of enforcement**

(a) In addition to all other remedies, which are cumulative, the city may apply to courts of competent jurisdiction for an injunction to enforce the provisions of this chapter and may seek to recover its expenses from any violator.

(b) The chief of police or his designated representative and animal control employees are authorized to issue citations to any person violating this chapter.

(Ordinance 253, sec. 3-142, adopted 10/20/05)

#### **Sec. 2.01.004 Exemptions**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter except as otherwise stated. (Ordinance 253, sec. 3-7, adopted 10/20/05)

#### **Sec. 2.01.005 Fees**

(a) Fees and charges for the following are on file in the office of the city secretary and are subject to periodic revision by the city:

- (1) Impoundment.
- (2) Dog tags.
- (3) Deposit for carriers/traps.
- (4) Service call.

(b) For purposes of computing the above charges, each day shall begin at 12:01 a.m. The full fee shall be charged when the animal is kept for any portion of a day.

(Ordinance 253, sec. 3-125, adopted 10/20/05; Ordinance adopting Code)

#### **Sec. 2.01.006 Bird sanctuary established**

The entire area embraced by the corporate limits of the city and any parks or other land owned by it is hereby designated as a bird sanctuary. It shall be unlawful for any person to trap, shoot or attempt to shoot with any type of firearm, including BB guns or air rifles, or molest in any manner, any bird or wild fowl or rob the nests thereof anywhere within the described area. (Ordinance 253, sec. 3-2, adopted 10/20/05)

State law reference—Protection of nongame birds, V.T.C.A., Parks and Wildlife Code, sec. 64.002.

**Sec. 2.01.007 Restraint; animals kept on leash or chain**

Every person who owns, keeps or is in charge of a dog or other animal shall restrain the dog or other animal at all times. Dogs or other animals kept on a leash/chain shall have water available at all times. Leashes/chains must be at least twenty (20) feet long with a swivel attached or the leash/chain attached to an apparatus that is unable to become entangled. Food should be provided daily for all animals. (Ordinance 253, sec. 3-3, adopted 10/20/05)

**Sec. 2.01.008 Running at large**

- (a) Generally. It shall be unlawful for any person raising or keeping any animal to fail to prevent such animal from running at large within the city or from going upon the premises of another.
- (b) Dogs. It shall be unlawful for the owner or harborer of any dog to permit such dog to run at large upon the streets, alleys or any public place within the city. When a dog is off the premises of its owner, a member of the owner's family, or agent, by means of a leash or chain of sufficient strength and length, shall control the actions of such dog. At all other times, the dog shall be confined to the premises of the owner as prescribed under subsection (a).

(Ordinance 253, sec. 3-51, adopted 10/20/05)

**State law references—Animals at large, V.T.C.A., Local Government Code, sec. 215.026; restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.**

**Sec. 2.01.009 Noise**

It shall be unlawful for any person to own, keep or be in control of any animal which causes unreasonably loud or unnecessary noise that causes material annoyance, distress or discomfort to persons of ordinary sensibilities in the immediate vicinity. (Ordinance 253, sec. 3-4, adopted 10/20/05)

**Sec. 2.01.010 Nuisances**

- (a) Public nuisance. Any animal(s) that:
  - (1) Molests passersby or passing vehicles.
  - (2) Attacks other animals.
  - (3) Trespasses on school grounds, or on public or private property.
  - (4) Is repeatedly at large, cited two (2) or more times.
  - (5) Damages private or public property.
  - (6) Barks, whines, or howls in an excessive, continuous or untimely fashion.

- (b) Noisy animals. No person shall knowingly or willfully harbor or keep on his premises or elsewhere any animal that makes or creates an unreasonable disturbance to the neighbors or occupants of adjacent premises, or suffer or permit such animal to make or create disturbing noises by howling, barking, crowing or otherwise, either continuously or intermittently. A person shall be deemed to have

willfully and knowingly violated the terms of this section if such person shall have been notified by the neighbors or the animal control officer for a period of twenty-four (24) hours to correct such disturbances and shall [not] take action to prevent its recurrence.

