

ORDINANCE NO. 2024-7

AN ORDINANCE OF THE CITY OF GONZALES, TEXAS AMENDING THE GONZALES CODE OF ORDINANCES CHAPTER 2 ANIMAL CONTROL OF THE CITY OF GONZALES CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gonzales, Texas (the “City”), has previously adopted regulations to provide for the regulation of Animal Control within the city limits; and,

WHEREAS, city staff has identified a need to update and modify Chapter 2, “Animal Control” to address mandatory spaying and neutering, regulation of feral cats, and providing clarification on the trap-neuter-vaccinate-release program; and

WHEREAS, additionally, amendments regarding clarification for the keeping of livestock within the City limits and added criteria for home quarantine provisions are also included; and

WHEREAS, the suggested amendments to the Animal Control ordinance are in conformance with Title 10 of the Health and Safety Code and other Texas Statutes; and

WHEREAS, the City Council finds that proposed amendments of the City’s regulations relating to Animal Control within the City’s corporate promotes the public health, safety and general welfare of the citizens of the City of Gonzales and ensures the humane treatment of animals by regulating the care and control of animals within the City.

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

Section 1. The City Council of the City of Gonzales, Texas hereby amends Chapter 2 Animal Control of the City of Gonzales Code of Ordinances as set forth in the attached “Exhibit A.”

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall become in force and effect from and after its final passage and it is so resolved.

PASSED AND APPROVED this 14th day of March, 2024.



Mayor, S.H. Sucher

ATTEST:



Kristina Vega, City Secretary

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 2 Animal Control

ARTICLE 2.100 ANIMALS

§ 2.101 **Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Adequate shelter means an outdoor shelter:

- (1) Of sufficient size to allow each animal dog using the facility to sit, stand, turn about freely, and lie in the fully stretched position;
- (2) Constructed to have a roof, at least three sides and a floor;
- (3) Constructed to be structurally sound and provide protection from the elements; and
- (4) Be free of accumulated trash, waste, junk, urine and fecal material.

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Animal-at-Large. Any animal **except cat(s)** not under the restraint (as defined in this section) of a person capable of controlling the animal on or off the premises of the owner.

Animal Care and Control Officer. Any person designated by the City of Gonzales as an enforcement officer who is qualified to perform such duties as required by this article and/or state law.

Animal Shelter. Any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this article or state law for care, confinement, return to owner, adoption or euthanasia.

Auction. Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this article. This definition does not apply to individual sales of animals by owners.

Bite. Puncturing or tearing of the skin by an animal's teeth.

Cat. Any live or dead cat (Fells Catus).

Circus. A commercial variety show featuring animal acts for public entertainment.

Community cat means a member of the domestic species *Felis Catus* and shall mean a free roaming cat who may be cared for by one or more residents or the immediate area who are known or unknown; a community cat may or may not be feral.

Community cats are not wildlife.

Community cat caregiver means a person who, in accordance with a good faith effort to conduct a policy of trap-neuter-return, provides care, including, food, shelter or medical care to a community cat. Community cat caregivers are not the owner, harbinger, controller, or keeper of a community cat.

Commercial Animal Establishment. Any pet shop, grooming shop, guard dog or obedience training center, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel.

Currently Vaccinated. Vaccinated and satisfying the following criteria:

- (1) The animal must have been at least three months of age at the time of vaccination.
- (2) At least 30 days have elapsed since the initial vaccination.
- (3) Not more than 3 years have elapsed since the most recent vaccination.

Dog. Any live or dead dog (*Canis Familiaris*), except hybrids.

Domestic Animal. Tame, domesticated, of or pertaining to the family or household.

Eartipping means the removal of the distal one-quarter of a community cat's left ear, which is approximately three-eighths-inch, or one centimeter, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

Feral cat means any unowned, homeless, wild, or untamed cat which is too poorly socialized to be handled (and therefore must be trapped and sedated for examination) and which cannot be placed into a typical home as a domestic pet.

Feral cat colony means a group of feral cats that congregate together, more or less as a unit, who are fed.

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Fowl. A bird of any kind, domestic cock or hen (Gallus Gallus).

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

Guard Dog. Any professionally trained dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.

Hybrid Animal. The cross between a normally domestic animal and an animal that is normally found in the wild. The offspring of such a mating is a hybrid animal.

Kennel or Cattery. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, and containing facilities for keeping more than four animals of the same species.

