

CHAPTER 2

ANIMAL CONTROL

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

As used in this chapter the following terms shall be construed to have the following meanings:

Animal. Any live, vertebrate creature, domestic or wild.

At large. Any animal not restrained.

Domestic. 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 the disposition or inclination to escape. This definition specifically includes household pets, such as dogs and cats.

Estray. Any stray horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat, or head of any species of cattle.

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 patrolled by the dog.

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

Livestock. Includes any horse, donkey, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat or head of any species of cattle.

(1980 Code, ch. 2, sec. 1)

Local rabies control authority. The animal control officer or person designated by the city council as the local rabies control authority who has the duties as described in V.T.C.A., Health and Safety Code, sec. 826.017(c). (Ordinance adopting Code)

Other animal. A goose, chicken, duck, rabbit, guinea, pigeon, bird, fowl, or any other animal of domestic barnyard variety not listed as a wild animal, domestic animal or estray.

Owner. Any person who owns, keeps, harbors, controls (physically or orally), feeds, shelters, or aids any animal, or any person who is the owner's agent left in charge of any animal.

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

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;

* **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.

- (2) Fastened or picketed by a lead, rope, or chain so as to keep the animal on the premises; or
- (3) Under the control of a person by leash; or
- (4) Within a vehicle being driven or parked.

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

(1980 Code, ch. 2, sec. 1)

Sec. 2.01.002 Penalty for violation

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with section 1.01.009 of this code. Each such violation shall be considered a separate offense. (1980 Code, ch. 2, sec. 32; Ordinance adopting Code)

Sec. 2.01.003 Animal control officer

(a) It shall be unlawful to interfere with or hinder the animal control officer, or his designee, in the performance of his official duty. (1980 Code, ch. 2, sec. 4)

(b) The duly appointed animal control officer shall have the authority to delegate his/her authority to any city police officer on duty at the time of any occurrence or incident requiring action by the animal control officer. (Ordinance 0805 adopted 7/21/08)

Sec. 2.01.004 Records

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

- (1) Impoundment and disposition. Impoundment and disposition of all animals coming into his custody. Such records shall be kept for a period of at least three (3) years and shall give the description of all animals impounded, date of impounding, date of sale or other disposition, the amount of money received from the sale, and the name and address of the purchaser.
- (2) Bite cases. All known animal bite cases shall be recorded by the police department.
- (3) Monies received. Records regarding monies received under the provisions of this chapter shall be kept in the city office, together with other financial records of the city, and shall be audited by the city auditor annually in the same manner as other city records are audited.

(b) It shall be the duty of the animal control officer to report to the city council once each month the total number of animals impounded, the total number of animals redeemed or sold, and the total number of animals killed under the provisions of this chapter.

(1980 Code, ch. 2, sec. 5)

Sec. 2.01.005 Animal care generally

(a) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal's owner. In the event the owner is unavailable or unknown, then such report shall be made to the animal control officer or the police department or to the local humane society.

(b) No person shall expose an open trap or metal jaw trap likely to injure any domestic animal or person.

(c) No person shall dye, color, or artificially color any rabbit, baby chick, duckling, or other animal or offer for sale any such dyed, colored or artificially colored other animal.

(1980 Code, ch. 2, sec. 6; Ordinance adopting Code)

Sec. 2.01.006 Nuisance animals

(a) 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) Failure to restrain an animal.
- (2) Property damage caused by an animal.
- (3) Herding of animals along or upon any public right-of-way, except by officers, agents, or employees of the federal, state, or local government or agency thereof, if such herding is done in the performance of official duties.
- (4) The maintenance of a kennel in violation of the zoning ordinance.
- (5) Keeping of more than ten (10) dogs and/or cats (exclusive of puppy or kitten litters under the age of six months) within a residential zone.
- (6) Keeping of livestock or other animal; specifically:
 - (A) Any horse, mule, colt, ass, jackass, stallion, jack, gelding, or any member of the horse family.
 - (B) Any bull, cow, calf, steer, or other member of the cattle family.
 - (C) Any buck, ewe, lamb, or any member of the sheep family.
 - (D) Any billy goat, nanny goat, kid or any member of the goat family.
 - (E) Any boar, sow, pig, shoat or any member of the swine family.
 - (F) Any goose, duck, chicken or other domesticated fowl.