(c) Removal of feces. It shall be unlawful for any owner, keeper or walker of any animal (with the exception of horses and cows) to permit such animal to discharge its feces upon any public property (other than property of the owner, keeper or walker) within the city unless such person immediately thereafter removes and cleans up such animal feces.

(d) Animals trespassing or damaging property. It shall be unlawful for any person to maintain an animal which constitutes a nuisance by reason of repeated trespasses on public or private property (other than that of the owner) or by reason of damage to public or private property.

(e) Dogs and cats prohibited in food establishments. No owner or other person having control of a dog or cat shall allow it to enter or be in any place of any kind or character where food is sold or served for human consumption. This subsection shall not apply to guide dogs used by blind persons.

(Ordinance 253, sec. 3-5, adopted 10/20/05)

### **Sec. 2.01.011 Keeping wild animals**

(a) General prohibition. It shall be unlawful to harbor or maintain within the city limits the following:

- (1) Bats.
- (2) Skunks.
- (3) Poisonous reptiles.
- (4) Any wild animal whose normal mature weight exceeds forty (40) pounds.

(b) Restraint. The owner shall keep any wild animal which is permitted in the city under restraint at all times.

(c) Exemptions. This section shall not apply to or prohibit the keeping of prohibited wild animals by the following:

- (1) A publicly or privately owned zoo maintained or operated by a nonprofit organization or governmental entity;
- (2) A publicly or privately maintained circus, traveling show or rodeo which does not remain in the city longer than thirty (30) days out of each year;
- (3) Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals.

(Ordinance 253, sec. 3-6, adopted 10/20/05)

### **Sec. 2.01.012 Dangerous wild animals**

The keeping of dangerous wild animals shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, section 822.101 et seq. (Ordinance adopting Code)

**State law reference—Dangerous wild animals, V.T.C.A., Health and Safety Code, sec. 822.101 et seq.**

#### **Sec. 2.01.013 Maximum number of dogs and cats**

No person shall harbor or keep more than four (4) dogs or four (4) cats or any combination of four (4) dogs and cats over the age of three (3) months except in an animal pound, clinic, hospital or kennel as provided in the zoning ordinance. If the owners want approval for more than the set amount of permitted animals allowed in the city, a permit [application] and permit fee must be submitted in writing. An animal control representative will set an appointment and review the application with the person. If the person obtains approval there will be an additional animal fee collected every year from the day of registering. (Ordinance 253, sec. 3-8, adopted 10/20/05)

#### **Sec. 2.01.014 Breaking into pound; releasing animal from pound**

It shall be unlawful for any person to, without proper authority, break into, open or pull down the enclosure of or make any opening into any pound or enclosure belonging to or used by the city for the purpose of impounding animals. It shall be unlawful for any person to turn out or release any animal from any pound or cause same to be done or aid and abet in doing the same. (Ordinance 253, sec. 3-9, adopted 10/20/05)

### **ARTICLE 2.02 ANIMAL CONTROL DEPARTMENT**

#### **Sec. 2.02.001 Enforcement when owner is known**

- (a) When an animal is found in violation of a provision of this chapter and its ownership is known by the agent of the animal control department, such animal need not be impounded by the agent. The agent may, if the owner agrees to sign a citation, issue a citation, which shall require the person to appear in court within (10) days to answer a charge of a violation of this chapter.
- (b) Signing the citation shall only be a promise to appear and is not an admission of guilt. It shall be unlawful for any person upon being issued any citation to give the animal control employee a false name or address.
- (c) It shall be unlawful to fail to appear in municipal court within the date specified on the citation.
- (d) When an animal is found in violation of a provision of this chapter and its ownership is known to the agents of the animal control department and the owner cannot be located or refuses to sign a citation, the agent may impound the animal or file a complaint against the owner in municipal court.

