

CHAPTER 2

ANIMAL CONTROL

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ARTICLE 2.01 GENERAL PROVISIONS***Sec. 2.01.001 Definitions**

Animal control officer. An official designated by the city administrator with city council approval.

Animal. Any live vertebrate creature, domestic or wild.

At large. Any animal not restrained.

Domestic animals. Animals which are naturally tame and gentle, specifically including household pets, such as dogs and cats.

Guard dog. Any dog trained or used to protect persons, premises or property by attacking or threatening to attack any person found within the area it patrols.

Kennel. Any place where ten (10) or more dogs, cats or combination thereof, over the age of four (4) months are raised, trained, boarded or kept.

Livestock. Any member of the horse family, jackass family, hog, sheep, goat or any species of cattle.

Other animals. Any fowl, rabbit or other animal of the domestic barnyard variety not listed as wild, domestic or stray.

Owner. Any person who owns, keeps, harbors, controls, feeds or shelters any animal, or any person left in charge of any animal.

Quarantine. Isolation and close observation of animals to prevent transmission of certain diseases.

Restrain. An 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 by a lead, rope or chain so as to keep the animal on the premises;
- (3) Under control of a person by leash; or
- (4) Within a licensed or stickered vehicle, driven or parked.

Stray. Any pet or head of livestock which has wandered away from the place it is normally kept and is no longer under control or supervision of its owner.

* **State law references**—Authority of governing body to regulate animals, V.T.C.A., Local Government Code, sec. 215.025 et seq.; health and safety of animals, V.T.C.A., Health and Safety Code, ch. 821 et seq.; regulation of animals on street in type A general-law municipality, V.T.C.A., Transportation Code, sec. 311.901.

Wild animals. Those living in a state of nature and not ordinarily tame or domesticated.

(1998 Code, sec. 2.101)

Sec. 2.01.002 Livestock

(a) It shall be unlawful to keep, harbor, shelter or maintain livestock within the corporate city limits.

Exception: Livestock and other animals under direct supervision of and upon the premises of fairs, livestock shows, rodeos or circuses shall be exempt from this restriction.

(b) Violators will be assessed a fine as provided for in the general penalty provision found in section 1.01.009 of this code until the offending animals are removed.

(1998 Code, sec. 2.102)

Sec. 2.01.003 Pets

(a) Tag fees. An animal tag fee as provided for in the fee schedule found in the appendix of this code is hereby levied upon each owner to pay said fee to the city secretary, who will issue a numbered and dated tag which must be attached to the animal's collar.

(b) Lost tags. In the event a tag is lost or destroyed, a replacement may be obtained from the city secretary, provided the owner pays the cost of the replacement tag and associated costs.

(c) Rabies vaccination. Each dog and cat must be vaccinated with anti-rabies vaccine by a licensed veterinarian as required in 25 Texas Administrative Code, section 169.29. All such animals must be vaccinated at intervals of not more than one (1) year from the date of the initial vaccination.

(d) Vaccination tag. Upon compliance with the provisions of subsection (c), the owner shall be issued a numbered tag which shall be securely fastened to the animal's collar. The month and year of issuance shall be recorded by the city secretary.

(e) A rabies vaccination certificate issued by a licensed veterinarian must be presented before a city animal tag can be issued.

(f) Records. The city secretary shall collect all dog and cat fees.

(1998 Code, sec. 2.103; Ordinance adopting Code)

Sec. 2.01.004 Restrictions on dogs

Dogs must, under no circumstances, be permitted to run at large. At the owner's home, they must be confined in a fenced area capable of preventing their escape. When away from home, they must be restrained on a leash and under control of the owner. (1998 Code, sec. 2.104)

Sec. 2.01.005 Other animals

(a) Residents of the city shall be permitted to keep geese, ducks, chickens and other domesticated fowl or rabbits in small numbers provided they are kept in sanitary quarters and not allowed to roam at large, or go upon the premises of another person.

(b) Keeping of "other animals" not specifically mentioned herein must be approved by the animal control officer.

(1998 Code, sec. 2.105)

Sec. 2.01.006 Prohibited animals

(a) It shall be unlawful to keep within the city limits:

(1) Bats.

(2) Skunks.

(3) Poisonous snakes, boa constrictors or pythons.

(4) Wolves.