(G) More than ten (10) adult rabbits.

(1980 Code, ch. 2, sec. 2)

- (7) The keeping of any animal which causes loud or frequent barking, howling or other noise that disturbs the peace and quiet of any person of ordinary sensibility.
- (8) The keeping of any animal in such a manner so as to endanger the public health, including but not limited to the accumulation of animal wastes which cause foul and offensive odors or which are considered to be a hazard to any other animal or human.
- (9) Any animal pens, stables or enclosures and property not kept free from carrion or any putrescible material.
- (10) Any house, building, business, lot, yard, pen, enclosure or ground in which an animal is kept that is unsanitary or offensive to a person of ordinary sensibility residing in the vicinity thereof.
- (11) The keeping of pens, stables or enclosures, in which any animal or fowl may be kept or confined, in such a manner as to become unsanitary or offensive by reason of odors that are offensive to persons of ordinary sensibilities, or to breed or attract flies, mosquitoes or other insects or rodents.
- (12) Any violation of the foregoing subsections (7)–(11) shall be a public nuisance and shall be abated within thirty (30) days of receipt of written notice thereof, unless appealed within said thirty days to the municipal court of the city.

(Ordinance 0805 adopted 7/21/08)

(b) It shall be 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 for a period not to exceed seven (7) days.

(c) All other animals [as defined in section 2.01.001] authorized to be kept shall be confined to the premises of the owner or custodian of such other animals, and it shall be unlawful for any person to allow such other animals to run or fly at large or go upon the premises of another person. No other animal shall be kept within a front yard in a residential zone.

(d) The carcass of any animal or fowl, not slaughtered for food, but dead of disease or any other cause, shall be removed and/or disposed of by the owner, if known, and, if not known, the owner of the premises where such animal is found, at his own expense, within twenty-four (24) hours after such death, according to such methods as may be approved by the county health officer.

(e) It shall be unlawful to keep any livestock within the city limits unless such livestock is kept on private or commercial premises as authorized in article 2.03 of this chapter.

(f) It shall be unlawful to keep bees in any area of the city except in those areas where the beehives will be located at least 300 feet or more from the nearest dwelling other than the dwelling of the owner of the bees. It shall further be unlawful to keep bees, regardless of the above limitation, in such numbers that they congregate in excessive numbers on property, other than that of the owner of the bees, in such a way as to interfere with the peaceful occupancy of such other property. All persons keeping bees within the city limits are required to register such activity with the city secretary.

(1980 Code, ch. 2, sec. 2)

(g) The foregoing provisions shall not prevent the temporary removal of the dog from the pen for medical, sanitary or exercise purposes as long as such dog is on a leash of sufficient strength to hold the dog or in an enclosed area in the presence of the owner or handler who has control of such dog. (Ordinance 0805 adopted 7/21/08)

State law reference—Authority of municipality to prohibit or otherwise regulate the keeping of livestock and swine, V.T.C.A., Local Government Code, sec. 215.026(b).

Sec. 2.01.007 Guard dogs

(a) For the purpose of this section, the term “nonresidential or multifamily premises” shall mean the placing of guard dogs on any nonresidential or multifamily property, irrespective of ownership of the property or dog.