(Ordinance 253, sec. 3-26, adopted 10/20/05)

#### **Sec. 2.02.002 Enforcement when owner is unknown**

When an animal is found in violation of a provision of this chapter and its ownership is not known to the agent of the animal control department, such animal shall be impounded. No person shall interfere with, hinder or molest any agent of the animal control department in the performance of any duty of the agent or seek release of any animal in the custody of the animal control department or its agent. (Ordinance

253, sec. 3-27, adopted 10/20/05)

**Sec. 2.02.003    Donated, impounded or unclaimed animals to become property of department**

Donated, impounded and unclaimed animals shall become the property of the animal control department, which shall have the power to transfer title. In the event of such transfer of title the person or agency to which title is transferred shall pay for such animal's food and care while in the animal shelter and shall comply with the applicable vaccination provisions. (Ordinance 253, sec. 3-28, adopted 10/20/05)

**Sec. 2.02.004    Authority to destroy or dispose of animals**

The animal control department may humanely destroy any animal. The animal control department may place any animal held at its animal shelter in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this chapter. The animal control department may destroy any animal in a humane method if it has been donated to the shelter with the request that it be destroyed or if the animal is so sick or injured that its cure is considered by the animal control department to be impractical or if death is imminent. In either of such events, such destruction may be done immediately without notice or any waiting period. (Ordinance 253, sec. 3-29, adopted 10/20/05)

**Sec. 2.02.005    Transfer of title of animal to humane society**

(a) The animal control department may transfer title to the humane society for purposes of adoption. In the event of a transfer of title, and in consideration of such transfer and subsequent placement of the animal in the custody of some person deemed to be a responsible and suitable owner, the humane society shall pay to the animal control department the applicable fees.

(b) In the event of such transfer and subsequent placement of the animal in custody of some person deemed a responsible and suitable owner, the humane society shall be required to give rabies shots to those animals over the age of four (4) months which are transferred.

(Ordinance 253, sec. 3-30, adopted 10/20/05)

**Sec. 2.02.006    Records**

(a) It shall be the duty of the animal control department to keep, or cause to be kept, accurate and detailed records of:

- (1) Impoundment and disposition of all animals coming into custody;
- (2) All bite cases reported to it and its investigation of same;
- (3) All money received under this chapter.

(b) All records shall be open to inspection at reasonable times by persons responsible for similar records of the city and shall be audited by the city auditor in the same manner as other city records.

(Ordinance 253, sec. 3-31, adopted 10/20/05)

**Sec. 2.02.007 Use of cages and traps**

- (a) All cages or traps borrowed from the animal control department will be returned within five (5) days, unless contacting animal control and other arrangements have been made.
- (b) A deposit will be mandatory with all cages or traps released from animal control and returned upon bringing the cage or trap back in the same condition and time arranged.

(Ordinance 253, sec. 3-33, adopted 10/20/05)

## **ARTICLE 2.03 DOGS**

### **Division 1. Generally**

**Sec. 2.03.001 Confinement of fierce, dangerous or vicious dogs**

For the purpose of establishing rules, regulations and procedures in dealing with fierce, dangerous and vicious dogs, the city hereby adopts the state statute in accordance with the most recent version of Texas Health and Safety Code, title 10, Health and Safety of Animals, chapter 822, Regulation of Animals, subchapters A through D, V.T.C.A. (Ordinance 253, sec. 3-50, adopted 10/20/05)

**State law references—Authority of city to regulate the keeping of dangerous dogs, V.T.C.A., Health and Safety Code, sec. 822.041 et seq.; dogs that attack or are a danger to persons, V.T.C.A., Health and Safety Code, sec. 822.001 et seq.**

**Sec. 2.03.002 Guard dogs**

It shall be unlawful for any person to place or maintain guard dogs in any area for protection of persons or property unless the following provisions are met:

