

ORDINANCE NO. 2024-36

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING ARTICLE 4 OF THE CODE OF ORDINANCES; AMENDING DEFINITIONS AND REGULATIONS RELATED TO DOGS AND CATS, CREATING A TRAP, NEUTER, AND RELEASE PROGRAM, AND MAKING AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; ESTABLISHING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Buda, Texas (the “City”) is a home rule municipality located in Hays County, Texas, created under the provisions of Chapter 9 of the Texas Local Government Code and operating according to the enabling legislation of the State of Texas; and

WHEREAS, the regulation of animals within the City limits of the City of Buda is essential and necessary to protect the public and domestic animals, to preserve and protect the public safety, and to provide safe, secure communities; and

WHEREAS, the City Council is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice; and

WHEREAS, the City is authorized by Texas Local Government Code § 51.001 to adopt or amend any ordinance for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, the City of Buda deems it necessary to adopt such codes and regulations; and

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Buda held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, THAT:

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2: Article 4 of the Buda Code of Ordinances are hereby amended to read in accordance with **Attachment A** which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined and italicized text shall be added, and struck-through text shall be deleted as indicated in **Attachment A**.

Section 3: Passage. Pursuant to Section 3.12 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City Council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 4: Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 5: Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances are hereby repealed.

Section 6: Penalty. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 7: Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Buda, on this the 20th day of August 2024.

APPROVED:

Lee Urbanovsky, Mayor

ATTEST:

(CITY SEAL)

Alicia Ramirez, City Clerk City

Attachment A

Chapter 4 Animals

ARTICLE 4.01 GENERAL PROVISIONS

§ 4.01.001 Definitions.

As used in this chapter, the following terms are defined below:

Abandon. Leaving an animal in the person's custody without making reasonable arrangements for assumption of custody by another person.

Animal. A domesticated living creature and wild living creature previously captured. "Animal" does not include an uncaptured wild creature or wild creature whose capture was accomplished by conduct at issue under this section.

Animal at-large. Animal at large means any animal (excluding sterilized cats) not under restraint of a person who has care, custody, possession or control of the animal either on or off the premises of the owner; that is found to be outside a fence or enclosure on the property to which the animal belongs; or that is otherwise off the premises of the owner of the animal or person with care, custody, possession, or control of the animal.

Animal control. The animal control division of the city police department.

Animal control officer. A person designated by the city to perform duties under and enforce the laws under this chapter.

Animal shelter. A facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

Auction. A place or facility where animals are regularly brought, sold, traded, except for those facilities otherwise defined in this chapter. This section does not apply to individual sales of animals by owner.

Bite. A wound that is inflicted by an animal's bite or scratch that causes punctures, tears, scratches or laceration that results in a break of the skin.

Bodily injury. Physical pain, illness or any impairment of physical condition.

Brand. A mark made on the skin of any animal which indicates the ownership of the animal; typically used with livestock.

Cat. Cat as defined in V.T.C.A., Health and Safety Code, section 826.002(3), as amended.

Community Cat. Community Cat means a free roaming cat that may or may not be socialized. Community cats who are ear tipped are sterilized and have received at least one vaccination against rabies. Ear tipped and sterilized community cats are exempt from stray, abandonment and at-large provisions directed towards owned animals. A cat without an ear tip or means of identification may be considered a community cat for the purposes of trap, neuter, and return (TNR).

Community cat caregiver means a person who provides food, shelter or medical care to a community cat, while not being considered the owner, custodian, harbinger, controller or keeper of a community cat or to have care or charge of a community cat. Caregivers must make every effort to ensure cats are sterilized, ear tipped and rabies vaccinated to minimize the impact on local wildlife, feed the proper quantity of food for the number of cats in appropriate food containers, discard food containers daily and feed only on their property or with the permission of another landowner (city, state or federal public property).

Cat colony means three or more cats, who gather in close proximity and who have been fed and cared for at some level but are not claimed by any one person. Cats within a colony may be socialized (friendly) or unsocialized (feral).

Free roaming cat means cats which are not confined to the house or an enclosure and are at large. Managed cat colony means a group of free-roaming cats living in close proximity together, all of which have been sterilized and vaccinated and are provided daily food and shelter by a community cat caregiver. The caretaker follows all steps of the form of trap, vaccinate, alter, return and manage ("TVARM") as set out by this ordinance and the City's animal shelter.

Stray cat means cats which are currently or recently owned which may be lost from their homes. A free-roaming cat is not an indicator that the cat is lost/stray.

Circus. A commercial variety show featuring animal acts for the public entertainment. Commercial animal establishment. Any pet shop or store, grooming shop, guard dog or obedience training center, animal training services, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel, petting zoos, aviaries or any similar entrepreneurial relationship regarding animals. Contained. Kept in a fenced yard or pen with no roof which is sufficiently to prevent escape; or, kept in a pen or other coop or enclosure with a roof sufficient to prevent escape.

Cruel manner. A manner that causes or permits unjustified or unwarranted pain or suffering.

Currently vaccinated. Vaccinated in a manner that satisfies the requirements of state law.

Custody. Responsibility for the health, safety, and welfare of an animal subject to the person's care and control, regardless of ownership of the animal.

Dangerous dog. Dangerous dog as defined in V.T.C.A., Health and Safety Code, section 822.041(2), as amended.

Dangerous wild animal. Dangerous wild animal as defined in V.T.C.A., Health and Safety Code, section 822.101(4), as amended.

Dog. Dog as defined in V.T.C.A., Health and Safety Code, section 826.002(6), as amended.

Domestic animal. Any animal which is not prohibited, and commonly kept as a pet at the owner's residence; includes livestock, caged or penned fowl, pigeons, normal household pets, such as but not limited to dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits.

Enforcement officers. Those authorized to enforce the provisions of this chapter, including but not limited to the local health authority representative, any animal control officer, or any police officer.

Estray. Estray as defined in V.T.C.A., Agriculture Code, section 142.001(1), as amended.

Exotic animal. Exotic livestock as defined in V.T.C.A., Agriculture Code, section 142.001(4), as amended, or exotic fowl as defined in V.T.C.A., Agriculture Code, section 142.001(5).

Feral Cat. Feral cat means any cat which is too poorly socialized to be handled (and therefore must be trapped and sedated for examination) and cannot be placed into a typical pet home.

Fowl or poultry. Any bird, wild or domesticated, such as but not limited to chickens, turkeys, ducks, geese, peacocks, pheasants, quail, or other fowl regardless of age or sex, except common household pets such as parakeets, parrots and etc.