(b) Guard dogs shall be securely enclosed within the area patrolled at all times or under the continuous control of a trained handler. It shall be unlawful for any person to place or maintain guard dogs in any area for the protection of person 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) The dogs shall be under the absolute control of a handler at all times when not securely enclosed; and
- (3) The owner or other persons in control of premises upon which a guard dog is kept shall post a warning sign at each entrance to such premises with lettering clearly visible from a distance of fifty (50) feet. In the case of the nonresidential or multifamily premises, the sign 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 nonresidential or multifamily premises, the persons responsible for the placing shall inform the chief of police in writing of their intention to place said dog or dogs, the number of dogs to be placed, the location where said dog or dogs will be placed, and the approximate length of time said dog or dogs will be guarding the area.

(c) Provisions of V.T.C.A., Health and Safety Code, sec. 822.041 et seq., commonly known as the dangerous dog law, are hereby referenced, and nothing in this section or any other section of this chapter shall be construed to conflict with said law.

(1980 Code, ch. 2, sec. 9)

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; dangerous dogs, V.T.C.A., Health and Safety Code, sec. 822.041 et seq.

Sec. 2.01.008 Limitation on numbers

(a) Number restricted. No person shall own more than three (3) dogs or three (3) cats or a combination thereof.

(b) Exceptions. Breeders, new litters, kennels and groomers are specifically exempted from the restrictions set forth in subsection (a) above.

(Ordinance adopting Code)

ARTICLE 2.02 DOMESTIC ANIMALS

Division 1. Generally

Sec. 2.02.001 Dog and cat license fee levied

There is hereby levied and assessed upon each dog or cat, male or female, kept or owned with in the city an annual fee as provided in appendix A to this code, which fee shall become due and payable on the last day of January of each year; and it is hereby made the duty of the owner or keeper of any dog or cat, male or female, to pay over to the city secretary the said fee on or before the 31st day of January of each year. (1980 Code, ch. 2, sec. 18; Ordinance adopting Code)

Sec. 2.02.002 Report of dog and cat fees collected

The city secretary shall collect all dog and cat fees, and the said city secretary shall be responsible to the city for all money collected under this chapter and shall make periodic reports of all moneys so collected under this chapter to the city council. (1980 Code, ch. 2, sec. 19; Ordinance adopting Code)

Sec. 2.02.003 License tag issuance and display

(a) Upon the payment of said fee there shall be furnished to the owner of keeper of said dog or cat a tag on which is stamped the number of registration of said animal, with the year for which the fee is paid, which tag the owner or keeper shall attach to the collar, securely fastened around the neck of each such dog or cat, male or female. License tags are not transferable. In no event shall the city, or any of its duly authorized agents, issue a license tag to an owner or keeper of a dog or cat, male or female, unless and until such owner or keeper shall also furnish a vaccination certificate issued by a licensed veterinarian, showing that such dog or cat has been vaccinated for rabies by him within the preceding twelve-month period.

(b) It shall be unlawful for any person to own or harbor any dog or cat not wearing the license tag herein provided for, showing that the animal has been vaccinated against rabies for the current year, and city fee paid for the current year.

(1980 Code, ch. 2, sec. 20; Ordinance adopting Code)

State law reference—Registration of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.031 et seq.

Sec. 2.02.004 Lost registration tag

Whenever any person has complied with the provisions of the preceding sections and the said license tag is lost or otherwise destroyed, and evidence of such loss or destruction satisfactory to the city secretary has been furnished to said officer, a replacement tag shall be issued. It shall be the duty of the said owner or keeper of said dog or cat to procure another tag from the city secretary, paying the value of said tag and all associated costs. (1980 Code, ch. 2, sec. 21)

Sec. 2.02.005 Running at large

(a) All dogs within the city shall be cared for in accordance with the following:

- (1) It shall be unlawful for the owner, caregiver or keeper of any dog to permit such dog to run at large within the city. A dog is at large if it is not within an enclosure adequate to contain the dog upon or within property owned or leased by its owner, caregiver or keeper or restrained by a leash or harness personally held by the owner, caregiver or keeper of the dog.
- (2) It shall be unlawful for the owner, caregiver or keeper of any dog to restrain or anchor a dog by means of a tether, chain, cable, rope or cord, unless the tether or other restraint is being personally held by the owner, caregiver or keeper of the dog. No dog may be attached to any inanimate object.
- (3) Any dogs confined within a fenced yard or run must be provided with at least 100 square feet of space for each dog. Any dog kept within a house without a yard shall be provided an enclosure or run for such dog with at least 100 square feet for each dog. The enclosure shall be constructed of chainlink or similar type material with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from the enclosure. The top of the enclosure shall be covered with material to provide the dog with shade and protection from the elements.