- (1) The dogs shall be confined to an enclosed area adequate to ensure they will not escape; or
- (2) They shall be under the absolute control of a handler at all times when not securely enclosed; and
- (3) The owner or other person in control of the premises upon which a guard dog is maintained shall post warning signs on, over or next to all exterior doors stating that such dog is on the premises. At least one (1) such sign shall be posted at each driveway or entranceway to such premises. Such signs shall be in lettering clearly visible from either the curbline or a distance of fifty (50) feet, whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day; and
- (4) Prior to the placing of a guard dog on any property, the person or persons responsible for the placing shall inform the animal control officer, the police department and the fire department, in writing, of their intention to post such dog or dogs, the number of dogs to be posted, the location where the dog or dogs will be posted, the approximate length of time the dog or dogs will be guarding the area, the daily hours the dog or dogs will be guarding the area, and the breed, sex, age and rabies tag number of such dog or dogs. Such notice must be renewed every six (6) months.

(Ordinance 253, sec. 3-52, adopted 10/20/05)

**State law references—**Private Security Act, V.T.C.A., Occupations Code, ch. 1702; licensing and duties of guard dog companies, V.T.C.A., Occupations Code, sec. 1702.109 et seq.; qualifications for guard dog company license, V.T.C.A., Occupations Code, sec. 1702.116.

**Secs. 2.03.003–2.03.030   Reserved**

**Division 2. License<sup>\*</sup>**

**Sec. 2.03.031   Required; records**

(a) Every person in the city who owns, keeps or harbors a dog over sixteen (16) weeks of age shall present to the city a license verification of antirabies vaccination. (Ordinance 253, sec. 3-46, adopted 10/20/05; Ordinance adopting Code)

(b) It shall be the duty of the owner to register this license of such dog with the city. The city shall keep a registry of all dog licenses and shall record the name of the owner, a description of the dog, the number of the license issued, the date of issuance, and the expiration date.

(Ordinance 253, sec. 3-46, adopted 10/20/05)

**Sec. 2.03.032   Application; term; issuance of tag**

(a) Written application for dog licenses shall be made upon a printed application form provided by the city and shall state the name and address of the owner or keeper of the dog and the name, breed, color, age and sex of the dog being licensed.

(b) The license shall be valid for one (1) year from date of issuance and cannot be transferred. The license fee shall be paid.

(c) The license tags shall be issued by the animal control department.

(Ordinance 253, sec. 3-47, adopted 10/20/05)

**Sec. 2.03.033   Wearing of collar and tag**

Every person who owns, keeps, or is in charge of or in control of a dog within the city shall provide and place on such dog a collar or harness, which shall be worn by the dog at all times when off the premises of the person, and shall attach to the collar or harness the metal license tag obtained pursuant to this chapter. (Ordinance 253, sec. 3-48, adopted 10/20/05)

**Sec. 2.03.034   Conditions for issuance**

The dog license tags shall be issued upon payment of the license fee and meeting the following condition: vaccination by a licensed veterinarian with antirabies vaccine. (Ordinance 253, sec. 3-49, adopted 10/20/05)

**ARTICLE 2.04 LIVESTOCK<sup>\*</sup>**

**Sec. 2.04.001 Prohibited animals**

It is unlawful for any person to keep, harbor, possess or allow to remain on any premises under his control within the corporate limits of the city any animal except dogs, cats and those animals allowed under section 2.04.002 or article 2.05 of this chapter. (Ordinance 253, sec. 3-66, adopted 10/20/05; Ordinance adopting Code)

**Sec. 2.04.002 Enclosures**

Any person in the city may only keep large animals such as horses, foals, ponies, sheep or goats provided they are kept in enclosures (fences) which are substantially erected to properly contain the animals. Such enclosure shall contain a barn with a roof and one solid side on the north protecting them from weather. Such enclosure shall also be erected with a ground area of not less than two thousand (2,000) square feet per horse, foal or pony and not less than two hundred (200) square feet for each sheep or goat. All enclosures shall be located on the property of the owner of the animal so that no part of such enclosure for horses, foals or ponies is less than one hundred fifty (150) feet from the dwelling of any other person and such enclosure for sheep and goats is no less than one hundred (100) feet from the dwelling of any other person. (Ordinance 253, sec. 3-67, adopted 10/20/05)