Grooming shop. A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Guard dog. Any dog professionally trained for the purpose of protecting persons or property by attacking or threatening to attack any person found within the area patrolled by the dog.

Habitual offender or habitually. Owner who has received two or more final convictions of this article or the owner of an animal who has been the subject of impoundment in the animal shelter three or more times during a 12-month period or any combination of convictions and impoundment totaling three incidents.

Harboring or harbor. The act of keeping and caring for an animal or providing a premises to which the animal returns for food, shelter or care for a period of three days.

Hen. Any female chicken of the age of six (6) months or older.

Home quarantine. An animal owner who quarantines an animal at their personal residence with an animal control officer's permission and with compliance to set guidelines and requirements established by the animal control department.

Impoundment. To house an animal by the city, at the owner's expense, in a city-owned or city-

designated facility or at the office of an area veterinarian approved by the director.

Inoculated.

- (1) A dog that is injected with a vaccination on an annual basis to produce immunity against parvo, distemper; or
- (2) A cat that is injected with a vaccination on an annual basis to produce immunity against infectious feline diseases, for panleukopenia, viral rhino tracheitis, and calcivirus.

Interfere. To prevent a process or activity from being carried out properly; or obstruct the other's action or; hamper or hinder another's action or; take part in the affairs of others; or to meddle in another's life.

Kennel or cattery. Any shelter where more than three dogs or more than three cats, or more than three dogs, bred, boarded, or held in return for payment. It includes the term "boarding kennel" or cattery.

Licensed veterinarian. A licensed veterinarian as defined in V.T.C.A., Health and Safety Code, section 826.002(8), as amended.

Livestock. Livestock as defined in V.T.C.A., Penal Code, section 42.09(b)(5), as amended.

Mayor. The city mayor or his/her designee.

Microchip implant. A passive electronic device that is injected into an animal by means of a hypodermic-type syringe device.

Microchipped. Microchipped means an animal that has a microchip implanted and registered through a national microchip registry with the current owner's name and contact information

Microchip reader. An electronic scanner with an operating frequency that is able to detect a microchip that has been implanted in an animal and display the number of the microchip to its operator.

Miniature livestock. Livestock that meet the published breed definition for registration by a nationally recognized breeding association.

Multi-pet owner. A person who keeps or harbors more than five cats or dogs or any combination of five cats and dogs. Puppies and kittens under three months of age shall not be counted for purposes of this definition.

Muzzle. A device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

Nonprofit association. Nonprofit association as defined in V.T.C.A., Business Organization

Code, section 252.001 as amended.

Observation period. A period of time in compliance with 25 TAC section 169.27, as amended.

Owner or presumed owner. Any person or persons, firm, association or corporation, having temporary or permanent custody of, sheltering or having charge of, care of, harboring, exercising control over, or having property rights to, or who knowingly allows an animal to remain on the person's property. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

Owner surrender. A voluntary surrender of animal(s) to animal control or the contracted shelter.

Performing animal exhibitions. Any spectacle, display, act, or event (other than circuses) in which performing animals are used. This shall include animal amusement vendors, such as but not limited to, pony-go-round rides, commercial horseback pictures, etc.

Person. An individual, corporation, or association.

Pet shop. Any person, partnership, or corporation, whether operated separately or in a connection with another business enterprise (except for licensed kennels and veterinarian facilities), that buys, sells, or boards any species of animal.

Poison. A substance having an inherent harmful property which renders it, when taken into the system, capable of destroying animal life.

Police service animal. Police service animal as defined in V.T.C.A., Health Resources Code, section 121.002(1) as amended.

Possible exposure to rabies. Receipt of a bite, scratch, or potential contact from any warm blooded animal, animal to human, or animal to animal.

Premises. The grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

Proof of rabies vaccination. Documentation from a veterinarian licensed to practice in the state that the animal has been vaccinated with a rabies vaccine licensed for use in that species by the United State Department of Agriculture and/or the Texas Department of Health.

Proper enclosure. A house or a building, or in the case of a fence or structure/pen must be suitable to prevent entry of person and must be locked and secured such that an animal cannot climb, dig, jump or otherwise escape of its own volition.

Provocation. Any purposeful act that causes an animal to bite, scratch, or attack in protection of self or food, kennel, or nursing offspring, owner, or owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with city ordinances

would be considered provocation, irrespective of the reason for such entrance unless performing a service to the owner's property' with consent (call for service).

Public nuisance animal. Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of persons, other than its owner(s), to enjoyment of life or property.

Quarantine. Strict confinement of an animal specified in an order of the board or its designee:

- (1) On the private premises of the animal's owner or at a facility approved by the board or its designee; and
- (2) Under restraint by close cage or paddock in any other manner by board rule.

Quarantine period. A period used for observation of a domestic or pet animal to determine the health status of that animal in relation to the rabies virus.

Rabies. The acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite or scratch.

Restraint. Any animal secured by a leash, lead, chain or tether and under the direct physical control of a responsible person. At all other times, a dog or other animal shall be confined to the realty or premises of the owner.

Riding school or stable. Any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animal, including a racetrack, trotting track, or rodeo.

Rooster. Any male chicken of the age of six (6) months or older.

Scratch. A scrape left by the claws or teeth of an animal that causes a break in the skin.

Serious bodily injury. Serious bodily injury as defined in V.T.C.A., Health and Safety Code, section 822.001(2), as amended.

Service dog. Service animal as defined in V.T.C.A., Health Resources Code, section 121.002(1) as amended.

Sick or injured animal. Any animal that appears to be suffering from an infectious, contagious, or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or that has an elevated temperature, depressed heart rate, or inability to ambulate.

Small animal. An animal less than 5 pounds and kept domestically, including a rabbit, guinea pig, rat, mouse, hamster, or gerbil.

Stray. Roaming with no physical restraint beyond the premises of an animal's owner or keeper.

Sufficient shelter. Reasonable shelter with a roof and three (3) solid sides that is capable of protecting the animal from the elements and shall be situated so there is a buffer area between it and neighboring property with sufficient access to allow the sufficient shelter to be effectively cleaned and which sufficient shelter shall be kept cleaned and not create an unsightly structure.

Tag. A metal/plastic tag attached to a collar as required by this chapter or some other permanent identifying device attached to a collar or to an animal.

Tattoo. A permanent mark which is made on the skin of an animal by puncturing the skin and inserting indelible color, and which is used to show ownership.