(b) Any owner, caregiver or keeper of any dog who shall violate any provision of this article shall be guilty of a misdemeanor and upon conviction may be fined in accordance with section 1.01.009 of this code; provided further, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day the violation occurs or continues shall constitute a separate offense.

(Ordinance 0808 adopted 7/21/08; Ordinance adopting Code)

Secs. 2.02.006–2.02.030 Reserved

Division 2. Impoundment***Sec. 2.02.031 Authority; pound**

(a) The animal control officer is authorized to take up all animals found not to be restrained and impound such animals in the animal shelter. All such animals shall be confined in a humane manner.

(b) There is hereby created a public pound for the city. The city administrator shall appoint an animal control officer who shall have full charge thereof, subject to the supervision of the city administrator.

(1980 Code, ch. 2, sec. 22; Ordinance adopting Code)

Sec. 2.02.032 Notice of violation

Where the ownership of an animal, found not to be restrained, is known, a notice of such violation may be issued by the animal control officer or his designee to such owner. Upon issuance of any such notice, the animal control officer or his designee may file a complaint with municipal court and request that the violator be summoned to appear in municipal court and answer such charges. (1980 Code, ch. 2, sec. 23)

Sec. 2.02.033 Notice to owner of tagged animals

Upon impounding an animal found with a current vaccination or other identifying tag, the animal control officer shall make a reasonable effort to notify the owner of such animal so impounded and of the conditions whereby they may regain possession of such animal. (1980 Code, ch. 2, sec. 24)

Sec. 2.02.034 Redemption requirements

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

(b) Unvaccinated animals. Any animal over the age of four (4) months which does not have a current rabies vaccination may not be redeemed, transferred or adopted until it has been vaccinated as required in this chapter. All dogs or cats redeemed at the city pound, which do not have a current vaccination, must be immediately vaccinated against rabies. The redeemer of such animal shall furnish proof of vaccination to the city within 48 hours after redeeming such dog. The animal control officer may, at his discretion, require that the animal be vaccinated prior to its release from the city pound.

(c) Impoundment fees. A pound fee as provided in appendix A to this code shall be made against each animal or fowl impounded, and an additional fee for each day, or part of a day, for

* **State law reference**—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 386.033.

the duration which such animal or fowl may be impounded, provided that the minimum pound fee shall be as provided in appendix A to this code. All money collected shall be deposited into the general fund of the city.

(1980 Code, ch. 2, sec. 25; Ordinance adopting Code)

Sec. 2.02.035 Disposition of unclaimed or unredeemed animals

(a) City's authority. After the requirements of notice as set forth in sections 2.02.032 and 2.02.033 and the expiration of three (3) days, any impounded animal that is unclaimed or unredeemed shall become the property of the city which shall have the following powers:

- (1) Authority to transfer ownership. The animal control officer may transfer ownership of any impounded animal that is unclaimed or unredeemed. In the event of such transfer of ownership, the person or agency to whom ownership is transferred shall pay for such animal's food and care while in the animal shelter and shall comply with the applicable vaccination requirements.
- (2) Right to destroy. The animal control officer may humanely destroy an impounded animal that is unclaimed or unredeemed. This subsection applies to the destruction of domestic animals by the animal control officer, in accordance with V.T.C.A., Health and Safety Code, section 821.051 et seq.

(b) Donated, sick, weaned or injured animals.