**Sec. 2.04.003 Sanitation requirements**

All pens for horses, foals, ponies, sheep and goats shall be maintained in a clean and sanitary condition. Manure shall be cleaned daily from pens or enclosures and placed in an airtight container. All manure from such container shall be removed at least once a week, or more often, if required, to keep such container sanitary. No manure removed from such pens or enclosures shall be dumped within the city limits. It is unlawful to dump or place any manure or other waste from such pens or enclosures in the garbage cans or receptacles serviced by the city. (Ordinance 253, sec. 3-68, adopted 10/20/05)

**Sec. 2.04.004 Inspections**

Pens and enclosures may be inspected at any time by the sanitarian or any duly authorized representative of the city. (Ordinance 253, sec. 3-69, adopted 10/20/05)

**Sec. 2.04.005 Running at large**

It shall not be lawful for the owner or controller of any animal to allow the animal to run at large or be at large within the city. The poundmaster or any police officer may impound any such animal found to be running at large. (Ordinance 253, sec. 3-70, adopted 10/20/05)

**State law references—Estrays, V.T.C.A., Agriculture Code, ch. 142; impoundment of estrays, V.T.C.A., Agriculture Code, sec. 142.009; animals running at large on highways, V.T.C.A., Agriculture Code, sec. 143.101 et seq.**

**Sec. 2.04.006 Vaccination and testing of horses**

Any person who owns or keeps under his control any horse, foal or pony within the city shall cause all horses, foals or ponies kept by him to be vaccinated by a veterinarian at least once each year for sleeping sickness, known as encephalitis-lethargica, and have a Coggins test. This paperwork must be submitted to the city. (Ordinance 253, sec. 3-71, adopted 10/20/05)

**Sec. 2.04.007 Horses temporarily in city**

(a) During any festival, rodeo, celebration or similar event it shall be lawful for participants in such event to bring and keep such horses within the city under the following conditions:

- (1) All horses shall have proof of negative Coggins test;
  - (2) The horses shall be kept within a licensed recreational vehicle park;
  - (3) The horses shall be kept in horse trailers or portable corrals at all times;
  - (4) No horse shall be kept with 500 feet of an occupied residential dwelling;
  - (5) Horses may not stay for longer than seven (7) days;
  - (6) Horses staying for special equestrian events being held within the county may not be brought into the city more than 48 hours prior to the commencement of the event and must leave the city within 24 hours of the conclusion of the event;
  - (7) All waste, manure, and litter accumulating at or near the site where horses are kept shall be collected and disposed of in an appropriate container no less often than every 24 hours; and
  - (8) Prior to departure, the area in which the horses were kept shall be cleaned and restored to its former condition.
- (b) These requirements are in addition to any imposed by the owner or operator of the licensed recreational vehicle park.
- (c) It is the responsibility of the individual RV park management to see that their guests adhere to ordinance regulations.
- (d) Violation of this section is punishable by a fine of not more than \$500.00. Each separate day of violation shall be a separate offense.

(Ordinance 261 adopted 11/2/06)

## ARTICLE 2.05 OTHER ANIMALS

### Sec. 2.05.001 Rabbits

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

Fryer rabbit. Any rabbit weighing four (4) pounds or less and not of breeding age.

Grown rabbit. Any rabbit weighing more than four (4) pounds or any rabbit of breeding age.

(b) Number permitted. No person shall keep, harbor, possess or allow to remain upon his premises or upon premises under his control within the city more than six (6) grown rabbits or more than eighteen (18) fryer rabbits.

(c) Hutches. No person shall keep any rabbit or rabbits within the city without providing proper hutches built of wooden material and conforming in appearance and painting with surrounding buildings. All such hutches shall be comprised of an area sufficient to provide seven and one-half (7-1/2) square feet of floor space for each grown rabbit. They shall be of self-cleaning type, with floors of hardware cloth of a mesh of one-half inch or longer. The floors of hutches must not be less than eighteen (18) inches nor more than twenty-four (24) inches from the ground. The overall height of hutches must not be in excess of four (4) feet. Such hutches shall not be placed closer than fifty (50) feet to any inhabited residence.