Tethering. Using a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system.

TNR Program. Trap, neuter and return (TNR) program means the nonlethal, humane alternative to deal with stray cats which are captured, spayed/neutered and returned to their location in order to encourage the stabilization of the free-roaming cat population in the city. After being trapped, cats are spayed or neutered, vaccinated, ear-tipped, and returned to the outdoor area where they were trapped. Cats can be recognized as part of TNR by the tipped ear. Tipped ears can appear straight, jagged, or notched.

Unprovoked. A dog attacks or attempts to inflict bodily injury on a person when the dog was not hit, kicked, or struck by the person with an object or a part of the person's body nor was any part of the dog's body pulled, pinched, or squeezed by the person, nor was the dog taunted or teased by the person.

Vaccinated. Properly injecting with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state in an amount sufficient to provide immunity.

Veterinary hospital. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious animal. An animal, other than a dog, that makes an unprovoked attack upon a person or other animal resulting in serious bodily injury to such person or animal.

Wild animal. Any animal except the common domestic species (including, but not limited to, dogs, cats, horses, cattle, swine, sheep, and goats), regardless of the state or duration of captivity.

Wildlife. A species, including each individual of a species that normally lives in a state of nature and is not ordinarily domesticated. This shall apply regardless of state or duration of captivity. The term shall include but is not limited to: foxes, cougars, coyotes, raccoons, and all forms of poisonous or constricting reptiles, and other like animals.

Zoological park. Any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of no domesticated animals.

(Ordinance 2013-16 adopted 7/2/13; Ordinance 2019-25, secs. 3–5, adopted 12/3/19)

§ 4.01.002 Violation and penalty.

- (a) Unless otherwise specifically provided in this chapter, the following persons shall be deemed guilty of a misdemeanor:
 - (1) Any person who shall violate any of the provisions of this chapter or who shall fail to comply with any of the provisions of this chapter;
 - (2) The owner, keeper or person in possession of an animal associated with a violation of this chapter;
 - (3) Any employee or agent employed or engaged by the owner, keeper or person in possession of an animal associated with a violation of this chapter and who caused or assisted in the commission of such violation; and
 - (4) The owner, lessee, tenant or person in charge of the premises or part thereof where a violation of this chapter shall occur and who caused or assisted in the commission of such violation.
- (b) Except as provided in subsection (d) below, violations of this chapter do not require, as an element of the offense, proof of a culpable mental state.
- (c) Unless otherwise specifically provided in this chapter, any person convicted of a violation of this chapter shall be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00).
- (d) Any particular violation of this chapter punishable by a fine in excess of \$500.00 requires, as an element of the offense, proof that the person who committed the violation acted with criminal negligence. Proof of a higher degree of culpability than criminal negligence constitutes proof of criminal negligence.
- (e) Each day that a violation occurs is a separate offense.

(Ordinance 2019-25, sec. 6, adopted 12/3/19)

ARTICLE 4.02 ADMINISTRATION AND ENFORCEMENT

§ 4.02.001 Animal control officers.

An animal control officer(s) shall be appointed by the mayor with the approval of the city council to serve as the local rabies control authority, and enforce all provisions of this chapter, including gathering up and impounding or quarantining any livestock, fowl, cats, dogs, or other

domestic and nondomestic animals found running at-large (stray) within the city limits.

(Ordinance 2014-13, sec. 2, adopted 5/6/14)

§ 4.02.002 Inspection of animals and premises.

Animals and premises whereon animals are kept or maintained shall be subject to inspection by the city, or an animal control officer, at any reasonable hour, or at any hour in cases of emergency.

(Ordinance 900605-1, sec. 5.01, adopted 6/5/90)

§ 4.02.003 Abatement of violations.

Whenever any premises where animals are kept are in an insanitary condition, or the facilities are not in keeping with the provisions of this chapter or any other regulations herein, or if any health ordinance or law is not observed, the city or its representative, by written notice to the person responsible for the condition of the premises, may order the abatement of the conditions which are not in accordance with this chapter or other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the city to obtain relief by injunction.

(Ordinance 900605-1, sec. 5.02, adopted 6/5/90)

§ 4.02.004 Compliance with other ordinances.

The keeping of any animal in accordance with the provisions of this chapter shall not be construed to authorize the keeping of the same in violation of the zoning ordinance or any other ordinance of the city.

(Ordinance 900605-1, sec. 5.03, adopted 6/5/90)

§ 4.02.005 Enforcement generally; interference with enforcement.

- (a) The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation to interfere with an animal control officer in the performance of such animal control officer's duties.
- (b) A person commits an offense if the person gives a false or fictitious name, address, or other information to an animal control officer at the time the animal control officer issues the person an animal control citation.
- (c) A person commits an offense if the person has been issued an animal control citation and the person fails to enter a plea to a charge specified on the animal control citation on or before the appearance date indicated on the animal control citation.

(Ordinance 2019-25, sec. 7, adopted 12/3/19)

ARTICLE 4.03

LICENSES, PERMITS AND MICROCHIPPING

§ 4.03.001 Dog and cat licenses.

- (a) License required. No person shall own or harbor within the city any cat or dog over four (4) months of age unless such cat or dog is licensed in accordance with this section. Proof of license is required by tag or microchip. A license is valid for the life of the cat or dog, unless revoked in accordance with subsection (f) of this section.
- (b) Application. Complete application for a license requires, for each cat or dog, payment of the applicable licensing fee and submission of a current vaccination certificate for such cat or dog and a completed and signed application form which shall include the name, address and phone number of the applicant, and a description of the cat or dog.
- (c) License fee. ~~All licensing fees for microchip registration are suspended through September 30, 2020.~~ On and after October 1, 2020, if the cat or dog to be licensed is microchipped, the applicant shall pay the one-time standard licensing fee for registration (if microchipped), as set forth in appendix A of this code. On or after October 1, 2020, if the cat or dog to be licensed is not microchipped but will be microchipped by the city, the applicant shall pay the one-time standard licensing fee for registration (plus city microchip), as set forth in appendix A of this code. If the cat or dog to be licensed is exempt from the microchip requirement as set forth in section 4.03.003(a), the applicant shall pay the one-time standard licensing fee for tag registration (no microchip), as set forth in appendix A of this code.
- (d) License issuance. Upon submission of a complete application as set forth in subsection (b) of this section, the applicant shall be issued a microchip or tag license, as applicable.
- (e) Prior tag license. Any annual license for a cat or dog tag licensed issued on or before the effective date of this ordinance will be valid until the expiration of such annual license. Upon such expiration, the cat or dog must be licensed in accordance with subsection (a) of this section.
- (f) Resubmission of proof of vaccination; revocation of license. A license holder shall have an ongoing obligation to ensure the proof of rabies vaccination on file with animal control is current. A license holder is required to submit proof of current rabies vaccination within two (2) weeks of expiration of any proof of vaccination on file with animal control. Failure to do so will result in revocation of the applicable license.
- (g) Timing of application. Application for a license must be made within thirty days after obtaining a cat or dog over four (4) months of age. A municipal court judge having jurisdiction over a charge of a violation set forth in subsection (a) of this section, shall dismiss such charge for a person who secures a cat or dog license within such thirty-day period.
- (h) Exemption from license fees. Payment of license fees shall not be required for service dogs.
- (i) Exception. This article shall not apply to any cat or dog meeting the definition of a police service animal.