Licensed Veterinarian. A veterinarian licensed to practice veterinary medicine in one or more of the 50 states.

Livestock. Domestic animals used or raised on a farm, especially those kept for a profit; specifically, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep and swine, regardless of age, sex or breed.

Local Health Authority or Rabies Control Officer. The animal control officer shall be designated as the rabies control officer and shall handle all duties required under the Rabies Control Act of 1981 and all amendments to that act.

Microchip implant means a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for the purposes of animal identification and recovery by the animal's owners.

Observation Period. The 10 days following a bite incident during which the biting animal's health status must be monitored. The 10 day observation period will begin on the day of the bite incident (day one).

Owner. Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is sheltered for three consecutive days or more, or if it returns to a residence or business on three separate days.

Performing Animal Exhibition. 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 and the like.

Person. Any individual, corporation, government or governmental subdivision, or agency, business trust, estate, partnership, association, or any other legal entity.

Pet or Companion Animal. Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

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

Possible Exposure to Rabies. Receipt of a bite or scratch from any warm blooded animal, animal to human or animal to animal, is reason to suspect exposure to rabies.

Provocation. Any purposeful act that causes an animal to bite, scratch, or attack in protection of self, 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.

Public Nuisance Animal. Any animal or animals or fowl that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. Public nuisance animal shall mean and include, but is not limited to, any animal that:

- (1) Is repeatedly at large or stray;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Trespasses on school grounds;
- (5) Chases vehicles;
- (6) Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (7) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (8) Causes unsanitary conditions in enclosures or surroundings where the animal or animals are kept or harbored;
- (9) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or
- (10) Attacks other domestic animals.

Quarantine. Strict confinement, for the purpose of preventing the spread of disease, under restraint

by closed cage, isolation kennel, rabies chamber, paddock, or in any other manner approved by the local health authority on the private premises of the owner or at a facility approved by the Texas Department of Health.

Quarantine Period. That portion of the observation period during which a biting animal is physically confined for observation as provided for under the quarantine method and testing section of this article.

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

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Reptile. Any cold blooded, scaly vertebrate, such as a turtle, lizard or snake of any kind.

Restraint. Shall mean as follows:

- (1) Off-Premises. Secured by a leash or lead and under the control of a responsible person and obedient to the person's commands.
- (2) On-Premises.
 - (A) Secured by a leash or lead and under the control of a responsible person; or
 - (B) Confined to the realty or premises of the owner of such dog or animal by a fence of sufficient strength and height to prevent such dog or other animal from escaping therefrom; or
 - (C) Confined inside a house on such premises; or
 - (D) Under the direct supervision of the owner or other responsible person and obedient to that person's commands.
- (3) Prohibitions. It shall be unlawful for the leash to be arranged in a manner that allows the dog or other animal to get on or across or within eight (8) feet of any street, park or other public land or within eight (8) feet of any sidewalk, public way, place or building, water, electric or gas meter or any receptacle used to accept mail or papers, when such leash is stretched to its full length. Any animal so arranged shall be considered dangerous to the public in general and declared a nuisance, and shall be impounded. Cats shall be exempt from the leash requirement but if designated a "public nuisance animal" as defined above shall be subject to impoundment.

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 animals, including a racetrack, trotting track, or rodeo.

Scratch. A scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood.

Sick 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.

Stray. An animal running free or at large, with no physical or verbal restraint.

Trap-Neuter-Vaccinate-Return - Means the non-lethal process of humanely Trapping, Sterilizing, Vaccinating for rabies, Ear tipping, Microchipping and Returning, unless the animal is adoptable or has been deemed a nuisance to the area.

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Unowned Animal. Any animal for which an owner has not been identified.

Vaccinated. Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

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

Vicious Animal. Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or an individual animal which the local health authority has reason to believe has a dangerous disposition, likely to be harmful to humans or other animals.

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. Any animal that occurs naturally in the wild state.

Wild State. Living in its original, natural condition; not domesticated.

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 non-domesticated animals.

§ 2.102 **Animal Care and Control Officer.**

Animal control officers shall be appointed to enforce all provisions of this chapter, including gathering up and impounding or quarantining any livestock, fowl, cats, dogs, or other domestic and non-domestic animals found running at large (stray) within the city limits.

§ 2.103 **Restraint; Nuisances; Animal Bites.**

(a) All dogs, ~~cats~~, and other animals (except cats) shall be kept under restraint and not allowed to run at large, stray.