(d) Sanitation. Each owner, keeper or possessor of rabbits shall maintain rabbit hutches in a safe, sanitary and sightly condition. Droppings must be removed daily and properly disposed of.

(Ordinance 253, sec. 3-86, adopted 10/20/05)

## **Sec. 2.05.002 Fowl**

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

Baby fowl. Any fowl weighing two and one-half (2-1/2) pounds or less.

Grown fowl. Any fowl weighing more than two and one-half (2-1/2) pounds.

Person, owner or keeper. Includes the agent, servant or employee of any person, owner or keeper.

(b) Number permitted. No person shall keep, harbor, possess or allow to remain on any one (1) premises under his control within the city more than twelve (12) grown fowl nor more than fifty (50) baby fowl.

(c) Houses. The owner, keeper or possessor of any fowl in the city is required to provide housing facilities which will provide four (4) square feet of floor space for each grown bird. Such house shall be floored with lumber, and the floor shall not be less than eight (8) inches from the ground. Such house shall be neatly built so as to conform to buildings on the surrounding premises in neatness and appearance. Such house shall be located not less than fifty (50) feet from any dwelling house and must be kept in a sanitary condition at all times.

(d) Fences for fowl yards. Any person who builds a fence in the city for the purpose of keeping fowl or for any other purpose is required to build such fence so that it will conform to the buildings on the premises and the immediate surroundings in neatness and appearance.

(e) Enforcement of standards. It is hereby made the duty of the inspections department upon report made of the violation of any of the provisions of subsection (c) or (d) above to immediately investigate the matter and bring the person responsible for the violation before the proper forum to be dealt with according to law.

(f) Running at large. No person who keeps domestic fowl in the city shall permit the same to run or fly at large, or to trespass on the premises of any other person. When any person shall be annoyed or his premises shall be damaged by any domestic fowl belonging to or kept by any person, such person may report it to the city, whose duty it shall be to immediately notify the owners or keepers of the fowl of the complaint made and to warn owners or keepers to restrain the fowl from being at large to the annoyance

or injury of neighbors.

(Ordinance 253, sec. 3-87, adopted 10/20/05)

## **ARTICLE 2.06 RABIES CONTROL<sup>\*</sup>**

### **Sec. 2.06.001 Vaccination required**

No person shall own, keep or harbor a dog or cat within the city limits unless the dog or cat has been vaccinated by a licensed veterinarian with an antirabies vaccine as required in 25 Texas Administrative Code section 169.29, which is adopted by reference in this section. The animal shall be vaccinated periodically at one-year intervals from the original date of vaccination. (Ordinance 253, sec. 3-101, adopted 10/20/05; Ordinance adopting Code)

**State law reference**—Rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.021 et seq.

### **Sec. 2.06.002 Reporting of possible rabies cases**

It shall be the duty of every physical or other practitioner to report to the animal control department the names and addresses of persons treated for bites or scratches inflicted by animals, together with such information as will be helpful in rabies control. (Ordinance 253, sec. 3-102, adopted 10/20/05)

**State law reference**—Rabies reports, V.T.C.A., Health and Safety Code, sec. 826.041 et seq.

### **Sec. 2.06.003 Quarantine of animal that has bitten or scratched person**

(a) Upon being presented a sworn affidavit that a domestic dog, cat or domestic ferret has bitten or scratched a person, the animal control department shall quarantine the animal so identified for a period of ten (10) days. If quarantine is indicated for other animals, they shall be quarantined or confined for a 30-day observation period. (Ordinance 253, sec. 3-103, adopted 10/20/05; Ordinance adopting Code)

(b) Quarantine shall be at one (1) of the following places:

- (1) The animal shelter.
- (2) A licensed veterinarian hospital at the expense of the owner, upon the owner's request.
- (3) Animals of unknown ownership will be quarantined at the animal shelter.
- (4) Home quarantine is permissible when the owner and animal control officer and the victim agree in writing that home quarantine is warranted and the following requirements are satisfied:
  - (A) The owner of the animal is a resident of the city and agrees to keep the animal under restraint at his residence in the city;
  - (B) The animal was properly restrained at the time the bite occurred; and
  - (C) The animal was properly protected by rabies vaccination.