- (j) License specific to cat or dog. No person may use a license for any animal other than the cat or dog for which such license was issued.

(Ordinance 2019-25, sec. 9, adopted 12/3/19)

§ 4.03.002 Commercial animal establishment permits.

- (a) Required; conditions.

- (1) No person, partnership, or corporation shall operate a commercial animal establishment, kennel or cattery unless the establishment is located in an area zoned for such use and unless a permit has first been obtained in compliance with this section.
- (2) The city shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The city may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.
- (3) When a permit applicant has documented ability to comply with the regulations promulgated by the city, the applicable commercial animal establishment permit shall be issued upon payment of the applicable fee as provided in appendix A to this code.
- (4) The permit period shall begin when permitted and run through December 31st of the calendar year in which the permit was granted. All subsequent permit periods shall begin on January 1st of the following year and run through December 31st of the same year. Renewal applications for permits may be made thirty days prior to, and are due at, the start of each subsequent calendar year. Application for a permit to establish a new commercial animal establishment under the provisions of this chapter may be made at any time. The fees for a new establishment shall be prorated.
- (5) Permits are not transferable. If there is a change in ownership of a commercial animal establishment, the new owner must apply for a new permit.
- (6) No person shall train any dog to be used as a guard dog without possessing a valid state license in addition to the city permit. This subsection shall not apply to any federal, state or local governmental entity. The application for a guard dog training permit shall state the name, address and phone number of the owner and trainer, the location of the facility and the maximum number of dogs to be trained at the training facility at any given time.
- (7) Every facility regulated by this chapter shall be considered a separate enterprise requiring an individual permit.
- (8) Persons operating kennels for the breeding of dogs or cats must license such animals over four (4) months of age individually in accordance with this article 4.03.
- (9) Payment of fees shall not be required of any veterinary hospital, animal shelter, government-operated zoological park, school district, or civic or charitable

organization, but all other applicable regulations shall apply.

- (10) A violation of this section is punishable by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).
- (11) Any person who has a change in the category under which a permit was issued shall make an application for the reclassification of the permit.

(b) Issuance; revocation.

- (1) After an application for a commercial animal establishment is filed, the city shall inspect the facility prior to issuing the permit. The city may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the city or any law governing the protection and keeping of animals.
- (2) Any person whose commercial animal establishment permit or license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept or harbored without causing injury to said animals. No part of the permit or license fee shall be refunded.
- (3) It shall be a condition of the issuance of any commercial animal establishment permit or license that the city shall be permitted to inspect all animals and the premises where animals are kept at any time in accordance with law and shall, if permission for such lawful inspection is refused, revoke the permit or license of the refusing owner.
- (4) If the applicant has withheld or falsified any information on the application, the city shall refuse to issue the permit or license.
- (5) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- (6) Any person having been denied a commercial animal establishment license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a fee equal to fifty percent (50%) of the applicable permit fee.
- (7) Any permit that is issued based upon an application that is subsequently found to be incomplete or false in any manner is void.

(Ordinance 2019-25, sec. 9, adopted 12/3/19)

§ 4.03.003 Microchipping and monitoring required.

- (a) The owner or keeper of any cat or dog shall have such animal implanted with a registered microchip before the animal attains four (4) months of age. An owner or keeper of a cat or dog is exempt from this requirement if the cat or dog is determined to be medically unsuitable for microchipping by a licensed veterinarian. Proof of such determination must be in writing by a licensed veterinarian and submitted to animal control. If there is a change in contact information, the owner or keeper of the animal shall update contact information

with animal control within thirty (30) days of such change. If there is a change in ownership of an animal, the owner or keeper shall be responsible for notifying animal control of the change within thirty (30) days of such change. The new owner or keeper shall be responsible for providing animal control with the new owner's or keeper's name, address and telephone number within thirty (30) days after the change in ownership.

- (b) It is an affirmative defense to prosecution under this section that:
- (1) The cat or dog owner is a nonresident of this city and is keeping the subject animal in the city for fewer than sixty (60) days;
 - (2) The animal owner has been a resident of this city fewer than (30) days; or
 - (3) The animal had been abandoned or lost and the temporary owner has had the cat or dog for fewer than thirty (30) days.

(Ordinance 2019-25, sec. 9, adopted 12/3/19)

ARTICLE 4.04 ANIMAL CARE AND CONTROL

§ 4.04.001 Animal at-large and public nuisance animals.

- (a) It shall be unlawful to own or harbor an animal at-large.
- (b) It shall be unlawful to own or harbor an unsterilized animal at-large. A violation of this subsection shall be punishable by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).
- (c) It shall be unlawful to own or harbor a public nuisance animal.

(Ordinance 2019-25, sec. 10, adopted 12/3/19)

§ 4.04.002 Tethering.

- (a) It shall be unlawful for any person to tether, chain or fasten any animal in such a manner as to permit it to be upon any public sidewalk or street or to leave it unattended while tethered, chained or fastened on public property.
- (b) It shall be unlawful for any person to tether, chain or fasten an unattended animal to a doghouse, tree, stake, pole, fence, wall or any other stationary object whether outdoors or indoors. It is an affirmative defense to prosecution under this subsection if the person accused of unlawful tethering presents credible evidence that the tethering lasted for only a brief period no longer than fifteen (15) minutes.
- (c) The person who tethers, chains or fastens the animal shall be responsible for the offense under this article.

(Ordinance 2013-17 adopted 7/2/13; Ordinance 2019-25, sec. 11, adopted 12/3/19)

§ 4.04.003 Vicious animals prohibited.