- (1) The animal control officer may destroy any animal by a humane method if the animal is unweaned, so sick or injured that its cure is considered by the animal control officer to be impracticable or, if death is imminent; and in any of such events, such destruction may be done immediately and without notice or any waiting period.
- (2) In the case of donated animals, immediate destruction of the animal is permitted.

(1980 Code, ch. 2, sec. 26)

Secs. 2.02.036–2.02.060 Reserved

Division 3. Rabies Control*

Sec. 2.02.061 Vaccination

No person shall own, keep or harbor a dog or cat over the age of sixteen (16) weeks within the city limits unless the dog or cat shall have been vaccinated with an antirabies vaccine by a licensed veterinarian in accordance with Texas Administrative Code, section 169.29. All such

* **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.

animals shall be vaccinated at not more than one-year intervals from the initial date on which such animal was vaccinated or required to be vaccinated. (1980 Code, ch. 2, sec. 7; Ordinance adopting Code)

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

Sec. 2.02.062 Vaccination tag

Upon compliance with the provisions of section 2.02.061, there shall be issued to the owner a numbered metallic vaccination tag stamped with the number and the month and year issued, which shall be securely fastened on such vaccinated dog or cat. (1980 Code, ch. 2, sec. 8)

Sec. 2.02.063 Report of bite cases

(a) It shall be the duty of the owner of harbored or any animal, practicing veterinarians, and any person having knowledge of a potential rabies exposure to a human to report to the chief of police all cases of rabies with which they come in contact or to which their attention has been directed. This report shall be made immediately upon diagnosis or suspicion of said cases of rabies.

(b) It shall be the duty of every physician or other practitioner to report to the chief of police the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(c) It shall be the duty of every person owning or having possession of an animal which has bitten a person to report the same to the chief of police, and to confine it in an enclosure, or to securely hold the animal in a closed, padlocked cage for collection by the animal control officer. No person having the custody or possession of such animal shall fail, refuse or neglect to allow the animal control officer or chief of police to make an inspection, examination or impoundment of such animal for the purpose of determining whether such animal has rabies.

(1980 Code, ch. 2, sec. 27; Ordinance adopting Code)

State law reference—Reports of rabies, V.T.C.A., Health and Safety Code, sec. 826.041.

Sec. 2.02.064 Quarantine; pathological examination

(a) Observation period for animal which bites person. A dog or cat which bites a person or which is suspected of having bitten a person shall be promptly reported to the local rabies control authority and shall thereupon be securely quarantined for a period of ten (10) days from the time of the bite.

(b) Quarantine places. Quarantine shall be at the following:

- (1) State-approved rabies quarantine facility, in which case the owner of the animal suspected of having rabies shall pay the usual impoundment fees.
- (2) A licensed veterinary hospital, upon the owner's request and at his expense.

- (3) Home quarantine is subject to the approval of the chief of police and the following requirements:
- (A) The owner of the animal is a resident of the city and has proper confinement facilities available.
 - (B) The owner of the suspect animal agrees that he will have the animal inspected by a licensed veterinarian immediately following the ten-day period and agrees to furnish the chief of police with a certificate of health showing the animal to be free of rabies; and
 - (C) The animal was not in violation of any laws or ordinances at the time of the possible exposure; and
 - (D) The animal is currently vaccinated; and
 - (E) The animal can be observed daily by the chief of police or animal control officer.
 - (F) The victim of the bite will sign a release agreeing to allow home quarantine by the owner of the animal.
- (c) Surrender by owner; expense. Upon demand made by the chief of police it shall be unlawful for the owner to fail to surrender any animal which has bitten a person or another animal, or which is suspected of having been exposed to rabies, for quarantine, the expense of which shall be borne by the owner.
- (d) Release to owner. The quarantined animal may be reclaimed by the owner if adjudged free of rabies, upon payment of impoundment fees and upon compliance with the vaccination requirement of this division.
- (e) Pathological examination. When an animal under quarantine is diagnosed by a licensed veterinarian as being rabid or suspected of being rabid or dies while under observation, the animal control officer or a licensed veterinarian shall immediately send the head of such animal to the state department of health services for pathological examination. The animal control officer shall notify the proper public health official of reports of human contacts and the diagnosis made of the suspected animal from the pathological examination.
- (f) Animal bitten by rabid animal. Any unvaccinated animal bitten by another animal suspected of being or known to be rabid shall be immediately destroyed or shall be surrendered to the animal shelter or home quarantine for a period of six (6) months, and shall be vaccinated immediately, plus revaccinated at the end of 5 months. Any vaccinated animal bitten by another animal suspected of being or known to be rabid shall be immediately vaccinated and surrendered to the animal shelter for a period of ninety (90) days' quarantine. In the event the biting animal is found not to be rabid, the bitten animal shall be released. Said animal shall be quarantined at the owner's expense, and said expense shall be paid at the end of each month's quarantine or the