(c) Upon the demand made by the animal control department, it shall be unlawful for the owner to fail to surrender any animal which has bitten or scratched a human or which is suspected of having been exposed to rabies for quarantine. All expenses shall be borne by the owner.

(Ordinance 253, sec. 3-103, adopted 10/20/05)

(d) The quarantined animal may be reclaimed by the owner if adjudged free of rabies upon payment of the fees on file in the city secretary's office and upon compliance with the vaccination provisions. (Ordinance 253, sec. 3-103, adopted 10/20/05; Ordinance adopting Code)

(e) When an animal under quarantine, having been diagnosed by a licensed veterinarian as being rabid, dies while under observation, the animal control department shall immediately send the head of such animal to the state laboratory for a pathological examination. The animal control department shall notify the proper health officer of reports of human contacts and the diagnosis made of the suspected animal after the pathological examination has been made.

(f) When an animal bites or scratches a person and the health officer believes that the quarantine observation period cannot be observed because of the danger of developing rabies, the health officer shall order the animal control department to immediately forward the animal's head for pathological examination.

(Ordinance 253, sec. 3-103, adopted 10/20/05)

**State law references—Quarantine of animals, V.T.C.A., Health and Safety Code, sec. 826.042; release or disposition of quarantined animal, V.T.C.A., Health and Safety Code, sec. 826.043; standards for quarantine and impoundment facilities, V.T.C.A., Health and Safety Code, sec. 826.051 et seq.**

#### **Sec. 2.06.004 Citywide quarantine**

(a) A citywide quarantine may be invoked for a period of thirty (30) days by the city council upon the recommendation of the animal control department after it has been notified of a diagnosis of rabies in an animal or after investigation has determined there exists an immediate threat of rabies.

(b) If there are additional positive cases of rabies occurring within the thirty-day period of the citywide quarantine, such period of quarantine shall be extended for an additional reasonable period of time.

(c) During such period of citywide rabies quarantine, every animal bitten by a rabid animal shall be destroyed.

(d) It shall be unlawful for any person to take or permit any animal in the streets or any other public place during the period of quarantine.

(Ordinance 253, sec. 3-104, adopted 10/20/05)

**State law reference—Area rabies quarantine, V.T.C.A., Health and Safety Code, sec. 826.045.**

#### **Sec. 2.06.005 Killing suspected rabid animal; removing animal from city**

No person shall kill or cause to be killed any rabid animal suspected of having been exposed to rabies or any animal which has bitten a human or suspected of having bitten a human except as provided in

section 2.06.006, nor shall any such animal be removed from the city limits without written permission from the animal control department. (Ordinance 253, sec. 3-105, adopted 10/20/05)

**Sec. 2.06.006 Disposition of infected animals and carcasses**

- (a) The carcass of any dead animal suspected of having been exposed to rabies shall upon demand be surrendered to the animal control department.
- (b) The animal control department shall direct the disposition of any animal found to be infected with rabies.
- (c) No person shall fail or refuse to surrender any animal for quarantine, destruction, or disposal as required in this section when the animal control department makes demand.