Except as provided below by this article, a person may not keep, raise, harbor, use, possess, or have on the person's property, or under the person's control or attempted control a vicious animal.

- (a) The animal is being held in a zoo, shelter, museum or educational or medical institution;
- (b) The animal is part of a temporary public exhibition by a circus, carnival or other traveling exhibition;
- (c) The animal is at or in transit to a licensed veterinary clinic; or
- (d) The person holds in possession of the animal holds a license or permit by the Texas Parks and Wildlife Department that authorizes the person to attempt to rehabilitate the vicious animal.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.004 Authority to slay animals running at-large.

If an animal found at-large in violation of this chapter cannot be safely taken up and impounded, such animal may, if deemed necessary, be slain by authorized law enforcement officers or animal control officer.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.005 Animal care.

- (a) No owner of an animal shall abandon such animal. If an owned animal has been impounded by the animal control officer, no owner shall allow the animal to remain in the animal shelter beyond 72 hours maximum. ~~for the purpose of adopting the animal at a lower cost than the fine fee(s).~~
- (b) No person, except a person licensed by the Texas Parks and Wildlife Department, shall place or set out a steel jaw, leg or neck traps with the intent of trapping animals.
- (c) Any person who, as the operator of a motor vehicle, strikes an animal shall as soon as practicable report injury or death to the animal control officer or the humane society so that the animal may be picked up.
- (d) An animal's owner shall keep the animal in a clean, sanitary, and healthy condition.
- (e) An animal's owner or handler shall provide for the animal:
 - (1) Regular and adequate amounts of nutritious food that is appropriate for the species and that maintains the animal in good health;
 - (2) A constant and adequate supply of clean, fresh, potable water that keeps the animal hydrated for environmental conditions; and

- (3) Veterinary care and medical treatment for injuries, parasites, and diseases that is sufficient to maintain the animal in good health and minimize suffering.
- (f) An animal's owner shall provide the animal with shelter that:
 - (1) Is large enough for the animal to enter, stand, turnaround, and lie down in a natural manner; a structure with three sides, a roof and a floor that prevents rain or other precipitation from entering; or a structure of dome, or other, shape with a floor that provides the animal with shelter from all weather conditions;
 - (2) Keeps the animal dry;
 - (3) Provides the animal with natural or artificial shade from direct sunlight;
 - (4) Protects the animal from excessive heat and cold and other adverse weather conditions;
 - (5) Is adequately ventilated; and
 - (6) Large livestock shall be exempted.
- (g) An animal's owner may not confine the animal to the extent that it is forced to stand, sit, or lie in its own excrement.
- (h) An animal's owner shall regularly maintain the animal and its shelter to prevent odor or a health or sanitation problem.
- (i) An animal's owner shall provide the animal with exercise space that is large enough to prevent injury and keep the animal in good condition.
- (j) It is an affirmative defense to prosecution under this section that the animal's treatment was as directed by a licensed veterinarian.
- (k) An animal's owner shall provide grooming when lack thereof would adversely affect the health of the animal.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.006 Safety of animals in motor vehicles and enclosed spaces.

- (a) A person may not transport an animal in a motor vehicle on a public roadway unless:
 - (1) The animal is safely enclosed within the vehicle; or
 - (2) If the animal is transported in an unenclosed vehicle, including a convertible, pick-up truck, flatbed truck, or motorcycle, the animal owner shall ensure the animal will remain in the unenclosed vehicle. The owner shall remain with the animal if the unenclosed vehicle is parked upon public streets, parking lots or private property other than the owner.

- (b) A person may not keep an animal in a motor vehicle or other enclosed space in which the animal's health or life is endangered by high temperature, low temperature, or inadequate ventilation.
 - (1) If a peace officer or animal control officer determines that the animal(s) left in the vehicle is in danger of death or serious injury as a result of the confinement, they may use any means reasonable to remove the animal. If professional services are required to remove the animal, the owner is responsible for the cost.
 - (2) A peace officer or animal control officer who removes an animal from a vehicle in accordance with this subsection is not liable for any resulting property damage.
- (c) Instances where occupants of motor vehicles are involved in a traffic accident or other vehicle-related incidents which result in animals being left uncontrolled or unattended, animal control or police officers of the city are authorized to take welfare custody of such unattended animals.
 - (1) In the interest of the health, safety or welfare of such animals, officers are authorized to transport such animals to the city's animal shelter, a veterinarian or an animal emergency clinic. Information shall be provided to the animal's owner as to the animal's disposition.
 - (2) Animal owners shall bear full cost and expense incurred by the city in the care, medical treatment, impoundment costs or other associated costs.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.007 Keeping dogs, cats or other domestic animals.

- (a) Maximum number of dogs and cats. It shall be unlawful for any person to own, keep, or harbor more than five (5) dogs or (5) cats over three (3) months of age, or any combination of five dogs and cats at any one address or location within the city limits.
- (b) Exceptions. Subsection (a) and keeping of hogs, swine, potbellied or miniature pigs shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.

(Ordinance 2019-25, sec. 12, adopted 12/3/19)

§ 4.04.008 Keeping of wild animals.

- (a) No person shall own, possess, or have custody on his premises any wild or vicious animal (including a reptile) for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibition, circus, or veterinary hospitals.
- (b) No person shall keep or permit to be kept any wild animal, including a poisonous or

otherwise dangerous reptile, as a pet, unless licensed to do so by the Texas Parks and Wildlife Department section 43.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.009 Performing animal exhibitions.

- (a) No person may sponsor, promote, train an animal to participate in, contribute to the involvement of an animal in, or attend as a spectator any activity or event in which any animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically, or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event, whether for free or for a fee to entrants or spectators.
- (b) All equipment used on a performing animal shall fit properly and be in good working condition.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.010 Removal of animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public areas, or private property including the property of the owner.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.011 Dumping of dead animals, filth or rubbish; prohibited.

No person shall deposit any dead animal or excrements or filth from privies or any hay, straw, dirt or rubbish of any kind or description or any filthy water or manure upon any streets, alleys or public or private property in the city.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.012 Storage of feed.

All feed provided for animals shall be stored and kept in a ratproof, flytight building, box, container, or receptacle. Horse stables, kennels, catteries, shelters, veterinarian establishments must carry out a continuous, active pest control program to control the spread of diseases.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.013 Livestock.