animal shall become the property of the city and shall be forthwith disposed of; provided, however, that the chief of police may permit the quarantine of the bitten animal for the required period in a licensed veterinary facility at the owner's option and expense.

(1980 Code, ch. 2, sec. 28)

State law references—Rabies reports and quarantine, V.T.C.A., Health and Safety Code, sec. 826.041 et seq.; quarantine of animals, V.T.C.A., Health and Safety Code, sec. 826.042; quarantine and impoundment facilities generally, V.T.C.A., Health and Safety Code, sec. 826.051 et seq.

Sec. 2.02.065 Citywide quarantine

A citywide quarantine may be invoked under section 826.045, Texas Health and Safety Code. (Ordinance adopting Code)

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

Sec. 2.02.066 Killing, removing from city and disposal of carcass

(a) It shall be unlawful for any person to kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies or any animal which has bitten a person or is suspected to have bitten a person, except as herein provided, or to remove same from the city limits without written permission from the chief of police.

(b) Surrender of carcass suspected of being exposed to rabies. The carcass of any dead animal suspected of having been exposed to rabies shall, upon demand, be surrendered to the animal control officer.

(c) Disposition of animal determined rabid. The animal control officer shall direct the disposition of any animal found to be infected with rabies.

(d) Surrender after demand. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine, destruction or disposal as required herein when demand is made therefor by the animal control officer or the chief of police.

(1980 Code, ch. 2, sec. 30)

Sec. 2.02.067 Financial responsibility

The owner of any animal that appears to have rabies or that has attacked or bitten a person or other animal, and in the sole opinion of the animal control officer, should be tested for rabies, shall be responsible for and shall pay the cost of any and all necessary testing for such animal and in the event that it is necessary for the health and safety of the community to destroy said animal, the owner of said animal shall be responsible for and shall pay the cost of such destruction and disposition of the animal. Said costs shall be attached as court costs in any enforcement proceedings. (Ordinance 0805 adopted 7/21/08)

ARTICLE 2.03 WILD ANIMALS, ESTRAYS AND OTHER ANIMALS***Division 1. Generally****Sec. 2.03.001 Applicability**

This article shall be applicable only to wild animals, livestock, other animals, or estrays as defined in this chapter. (1980 Code, ch. 2, sec. 10)

Sec. 2.03.002 Keeping or harboring

- (a) It shall be unlawful to keep, harbor or maintain within the city limits the following:
- (1) Bats, skunks, poisonous reptiles, foxes.
 - (2) Any wild animal whose normal mature weight exceeds forty (40) pounds.
 - (3) Livestock, except as hereinafter provided.
- (b) This section shall not apply to or prohibit 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 fifteen (15) consecutive days.
- (c) Any person desiring to keep livestock within the city limits shall make application to the city council for a permit, which shall expire on December 31st following issuance, but may be renewed annually in the same manner as provided in this section. The application shall be in writing, forwarded to the city office, containing the following information:
- (1) Applicant's name, address, and phone number;
 - (2) A legal description and general location of the premises for which the permit is desired;
 - (3) The minimum and maximum number of livestock desired to be kept at said location; and
 - (4) An itemized listing of residences, businesses or other buildings within five hundred (500) feet of any part of the premises for which the permit is desired.