- (b) An owner shall exercise proper care and control of his or her animals to prevent them from becoming a public nuisance.
- (c) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal of the same type but of opposite sex except for planned breeding.
- (d) Any animal within the city that shall bite, scratch, or otherwise attack a person who is not at the time trespassing upon the property of the owner or person having control of such animal, nor provoking or teasing such animal, shall be deemed vicious or dangerous to persons or other animals and the animal control officer may order that such animal be kept muzzled, or that such animal be kept within a sufficient enclosure to insure it cannot attack any person or other animal again, or may order that such animal be permanently removed from the corporate limits of the city, or that such animal be delivered to the animal control officer to be humanely euthanized.
- (e) Any peace officer or person may at any time report an attack by any dog upon themselves or any person. When such a report is taken, the animal control officer shall investigate such report, and if proven to be fact, shall inform the owner of the dog, if an owner can be located, of the attack. The dog will then be taken up and quarantined as per the laws of the state, Texas Health and Safety Code, Chapter 826.
- (f) If the attack upon any person is proven to be an unprovoked attack, the owner will be notified in person or in writing by the animal control officer within 30 days of the attack and the dog shall be declared a "vicious or dangerous dog." The owner of the dog shall then:
 - (1) Register the dangerous dog with the animal control officer for the area in which the dog is kept;
 - (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and
 - (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person, as per the Texas Health and Safety Code, Chapter 822.
- (g) It shall be unlawful for any person to harbor or keep on his premises or in or about his premises, or premises under his control, any vicious animal except as directed by this article. Upon conviction, harboring a vicious animal in violation of this article is a Class "C" misdemeanor.
- (h) No part of this article shall preclude at any time the filing of a complaint in the court of competent jurisdiction.

§ 2.104 Impoundment; Violation Notice.

- (a) Unrestrained dogs, ~~cats~~, and nuisance animals shall be taken by the animal control officer or police 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 also be impounded. For purposes of discharging the duties imposed by the provisions of this article 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 or she has reason to believe is subject to impoundment pursuant to the provisions of this article or other applicable laws.

- (b) ~~Owner knownd~~ ~~Licensed~~ impounded dogs and cats shall be kept for not fewer than 144 hours (six days).
- (c) ~~Unowned~~ ~~Unlicensed~~ impounded dogs, cats, other domestic animals, and livestock shall be kept for not fewer than 72 hours (three days).
- (d) ~~Animals-at-large~~ ~~Wild dogs, cats, or other animals~~ may be kept up to 72 hours at the discretion of the animal control officer.
- (e) Obviously sick or injured animals may be taken up and humanely euthanized at the discretion of the animal control officer, if the animal is wearing no tag of any kind and is not microchipped so that the rightful owner cannot be notified of their animal's injuries.
- (f) Any seriously injured or sick animal may be put down by the animal control officer as quickly and as humanely as possible to stop further suffering of the animal.
- (g) If, by a vaccination 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, or other reasonable means.
- (h) An owner reclaiming an impounded animal shall pay all impounding fees and vaccination fees as needed for animals before they shall be returned to the owner. Boarding fees shall also be charged to the owner at the fee stated in the master rate and fee schedule for food and housing for the animal. The impounding and pick up fee shall be stated in the master rate and fee schedule for a dog or a cat will be paid to the city police department. All other fees shall be charged at whatever costs are accumulated in impounding the animal (such as any trailer or help as may be contracted for to move the animal to the shelter).
- (i) Subsequent impounding/pick up of the same animal occurring within a 12 month period shall be charged double the impound/pick up fee.
- (j) Owners of animals that are known by the animal control officer to be the proper owner of that animal may be issued a citation for failure to restrain their animal and may be subject to a fine.
- (k) No sick or injured animal shall be released to its owner until the animal control officer shall be satisfied that arrangements have been made for proper treatment of the sick or injured animal.
- (l) Any animal impounded in the animal shelter for a period exceeding the times laid out in this

article shall become the property of the local government authority and shall be placed for adoption or humanely euthanized. Any livestock kept over 72 hours may be sold or auctioned to cover the costs of impoundment and boarding.

- (m) At any time within 14 calendar days from the date of the sale, the owner of any animal impounded and sold under the provisions of this article shall have the right to redeem the same by paying to the purchaser thereof double the amount paid by the purchaser for such animal in addition to any reasonable expenses incurred by the purchaser in keeping the same.
- (n) In addition to, or in lieu of, impounding an animal found at large, the animal control officer or a police officer may issue to the known owner of such animal a notice of a violation of this article. Any person who is convicted of owning an animal at large shall pay a fine.