(5) Coyotes.

(6) Foxes.

(7) Any other normally carnivorous wild animal whose weight exceeds twenty-five (25) pounds.

(8) Bees.

(b) The animal control officer, with city council approval, may grant exceptions to this section for special events.

(1998 Code, sec. 2.106)

Sec. 2.01.007 Guard dogs

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

(1) The dogs shall be confined to an enclosed area adequate to insure they will not escape, or they shall be under the absolute control of a trained handler at all times when not securely enclosed.

(2) The owner or other persons in control of the premises upon which guard dogs are kept shall post a warning sign upon each entrance with lettering clearly visible from a distance of fifty (50) feet. The sign shall contain a telephone number where some person responsible for control of the dogs can be reached 24 hours a day.

- (3) Prior to the placing of a guard dog at any location, the person or persons responsible shall inform the police chief in writing of their intentions, listing the location and number of dogs to be placed.
- (4) Seeing eye dogs and other animals trained to assist the handicapped shall be exempt from provisions of this article.

(1998 Code, art. 2.2300)

Sec. 2.01.008 Public nuisances

- (a) It shall be unlawful for any person to own or maintain an animal in such manner as to constitute a public nuisance.
- (b) Such acts shall include:
 - (1) Failure to restrain an animal or fowl.
 - (2) Allowing an animal or fowl to cause property damage.
 - (3) Maintaining an animal or fowl in an unsanitary environment.
 - (4) Permitting any animal or fowl to repeatedly bark, whine, howl, crow, cackle or make any other noises which causes annoyance to the owner's neighbors.
 - (5) Maintaining a kennel within a residential zone.
 - (6) Allowing an animal to cause bodily harm to another person or to another animal.
 - (7) Keeping of livestock, as previously defined, in violation of provisions of this article.

(1998 Code, sec. 2.107)

Sec. 2.01.009 Humane treatment of animals

- (a) Any operator of a motor vehicle who strikes a domestic animal shall immediately notify the animal's owner. If the owner is unavailable or unknown, the driver shall notify the animal control officer of the city office.
- (b) No person shall set out an open trap or metal jaw trap likely to injure any domestic animal or person.
- (c) No person shall abuse or unnecessarily confine any animal or fowl, or fail to provide them with proper food, drink and shelter, or in any way treat any animal or fowl with cruelty.
- (d) No person shall deliberately poison an animal. However, use of poison to control rats, mice and other vermin on one's own premises is permitted.

(1998 Code, sec. 2.108)

Sec. 2.01.010 Animal control officer

(a) In order to carry out and/or oversee enforcement of the provisions of this article, the city administrator shall, with the approval of the city council, designate an animal control officer.

(b) It shall be unlawful to interfere with or hinder the animal control officer, or his designee, in the performance of his official duty.

(1998 Code, sec. 2.109)

Sec. 2.01.011 Dangerous wild animals

Dangerous wild animals, as defined in V.T.C.A., Health and Safety Code, section 822.101, shall be regulated in accordance with the provisions of V.T.C.A, Health and Safety Code, chapter 822, subchapter E, section 822.101 et seq. (Ordinance adopting Code)

ARTICLE 2.02 IMPOUNDMENT AND REDEMPTION*

Sec. 2.02.001 Impoundment

(a) The animal control officer is authorized to take up all unrestrained animals found to be in violation of this article and impound them in the animal shelter. All such animals shall be confined in a humane manner.

(b) Where ownership of such animal is known, a notice of violation may be issued by the animal control officer to the owner. The animal control officer may also file a complaint with the municipal court ordering the violator to appear in court and answer such charges.

(c) Upon impounding animals with current vaccination or city license tags, the animal control officer shall make a reasonable effort to notify the owner, and to inform them of the conditions for redeeming the animals.

(1998 Code, sec. 2.201)

Sec. 2.02.002 Redemption requirements

(a) Payment required. Any animal impounded under the provisions of this article may be reclaimed by the owner upon payment of all impoundment fees.

(b) Unvaccinated animals. Any dog or cat over the age of four (4) months which does not have a current rabies vaccination tag may not be redeemed, transferred or adopted until it has been vaccinated as required in this article, or until proof of such vaccination is furnished.

* **State law references**—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033; quarantine and impoundment facilities generally, V.T.C.A., Health and Safety Code, sec. 826.051 et seq.