(Ordinance 253, sec. 3-106, adopted 10/20/05)

**ARTICLE 2.07 IMPOUNDMENT<sup>\*</sup>**

**Sec. 2.07.001 Authorized**

The agents of the animal control department are authorized to impound animals found not restrained by their owners. (Ordinance 253, sec. 3-121, adopted 10/20/05)

**Sec. 2.07.002 Notice to owner; service call fee**

- (a) Upon the impoundment of an animal under this chapter, such officer or his authorized representative shall as soon as practical notify the owner that the animal has been seized and impounded while at large within the city. Such notice shall state the amount of fees and costs which have accrued because of impoundment, the time of accrual and the time at which disposition of the animal will be made unless redeemed. When the owner is unknown, notice shall be posted at city hall for seventy-two (72) hours giving the description of the animal, location of impoundment and date.
- (b) In the event the owner of the captured animal is known to the officer or employee capturing same or may be readily identified by reasonable inquiry, the city shall attempt to contact the owner by telephone or other means to reclaim the animal before 5:00 p.m. of the date of capture. Should the owner reclaim the animal prior to such time, such owner shall be charged an impoundment (maintenance) fee.
- (c) In the event animal control or any city-authorized agent has to come out to a residence to handle an at-large animal, there will be a service call fee charged to the owner.

(Ordinance 253, sec. 3-32, adopted 10/20/05)

**Sec. 2.07.003 Disposition of unvaccinated dogs**

Dogs impounded without a vaccination tag shall become the property of the animal control department after the expiration of two (2) working days. If unclaimed and unredeemed, they may be disposed of in a humane manner. (Ordinance 253, sec. 3-122, adopted 10/20/05)

**Sec. 2.07.004 Disposition of vaccinated dogs**

(a) A vaccinated dog impounded shall be confined in a humane manner for a period not less than three (3) working days.

(b) Upon impounding a dog found with current vaccination tags, the agents of the animal control department shall make a reasonable effort to notify the owner that the animal has been impounded and the conditions whereby he may regain custody of such animal.

(Ordinance 253, sec. 3-123, adopted 10/20/05)

**Sec. 2.07.005   Redemption by owner prior to sale**

(a) The owner of any animal impounded may reclaim the animal from the city pound at any time before sale by paying all fees and expenses of taking up and keeping such animal. The city shall not remit any expenses of taking up and impounding such animals.

(b) The owner shall be entitled to resume the possession of any impounded animal except as provided in case of certain dogs, upon compliance with the licensing for dogs and vaccination provision for cats and dogs and the payment of impoundment fees for the animal.

(c) Any dog or cat over the age of four (4) months that does not have a current rabies vaccination may not be redeemed until the dog or cat has been vaccinated.

(Ordinance 253, sec. 3-124, adopted 10/20/05)

**Sec. 2.07.006   Disposal of unredeemed animals at public sale**

If not redeemed by the owner within three (3) days after such animal, except those animals which are covered by the procedure in V.T.C.A., Agriculture Code sections 142.001–142.004, has been impounded, the poundmaster shall post two (2) notices, one (1) at the courthouse and the other at the city hall, giving therein a description of such animal impounded and stating a day and place of sale of the animal. The date of sale shall be not less than five (5) days from the posting of the notice. The chief of police shall sell such animal at public sale to the highest bidder for cash. After deducting the fees and expenses, he shall return the balance of such sale, if any to the owner. If no owner shall call for the amount within fifteen (15) days from the day of the sale, then he shall pay the same into the city treasury. At any time within six (6) months after any sale, the owner may apply to the city and, upon satisfactory proof of ownership, he shall be entitled to receive the amount deposited on account of such sale after paying such costs as may be necessarily incurred. (Ordinance 253, sec. 3-126, adopted 10/20/05)

**Sec. 2.07.007   Receipts for fees and proceeds of sale**

The poundmaster shall issue a receipt for all monies paid to him by any person for impoundment, care or sale of animals under the terms of this article. (Ordinance 253, sec. 3-127, adopted 10/20/05)

**Sec. 2.07.008   Records**

The poundmaster shall keep at the city pound a complete record which shall contain a description of all animals impounded, the date of impounding, the date of sale, the amount realized at sale, the name of the owner and the name of the purchaser. (Ordinance 253, sec. 3-128, adopted 10/20/05)