- (a) Keeping generally; number of animals. It shall be unlawful for any person to keep livestock within the corporate limits of the city unless the livestock is being kept in accordance with the following restrictions:

- (1) Livestock shall be kept on a parcel of land that is at least one-half (1/2) acre in size and (50) feet from a residence other than the livestock owner.
 - (2) There shall be no more than one unit (as defined below) of livestock for the first one-half acre of land. There shall be no more than one additional unit of livestock for each additional one-half acre of land in the same parcel. For the purpose of this subsection, units of livestock shall be defined as follows:
 - (A) The following types of livestock shall be counted as one head equals one unit: horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jenny, llama, and all species of cattle.
 - (B) The following types of livestock shall be counted as one head equals one-fifth of a unit: emu, ostrich, rhea, all species of sheep, and all species of goats.
 - (3) Livestock shall be enclosed with adequate fences or barriers that will prevent such livestock from damaging shrubbery or other property situated on adjacent property. Such fences or barriers shall be sufficient to prevent the livestock from escaping the enclosure.
 - (4) The owner keeping any livestock shall keep all yards, barns, pens, stables, sheds or other enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities in the immediate vicinity, or to breed or attract flies, mosquitoes or other noxious insects or rodents, or in any manner to endanger the public health, safety, or welfare, or to create a public nuisance. Barns, stables, corrals, sheds, pens or other similar structures or enclosures where livestock may be housed, fed, or confined shall not be located within one hundred (100) feet of any residence, business, or commercial establishment (other than the animal owner's residence), business, or commercial establishment.
 - (5) Subsections (1) through (4) above shall not apply to a licensed veterinarian at the veterinarian's place of business or a riding stable/school or academy.
 - (6) It is a defense to prosecution for an offense under this section that the person is enrolled in FFA/4-H and be in compliance with the programs guidelines.
- (b) Keeping of livestock near city water supply. It is unlawful and constitutes an offense for any person, whether for himself or as the agent or servant of another or others, to keep or to participate in keeping any animal (animal made to reference any horse, hog, cattle, sheep, goat, other livestock and/or fowl) in any pen or lot used to confine any such multiple animal operation within 500 feet of any water supply wells from which the city obtains its principal water supply as specified in the official Texas Administrative Code published under authority of the Secretary of State, title 31, natural resources and conservation, section 290.41(c)(1)(C)(D)(F).
- (c) Keeping of hogs, swine, potbellied or miniature pigs. It shall be unlawful for any person to keep, harbor or raise adult potbellied pigs, hog, miniature pigs and swine in any residence or realty within the city.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.014 Chickens.

No person shall keep, feed, raise, or maintain chickens in a residential area within the city except under the following conditions:

- (a) No roosters shall be allowed.
- (b) The hen(s) shall be contained within and have access to sufficient shelter.
- (c) The pens or enclosures shall be located on the owner's property and kept at least 10 ft. from the side and rear lot lines and behind the front building line.
- (d) Maximum pen or enclosure size is six (6) feet by ten (10) feet. The pen or enclosure must be at least eighteen (18) inches in height. The pen or enclosure must be completely enclosed and constructed in a uniform manner of a sturdy material that provides protection from potential predators and the elements and properly ventilated. These pens or enclosures are not subject to any building material requirements.
- (e) Runs must be constructed of a fencing material that prevents potential predators from getting in and prevents the hens from escaping. The run must be well drained so there is no accumulation of excrement and shall be cleaned regularly with all droppings and excretion disposed of in a manner so as not to cause an odor or attract flies, unless otherwise disposed of in accordance with any federal, state or local health regulations.
- (f) The maximum number of adult hens that may be kept on any residential property or lot of one-half (1/2) acre or less is four (4).
- (g) The maximum number of adult hens that may be kept on any residential property or lot of more than one-half acre is ten (10).
- (h) No person shall slaughter any hens on their premises.
- (i) It shall be unlawful to raise hens for commercial purposes within the corporate limits of the city or to sell eggs laid by hens kept in the corporate limits of the city.

(Ordinance 2022-23 adopted 9/20/22)

§ 4.04.015 Roosters.

No person shall keep, feed, raise, or maintain roosters in any zoning district other than agricultural (AG).

(Ordinance 2022-23 adopted 9/20/22)

§ 4.04.016 Honeybees.

No person shall construct, place or maintain any beehive within 300 feet of any residence other than that of the owner except with the consent of the occupants of all such residences.

(Ordinance 2013-17 adopted 7/2/13)

§ 4.04.017 Ferrets.

- (a) It shall be unlawful for any person to keep, harbor, or raise more than four (4) adult ferrets in any one (1) residence within the city.
- (b) It shall be unlawful for any person to keep, harbor, or raise a ferret that has not received annual ferret rabies and distemper vaccinations and that is not spayed or neutered.
- (c) Cages used for keeping of ferrets shall be made to prevent the animal from escaping.

(Ordinance 2013-17 adopted 7/2/13)

ARTICLE 4.05 IMPOUNDMENT

§ 4.05.001 Generally; violation notice.

- (a) Unrestrained dogs, cats, and nuisance animals may be taken by the animal control officers or law enforcement officers and impounded in an animal shelter and there confined in a humane manner. Any animal that poses a threat to public health and safety, any wild animal kept illegally, or any animal that has been cruelly treated or abused shall be impounded. For purposes of discharging the duties imposed by the provisions of this chapter or other applicable laws, and to enforce the same, duly authorized representatives or employees may enter upon private property to the full extent permitted by law, which shall include but not be limited to entry upon private unfenced property when in pursuit of any animal which he/she has reason to believe is subject to impoundment pursuant to the provisions of this chapter or other applicable laws.
- (b) Impounded dogs, cats, other domestic animals, and livestock shall be kept for not fewer than 72 hours unless claimed by the owner. There is a 3-day stray hold for impounded at the shelter for cats and dogs over 3 months of age.
- (c) Impounded animals (except cats) three months of age or older with no means of traceable identification shall be kept for not less than three days that the shelter is open for reclaim, unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by this chapter. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim a lost pet. The exception for cats is that they must be kept for not less than five days.
- (d) Wild cats, dogs, or other animals may be kept 0 to 72 hours at the discretion of the animal control officer and animal shelter staff.
- (e) Sick or injured animals wearing no apparent identification through which ownership can be determined may be kept 0 to 72 hours at the discretion of the animal control officer and animal shelter staff after consultation with a licensed veterinarian.
- (f) If, by a license tag or other means, the owner of an impounded animal can be identified, the

animal control officer shall immediately upon impoundment notify the owner by direct contact, telephone, mail, or other reasonable means that the animal has been impounded, who to contact to obtain the animal's release and a general statement describing the conditions that must be met to obtain the animal's release.