The application shall be directed to the chief of police for investigation of the premises concerned, and he shall report his findings to the city council. The city council shall consider the application, retaining the right to approve or reject the applicant's request for the livestock permit.

* **State law references**—Dangerous wild animals, V.T.C.A., Health and Safety Code, sec. 822.101 et seq.; estrays, V.T.C.A., Agriculture Code, ch. 142.

In addition, the city council shall retain the right to revoke any livestock permit if it finds that premises are being maintained so as to constitute a public nuisance or noncompliance with state health regulations.

(1980 Code, ch. 2, sec. 11)

Sec. 2.03.003 Wild animals

The keeping or harboring of a wild or vicious animal, except when a permit is issued by the animal control authority is found and determined to be a public nuisance and shall be abated as provided in this chapter. (Ordinance 0805 adopted 7/21/08)

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

Sec. 2.03.004 Confinement of animal by owner of private premises; notice to animal control officer

If any animal is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal temporarily pending its release to the animal control officer or to the true owner of such animal. (1980 Code, ch. 2, sec. 17)

Secs. 2.03.005–2.03.030 Reserved

Division 2. Impoundment*

Sec. 2.03.031 Impoundment, sale or disposition

- (a) Any animal or fowl which is found to be in violation of any provision of this chapter, or other applicable provisions of any state law or city ordinance within the city, 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. However, if any animal or fowl may not be captured with reasonable safety for the person attempting the same, such animal or fowl may be slain by a duly authorized agent of the city.
- (b) The animal control officer or his designee may take up and impound at the animal shelter any estray found within the city limits in violation of this chapter.
- (c) The animal control office or his designee may sell any estray impounded under the provisions of this article at a public auction after having advertised one time (1) in the local newspaper during the 5 days after the date of impoundment. In addition, a notice of impoundment with a general description of the estray shall be posted in the city office.
- (d) Final disposition of the estray shall be in compliance with this division.

(1980 Code, ch. 2, sec. 12)

* **State law reference**—Impoundment of estrays, V.T.C.A., Agriculture Code, sec. 142.009.

Sec. 2.03.032 Impoundment of wild or other animals

Any peace officer or the animal control officer may take and impound at the animal shelter any animal found within the city limits in violation of Penal Code section 42.09 or section 2.03.002 of this article. (1980 Code, ch. 2, sec. 13)

Sec. 2.03.033 Sale; disposition of proceeds

The animal control officer may sell any animal impounded under the provisions of this division at public auction after having held such animal for at least five (5) days and after having published notice of such sale together with a general description of the animal or animals to be sold. Such notice shall appear one (1) time at least five (5) days prior to the date of the sale and shall state that such animal or animals will be sold to defray cost if not reclaimed prior to such date. The proceeds of any such sale shall be used to defray sale expenses and expenses of taking up and keeping of such animals. The balance, if any, shall be paid to the owner of the animal, if known, and if such owner is unknown, such balance shall be paid into the general fund of the city. Within six (6) months after such sale, an owner may, upon proof of such ownership satisfactory to the chief of police, be entitled to receive the amount paid into the general fund on account of such sale. (1980 Code, ch. 2, sec. 14)

Sec. 2.03.034 Redemption of impounded wild and other animals sold

The owner of any animal impounded and sold under the provisions of this division may redeem it by paying to the purchaser the amount paid by the purchaser for such animal plus reasonable expenses for keeping it, provided that the owner redeems the animal within thirty (30) days after the date of sale; otherwise, the animal becomes the absolute property of the purchaser. (1980 Code, ch. 2, sec. 15)