§ 2.105 Authority to Slay Animals Running at Large.

If any animal is found running at large in violation of this article, and after having received at least two complaints on the animal, and the animal cannot be safely caught and impounded, and the animal is determined to be a threat to public safety then the animal may be put down by the animal control officer or any police officer using that force deemed necessary and taking into consideration the public health and safety.

§ 2.106 Animal Care.

(a) No owner shall fail to provide his animals with:

- (1) Sufficient wholesome and nutritious food;
 - (2) Clean and sufficient quantities of water;
 - (3) Adequate ventilation;
 - (4) adequate shelter~~Shelter space and protection from the weather;~~
 - (5) Veterinary care when needed to prevent suffering; and
 - (6) Humane care and treatment.
- (b) No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal.
 - (c) No person shall cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
 - (d) 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 the maximum time allowed (six days), for the purpose of adopting the animal at a lower cost than the fine and/or fees due.
 - (e) Chickens, ducklings, or rabbits younger than eight weeks of age may not be sold in quantities of fewer than 25 to a single purchaser. This does not include local business establishments

that would sell such animals or fowl in their normal course of business.

- (f) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition; as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (g) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall be lawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
- (h) No person, except a person licensed by the Texas Parks and Wildlife department, shall place or set out steel jaw leg and/or neck traps with the intent of trapping any animal.
- (i) Any person who, as the operator of a motor vehicle, strikes a domestic or non-domestic animal shall as soon as practicable report such injury or death to the animal control officer so that the animal may be picked up.

§ 2.107 Fowl and Livestock.

- (a) It shall be unlawful for any person who is the owner of any hog or pig of any kind, or any person who has any hog or pig under their management or control, to keep the same, or allow the same to remain in any pen or in any other place within the city limits. This does not include Vietnamese potbellied pigs, in which one per residence is permitted.
- (b) No person shall keep upon any tract of land or any lot within the city limits any livestock ~~as defined in this section, or farm animals of any kind, including but not limited to cattle, sheep or goats of any kind~~ unless the tract of land or lot has a minimum of 20,000 square feet of surface. ~~This area must be free of any items or materials that may pose a hazard to the animal.~~ Up to one head of livestock may be kept for each 20,000 square feet of surface on the tract of land or lot excluding any dwelling or any part thereof. No fractional measurements of land will be allowed, nor shall the livestock be allowed to roam free, graze, or be kept within 500 feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments. All persons keeping the livestock upon any tract of land or lot within the city limits will be held responsible for the cleanliness and upkeep of the land or lot so as not to allow it to become a public nuisance by the odor that may be created by the keeping of the livestock.
- (c) It shall be unlawful for any person to keep a horse, mule or jenny in the city limits without obtaining a permit and paying the fee stated in the master rate and fee schedule.
 - (1) Horses, mules or jenny.
- (A) Each animal shall have access to a covered, shelter area. The shelter area will be a minimum of fifteen feet by fifteen feet (15'X15') for each animal and shall be constructed in a sturdy, workman-like manner. A minimum of one wall will be attached to the shelter to provide a windbreak for the animal. The adequacy of the shelter will be at the discretion of the city

manager or his designee;

~~(B) Contiguous, and in addition to the (15'x15') shelter, each animal will have access to a thirty feet by thirty feet (30'x30') exercise area. This area must be free of any items or materials that may pose a hazard to the animal;~~

~~(EB)~~ Horses are allowed to be tethered outside the exercise area no more than eight (8) hours per day. A tether is considered to be a lead-rope made of chain, ten feet (10') in length attached to a halter. The lead-rope shall be attached to a sturdy material rope or chain with a length of twenty feet (20');

~~(DC)~~ Each animal shall have access to a sufficient supply of fresh, clean water while in the tract of land or lot exercise area, the shelter area, or tethered;

~~(ED)~~ Stallions are not allowed within the city and there is to be no breeding of horses, mules or jenny inside the city limits;

~~(F)~~ All animals that are to be kept via a permit will have all required vaccinations prior to being allowed inside the city limits;

~~(GE)~~ All animals that are to be kept via a permit will have all required "Coggins" papers prior to being allowed inside the city limits;

~~(HF)~~ The enforcement officer may revoke the permit for any horse, mule or jenny if the permit holder fails to comply with subsections ~~(A)-(GE)~~ above.