(c) Impoundment fees. A pound fee as provided for in the fee schedule found in the appendix of this code shall be charged for each animal impounded. All money collected shall be deposited into the city's general fund and court costs shall also be assessed when appropriate.

(1998 Code, sec. 2.202)

Sec. 2.02.003 Disposition of unclaimed animals

Seventy-two (72) hours after notice has been given, any unclaimed or unredeemed animal shall become the property of the city, which may:

- (1) Transfer ownership to another person or agency provided they pay for the animal's food and care while in the animal shelter and meet applicable vaccination requirements.
- (2) Humanely destroy the unclaimed or unredeemed animal.
- (3) The animal control officer may humanely destroy an animal if the animal is unweaned, so sick or injured that its recovery is unlikely, or if death appears imminent. In such cases, destruction may be done immediately without notice or waiting period.

(1998 Code, sec. 2.203)

Sec. 2.02.004 Impoundment, sale and disposition of strays and wild animals

(a) Any stray animal or fowl found to be in violation of any provision of this article may be impounded by any authorized officer of the city. Such officer is hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any such animal or fowl.

(b) If any animal may not be captured with reasonable safety for the person attempting the capture, the animal may be slain by the animal control officer or his designee, with due regard for human life and property.

(c) The animal control officer or his designee may sell at public auction any impounded stray or wild animal five (5) days after advertising the sale in the local newspaper and posting a notice with a general description of the animal at the city office.

(d) Any impounded animal which is not reclaimed or is found to be infected with rabies, seriously injured or determined by the animal control officer to be unsalable may be humanely put to death.

(e) Anyone who finds a stray animal on his property shall have the right to confine the animal temporarily pending its release to the animal control officer or to its owner.

(1998 Code, sec. 2.204)

ARTICLE 2.03 RABIES*

Sec. 2.03.001 Dog bites and rabies control

- (a) It shall be the duty of every person owning or keeping an animal which has bitten a person to report same to the police chief and to confine the animal securely for collection by the animal control officer.
- (b) It shall be the duty of the owner or keeper of any animal and all practicing veterinarians to report to the chief of police all cases of rabies of which they have knowledge.
- (c) No person owning or keeping an animal which has bitten a person shall refuse to allow the animal control officer or police chief to make an inspection, examination or impoundment of such animal for the purpose of determining whether the animal has rabies.
- (d) It shall be the duty of every physician or other medical practitioner to report to the animal control officer the names and addresses of persons treated for animal bites, together with such information as may be helpful in rabies control.
- (e) All costs related to the enforcement of this provision of the article shall be borne by the owner or keeper of the animal.

(1998 Code, sec. 2.401)

Sec. 2.03.002 Quarantine regulations, pathological examination

Procedures of quarantine of animals which have bitten persons or other animals, for quarantine of animals suspected of having been bitten by rabid animals and for pathological examinations in such cases shall be carried out according to the guidelines established by the department of state health services and by the laws of the state. (1998 Code, sec. 2.402)

ARTICLE 2.04 DANGEROUS DOGS†

Sec. 2.04.001 Defined

As used in this article, "dangerous dog" means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

* **State law references**—Authority of municipalities to establish rabies control programs, V.T.C.A., Health and Safety Code, sec. 826.015; appointment of rabies control authority by municipality, V.T.C.A., Health and Safety Code, sec. 826.017; reports of rabies, V.T.C.A., Health and Safety Code, sec. 826.041; rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.021 et seq.; confidentiality of certain information in rabies vaccination certificate, V.T.C.A., Health and Safety Code, sec. 826.0211.

† **State law reference**—Authority of city to regulate the keeping of dangerous dogs, V.T.C.A., Health and Safety Code, sec. 822.041 et seq.

- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause bodily injury to that person.

(1998 Code, sec. 2.601)

Sec. 2.04.002 Duties of chief of police to investigate incidents; to rule on dangerous dogs; appeals

(a) If a person reports an unprovoked attack as described in section 2.04.001, the chief of police or his or her designee may investigate the incident. If, after receiving the sworn statements of any witnesses, the chief of police or his or her designee determines that the dog is a dangerous dog, he/she shall notify the owner of that fact.