Sec. 2.03.035 Disposition of unclaimed impounded wild and other animals

Any impounded animal which is not reclaimed, or is found to be infected with rabies, seriously injured or is determined by the animal control officer to be unsalable, shall forthwith be destroyed. (1980 Code, ch. 2, sec. 16)

ARTICLE 2.04 DANGEROUS ANIMALS**Sec. 2.04.001 Definition**

A "dangerous animal" is hereby defined as follows:

- (1) Any animal defined as a "dangerous wild animal" by section 822.101 of the Texas Health and Safety Code as amended.
- (2) An animal of any [other species of] wild or feral mammal or reptile that is by its nature capable of inflicting serious bodily injury to a human.
- (3) A dangerous dog as hereinafter defined.
- (4) Any animal which local animal control authority has reason to believe has a dangerous disposition likely to be harmful to humans or other domestic animals.

- (5) Any animal trained or bred specifically for the purpose of fighting and capable of causing severe bodily injury to any person.
- (6) Any animal who has a history of attacking or injuring any person or other animal.

Sec. 2.04.002 Confinement

Any dangerous and vicious animal kept within the city limits shall be kept and maintained in an enclosed area or run of sufficient size to allow the animal humane and reasonable areas in which to live. Such enclosure shall be of chainlink fencing or other material approved by the animal control officials so as to prevent the escape of any such animal. The fencing shall be a minimum height of six (6) feet and shall be of sufficient height to prevent the animal from escaping the enclosure. In addition, there shall be a top of chainlink or similar material sufficient to prevent the animal from climbing out over the top of the fencing. The minimum measurements, on the ground, of the enclosure shall be sixty (60) square feet and no enclosure for the animal shall be less than sixty square feet, save and except portable kennels which shall be used for the temporary containment of animals, for travel and similar temporary purposes.

Sec. 2.04.003 Authority to destroy

Any dangerous animal found running at large and endangering the safety of persons and property may be destroyed by the animal control authority or any peace officer or animal control officer in the interest of public safety, if danger of injury to any person or animal is imminent and real and a necessity exists for such action.

Sec. 2.04.004 State law adopted

It shall be unlawful for any person to keep or harbor a dangerous animal except as herein provided or as provided in section 822.102 of the Texas Health and Safety Code, as amended.

Sec. 2.04.005 Microchips

The owner of a dangerous animal shall, in addition to any other requirements contained herein, have a microchip, capable of locating the animal, implanted in the animal and shall pay the cost of the microchip and the implanting thereof.

Sec. 2.04.006 Order to remove

(a) The animal control authority may order any owner or person having the care, possession or control of any dangerous animal, to remove such animal, permanently, from the city. Such order must be in writing and be served by personal service on such person. The order may be appealed to the municipal court of the city, by written appeal filed within five (5) days of receipt of such order. The order shall include a clear statement of the right to appeal. The municipal court may affirm, reverse or modify the order and may order restrictions on the keeping of the animal as a condition of allowing the animal to remain in the city.

(b) If the owner or person having the care, possession or control of a dangerous animal fails to remove such animal as ordered, upon final order, the animal may be impounded and destroyed as provided by law.

(c) The owner or person having care, possession or control of a dangerous animal, ordered to be removed from the city, must report the disposition and relocation of such animal to the animal control authority within ten (10) days after the effective date of the removal order.

(d) The animal control authority, or any city police officer shall be authorized to obtain a search warrant if there is probable cause to believe that a dangerous animal, subject to a removal order has not been removed as required by said removal order.

Sec. 2.04.007 Penalty

The owner of any animal found to be in violation hereof shall be assessed a fine in accordance with section 1.01.009 of this code. Each violation shall constitute a separate offense, and each day a violation continues shall constitute a separate offense.

(Ordinance 0805 adopted 7/21/08; Ordinance adopting Code)