- (g) An owner reclaiming an impounded dog or cat shall pay all impounding fees and licensing fees according to the fee schedule and boarding fees as set by the custodian of the animal, which fees shall be reasonable and not clearly excessive. If no proof of a current rabies vaccination can be produced, the owner will be charged for a rabies vaccination and given a coupon to obtain a rabies vaccination from any veterinarian. Impoundment and boarding fees for all other animals shall be according to the fee schedule. Subsequent impounds occurring within twelve months shall be charged double the scheduled fees.
- (h) No sick impounded animal shall be released to the owner until the animal control officer shall be satisfied that arrangements have been made for proper treatment of the sick animal.
- (i) Any dog or cat not reclaimed by its owner within 72 hours shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized. Other impounded animals not reclaimed by an owner within 72 hours shall become the property of the local government authority or humane society and shall be humanely euthanized or sold at public auction following the procedure outlined in section 4.05.002 of this chapter.
- (j) In addition to, or in lieu of, impounding an animal found at large, the animal control officer or law enforcement officer may issue to the known owner of such animal a notice of ordinance violation. A person who is convicted of owning an animal at large shall pay a fine as listed in the penalty schedule of this chapter (section 4.01.002). Subsequent convictions of this subsection within a 12-month period shall double the minimum applicable fine.
- (k) The licensing authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a twelve-month period. Appropriate legal action may be taken against the owner as specified in section 4.01.002 of this chapter.
- (l) If an animal is impounded by an animal control officer for violating this chapter and the animal does not already have a registered microchip implanted, then the city/shelter will implant and register a microchip, and add it to the owner's fees, before releasing the animal from the animal services facility. The identification number provided by the microchip, shall be maintained on file at the animal services center or with a nationally recognized registry, for future identification purposes.

If an animal is impounded for running at large, for a second time, and the animal has not already been sterilized, the owner must complete and sign a sterilization agreement to have the animal sterilized within 30 days as a further requirement for return. A person who signs a sterilization agreement commits an offense if he or she fails to have the animal sterilized on or before the date required in the agreement.

The owner of an animal required by subsection (a) to be sterilized shall submit verification

documentation to animal services within 10 days following the animal's sterilization procedure.

If an owner no longer has the animal on the date required in the sterilization agreement, the owner must provide a written statement or documentation that the animal was lost, stolen, transferred to a new owner, or died.

- (m) The shelter director shall keep complete records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter.

(Ordinance 900605-1, sec. 3.02, adopted 6/5/90)

§ 4.05.002 Sale of unredeemed animals other than dogs or cats.

- (a) For any unredeemed impounded animal except a dog or cat, the animal control officer or shelter director shall, within seventy-two (72) hours after such animal has been impounded, post two notices, one at city hall and one in some other public place, giving therein a full description of such animal, which date of sale shall not be less than ten (10) calendar days from the date of posting notice, and said animal shall be sold at a public auction to the highest bidder for cash.
- (b) The owner of any animal impounded may reclaim the same from the animal shelter at any time before the sale by paying all fees, fines, and expenses of taking up and keeping such animal.
- (c) The animal control officer or shelter director shall keep a well-bound book in which shall be recorded a description of all animals impounded, the date and time of impoundment, the date of sale, the amount realized from the sale, the fees and expenses due for impounding and keeping same, the name of the owner, if known, and the name of the purchaser.
- (d) At any time within fourteen (14) calendar days from the date of the sale, the owner of any animal impounded and sold under the provisions of this chapter shall have the right to redeem the same by paying to the purchaser thereof double the amount paid by said purchaser for such animal in addition to reasonable expenses incurred by the purchaser in keeping the same.

(Ordinance 900605-1, sec. 3.04, adopted 6/5/90)

ARTICLE 4.06 RABIES CONTROL

§ 4.06.001 Rabies vaccination.

- (a) It shall be unlawful for any person to own, keep, harbor, or have custody or control of a dog or cat within the city unless such dog or cat is currently vaccinated against rabies by the injection of antirabies vaccine by or under the direct supervision of a licensed veterinarian.
- (b) Every owner of a dog or cat immunized against rabies as required herein shall procure a rabies vaccination certificate from the veterinarian administering the vaccine. Such

certificates shall contain the following information:

- (1) Owner's name, address, and telephone number.
 - (2) The species, sex, age, size (lbs.), predominant breed, and color of the vaccinated animal.
 - (3) The vaccine used, producer, expiration date, and serial number.
 - (4) Date vaccinated.
 - (5) Rabies tag number.
 - (6) Veterinarian's signature and license number.
- (c) A veterinarian or person under the direct supervision of a veterinarian who vaccinates a dog or cat as required herein shall furnish the owner thereof with a metal tag approved by the city bearing a number corresponding to the number placed on the certificate, and with lettering showing immunization and the year thereof. This tag shall be attached to the properly fitted collar of the dog or cat for which it is issued, and shall be worn at all times in a conspicuous place on the collar.

(Ordinance 900605-1, sec. 4.01, adopted 6/5/90; Ordinance adopting Code)

§ 4.06.002 Reports of exposure to rabies.

- (a) Any veterinarian who shall find any animal within the city limits afflicted with a disease which is transmissible from animal to man shall immediately report to the city such case together with the name and address of the owner and the location of the premises where the animal can be found.
- (b) Persons having knowledge of any animal exhibiting symptoms of or exposed to rabies, or that has bitten, scratched or otherwise attacked an individual or another animal, or that the person suspects to be rabid or could reasonably foresee as capable of transmitting rabies, shall report the animal or incident to the animal control officer as soon as possible, but not later than twenty-four (24) hours from the time of the incident. The report shall include the name and address of any victim and the owner of the animal, if known, and any other information relating to the incident or animal.

(Ordinance 900605-1, sec. 4.02, adopted 6/5/90)

§ 4.06.003 Quarantine procedures.

- (a) Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect as having rabies, or that bites, scratches, or otherwise attacks another animal or any person within the city, shall be impounded at once and held for observation and quarantined at the approved quarantine facility. The facility must meet the minimum state quarantine facility standards and will be subject to inspection by the department of state health services.