(b) An owner, not later than the thirtieth (30th) day after the date the owner is notified that his/her dog is a dangerous dog, may appeal the determination of the chief of police or his or her designee to municipal court of competent jurisdiction. An owner may appeal the decision of the municipal court in the same manner as appeal for other civil cases.

(1998 Code, sec. 2.602)

Sec. 2.04.003 Requirements for owners of dangerous dogs

(a) Not later than the thirtieth (30th) day after a person learns that he/she is the owner of a dangerous dog, he/she shall:

- (1) Register the dangerous dog with the chief of police or his or her designee;
- (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and
- (3) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the chief of police; an

(b) For purposes of this section, a person learns that he/she is the owner of a dangerous dog when:

- (1) The owner knows of an attack described in section 2.04.001; or
- (2) The owner is informed by the chief of police or his or her designee that the dog is a dangerous dog.

(1998 Code, sec. 2.603)

Sec. 2.04.004 Registration

(a) The chief of police or his or her designee shall formally register a dangerous dog if the owner:

(1) Presents proof of:

(A) Liability insurance or financial responsibility as required by section 2.04.003(a)(3);

(B) Current rabies vaccination of the dangerous dog;

(C) The secure enclosure in which the dangerous dog will be kept; and

(2) Pays an annual registration fee as provided for in the fee schedule found in the appendix of this code.

(b) The chief of police or his or her designee shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address within the city, he/she, not later than the fourteenth (14th) day after the date of sale or move, shall notify the chief of police or his or her designee. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee as provided for in the fee schedule found in appendix A to this code, the chief of police or his or her designee shall issue a new registration tag to be placed on the dog's collar.

(d) Every owner of a registered dangerous dog shall notify the chief of police or his or her designee by whom the dog was registered of any attacks the dangerous dog makes on people.

(1998 Code, sec. 2.604)

Sec. 2.04.005 Attacks by dangerous dog

(a) A person commits an offense if his/her dangerous dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person. Should the attack cause serious bodily injury or death, the person may be subject to other criminal prosecution under the laws of the state in a court of competent jurisdiction.

(b) If a person is found guilty of an offense under this article, the court may order that the dangerous dog be destroyed.

(c) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed ten thousand dollars (\$10,000.00). The city attorney may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the city.

(1998 Code, sec. 2.605)

Sec. 2.04.006 Defenses

(a) It is a defense to prosecution under this article that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with and while performing the duties of that position.

(b) It is a defense to prosecution under this article that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes and such person has temporary ownership, custody, or control of the dog in connection with and while performing the duties of that position.

(c) It is a defense to prosecution under this article that the person is a dog trainer or an employee of a guard dog company under the Private Security Act found at chapter 1702, Occupations Code and while performing the duties of that position.

(1998 Code, sec. 2.606)

ARTICLE 2.05 DEAD ANIMALS

Sec. 2.05.001 Slaughtering of animals; removal of dead animals

(a) It shall be unlawful for any person to slaughter a quadruped (four-footed animal) on residential property within the city limits.

(b) It shall be unlawful to butcher or display the carcass of a quadruped on residential property within the city in view of the public, except an animal being cooked on a barbecue or other cooking fire, or an animal or animal part prepared by a taxidermist.

(1998 Code, sec. 2.501)

Sec. 2.05.002 Removal of dead animals

(a) The carcass of any animal or fowl dead of disease (except where rabies is suspected) or from any other cause shall be promptly removed by such methods as the animal control officer may specify. Persons finding dead animals on their property shall call the city office for instructions.

(b) In cases where the ownership of the dead animal is known, the owner may be charged an appropriate fee as determined by the animal control officer for its removal.

(1998 Code, sec. 2.502)

Sec. 2.05.003 Records

The animal control officer or his designee shall keep or cause to be kept accurate and detailed records of:

- (1) Impoundment and disposition of all animals coming into his custody, the date of impounding, date and method of final disposition, money received from redemption or sale, if any, and the name and address of purchaser, if any.
- (2) All known animal bite cases shall be recorded, listing date, place and time of occurrence, name and address of victim, and name and address of owner, if known.
- (3) Monies received shall be deposited in the general funds of the city.
- (4) The animal control officer shall report to the city council once each year the total number of animals impounded, the total redeemed or sold, and the total destroyed under provisions of this article.

(1998 Code, sec. 2.503)