- (b) The owner of any cat or dog that is reported to have rabies or symptoms thereof, or to have been exposed to rabies, or to have bitten, scratched, or otherwise attacked any person or other animal within the city, or that the owner knows or suspects to be rabid or to have attacked an individual, shall submit such animal to the animal control officer for a quarantine period of ten (10) days at the owner's expense. The ten-day observation period shall begin on the day of the bite incident. Any such animal must be immediately surrendered to the animal control officer and taken by him/her to an approved quarantine facility. The owner may choose to have the animal quarantined for the ten-day period at an approved animal shelter of his choice.
- (c) The failure by the owner of any cat or dog described in subsection (a) or (b) to surrender the animal to the approved quarantine facility shall be just cause for the seizure and confinement of the animal at the approved quarantine facility.
- (d) In the event the owner of such animal described in subsection (a) or (b) refuses to surrender such animal on demand, such violation shall be punishable by a fine of not less than two hundred dollars (\$200.00) nor more than two thousand dollars (\$2,000.00).
- (e) The owner of an animal quarantined under this section shall pay to the quarantine facility the reasonable costs of the quarantine and disposition of the animal, including the charges for preparation and shipment of the animal's head or brain, if required, to the nearest department of state health services certified laboratory for rabies testing. If the owner chooses not to pay for quarantine, the animal shall be humanely killed and the brain submitted to a department of state health services certified laboratory for rabies diagnosis, at the owner's expense. All quarantine-related payment arrangements shall be at the discretion of the individual quarantine facility, and the facility shall be responsible for the collection of monies owed.
- (f) The following quarantining procedures shall be observed:
 - (1) Biting animals and animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between animals.
 - (2) The quarantined animal must be observed at least daily by a person responsible for notifying the city if clinical signs of rabies are noted.
 - (3) At the discretion of the city or its designee, the unowned animal may be humanely killed for rabies diagnosis prior to the end of the quarantine period.
 - (4) The city may require a written agreement by the owner or the custodian at the time of quarantine and the animal may be disposed of according to terms of this agreement.
 - (5) If the biting animal cannot be maintained in secure quarantine or if the owner chooses not to pay for quarantine, the animal shall be humanely killed and the brain submitted to a department of state health services certified laboratory for rabies diagnosis, at the owner's expense.

(Ordinance 2019-25, sec. 13, adopted 12/3/19)

§ 4.06.004 Quarantine method and testing.

- (a) Animals quarantined at the animal shelter shall be observed by a licensed veterinarian at least on the first and last days of the quarantine period. If the veterinarian determines that the animal has clinical signs of the disease of rabies, the animal shall be humanely killed and the head or brain submitted for testing. If the veterinarian determines that the animal does not exhibit the clinical signs of the disease of rabies, the city shall provide a form to the veterinarian for his/her signature certifying that the animal has been found to be free of the clinical signs of rabies at the end of the quarantine period. This form shall be returned to the city at the end of the quarantine period.
- (b) The owner of the animal may request permission from the city for home quarantine if the following criteria can be met:
 - (1) Secure facilities must be available at the home of the animal's owner, and must be approved by the city.
 - (2) The animal is currently vaccinated against rabies and possesses a current city license tag (if the licensing requirement of this chapter is applicable).
 - (3) The animal was not in violation of any laws or ordinance at the time of the incident.
 - (4) The bite or scratch incident was a provoked attack.
 - (5) The victim or victim's parent or legal guardian must approve the granting of a home quarantine if all other requirements have been met. The approval must be in writing on a form provided by the city.
 - (6) A licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. For the first observation, the animal will be transported by the animal control officer to the local veterinarian chosen by the owner, and then returned to the location of the home quarantine by the animal control officer after the observation. If the animal becomes ill during the home quarantine period, the veterinarian and the city must be notified by the person having possession of the animal. At the end of the observation period the owner shall transport the animal by direct route to the veterinarian for the final observation. Both observations by the veterinarian may be made at the location of the home quarantine if requested by the owner or required by the city. The release from quarantine must be accomplished in writing.
 - (7) The owner shall be responsible for paying all rabies observation fees to the veterinarian. All quarantine fees shall be set by contract between the custodian during impoundment and the city.
 - (8) It shall be unlawful to violate the provisions and conditions of the home quarantine as required by the city. If the owner of the animal fails to abide by all provisions and

conditions required by the city when the home quarantine was granted and the animal is found in violation of these conditions, the animal shall be immediately impounded and quarantined for the remainder of the observation period at an approved animal shelter at the owner's expense.

- (c) No dog or cat shall be released from quarantine unless:
 - (1) The owner has an unexpired rabies vaccination certificate and license for the animal (if the licensing requirement is applicable); or
 - (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense and a license (if required) is obtained at the owner's expense from the veterinarian or the city office.
- (d) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a department of state health services certified laboratory for rabies diagnosis.

(Ordinance 900605-1, sec. 4.04, adopted 6/5/90)

§ 4.06.005 Disposition of domestic animals exposed to rabies.

- (a) Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be humanely killed or, if sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for six months, and given a booster vaccination one month prior to release from isolation.
- (b) Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal shall be humanely killed or, if sufficient justification for preserving the animal exists, the exposed vaccinated animal shall be given a booster rabies vaccination and placed in strict isolation for three months.
- (c) These provisions apply only to domestic animals for which an approved rabies vaccine is available.
- (d) These provisions will be in accordance with current state law.

(Ordinance 900605-1, sec. 4.05, adopted 6/5/90)

ARTICLE 4.07
DANGEROUS ANIMALS
Division 1

Generally

§ 4.07.001 through § 4.07.030. (Reserved)

Division 2 Dangerous Dogs

§ 4.07.031 Applicability of state law.

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

(Ordinance adopting Code)

§ 4.07.032 through § 4.07.070. (Reserved)

Division 3 Dangerous Wild Animals

§ 4.07.071 Applicability of state law.

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 4.08 SELLING OF ANIMALS

§ 4.08.001 Dyed animals.

It shall be unlawful for any person to sell or offer for sale, raffle, offer or give as a prize, premium or an advertising device or cause to be displayed in any store, shop, carnival or other public place an animal of any kind that has been dyed or otherwise colored artificially.

(Ordinance 2019-25, sec. 14, adopted 12/3/19)

ARTICLE 4.09 GIVING OF ANIMALS

§ 4.09.001 Animals as prizes or inducements.

(a) No person shall give away any live animal as the following:

- (1) A prize for or an inducement to enter any contest, game or other competition;
- (2) An inducement to enter a place of amusement; or
- (3) An incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade.

(b) The prohibition contained in this article shall not apply to a nonprofit association.

(Ordinance 2019-25, sec. 14, adopted 12/3/19)