(d) No person shall keep upon any tract of land or lot within the city limits any domestic fowl, such as, but not limited to chickens, turkeys, guinea fowl, geese and/or ducks, unless the fowl are securely penned on the property of the owner and not be allowed to roam free. Any fowl of any kind found to be roaming free by the animal control officer within the city limits will be considered to be unowned and may be taken up or disposed of as may be deemed necessary to prevent the fowl from becoming a public nuisance. Male domestic fowl are not permitted within the city limits and the breeding of domestic fowl is strictly prohibited within the city limits. All owners or keepers of the fowl within the city limits will be held responsible for the cleanliness and upkeep of the tract of land or lot upon which the fowl are being kept so as not to allow it to become a public nuisance by the odor that may be created by the keeping of the fowl.

(e) Subsections (a), (b) and (c) above shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, livestock auctions, livestock shows or events, rodeos, 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.

(f) Subsections (a), (b) and (d) above shall not apply to those students participating in 4-H or FFA who engage in the raising of livestock or fowl for the purpose of showing them in a livestock show.

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- (1) These persons shall be required, however, to register the keeping of such animals or fowl with the animal control department.
- (2) There will be no fee for registering of livestock or fowl for the purpose of showing in a livestock show. Registration shall list the name and address of the student, the exact address and location where the animals or fowl are being kept, and period of time the animals or fowl will be kept at that location.
- (g) *Penalty.* Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$2,000.00.

§ 2.108 Keeping of Wild Animals.

- (a) No person shall own, possess, or have custody on his premises of any wild or vicious animal (including any poisonous or otherwise dangerous reptile) for display, training, or exhibition purposes, whether gratuitously or for a fee, unless the person registers the animal or reptile with the animal care and control department. This registration may be made between the hours of 8:40 a.m. and 5:00 p.m., Monday through Friday.
- (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.
- (c) Subsection (a) above shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary hospitals.

§ 2.109 Animal Waste.

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

§ 2.110 Loan of Live Traps by the City to Citizens.

Any small animal trap that is loaned to any citizen of the city by the animal control department of the animal control department will have a fee as stated in the master rate and fee schedule charged to the citizen borrowing the trap. The citizen is responsible for the upkeep and baiting of the trap while he or she is in possession of the trap. Any trap destroyed, lost, or stolen is the responsibility of the person renting the trap. If the trap is lost damaged or stolen, the full replacement cost of the trap shall be charged to the person renting the trap. All funds so generated will be used to purchase more traps or to replace worn out traps.

§ 2.111 Chapter Compliance Does Not Relieve Other Compliance Requirements.

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

§ 2.112 Enforcement; Interference With Animal Care and Control Officer.

- (a) The civil and criminal provisions of this article shall be enforced by those persons or agencies designated by municipal authority. The animal care and control officer shall have the

authority to issue citations to anyone he finds in violation of this chapter.

- (b) It shall be a violation of this article to interfere with the animal control officer in the performance of his/~~her~~ duties.

§ 2.113 Spay and Neuter Requirements.

Any dog or cat adopted from the animal shelter or the pet adoption center shall be spayed or neutered prior to adoption, or if the animal is too young the adopter shall commit to have the animal spayed or neutered when it has reached the age of six months. The costs of spaying or neutering are to be borne by the adopters and the Friends of Gonzales Animal Shelter, Inc.

ARTICLE 2.200 RABIES CONTROL

§ 2.201 Rabies Vaccination.

- (a) It shall be unlawful for any person to own, keep, harbor, or have custody or control of a dog or cat over 120 days of age within the city unless such dog or cat is currently vaccinated against rabies by the injection of anti-rabies 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) The 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 animal care and control officer~~ 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. If the dog or cat is not wearing a tag the animal care and control officer may demand the owner show the certificate of vaccination describing the animal, not just the tag. Such certificate of vaccination shall be provided by the owner to the animal care and control officer within one business day.

§ 2.202 Reports of Exposure to Rabies.

- (a) Any veterinarian who shall find any animal within the city limits afflicted with any disease which is transmissible from animal to man shall immediately report to the city health officer and the animal control officer such case together with the name and address of the owner and the location of the animal at that time.
- (b) Persons having knowledge of any animal exhibiting symptoms of or animals that have been exposed to rabies, or that has bitten, scratched or otherwise attacked a person or another animal, or that the person suspects to be rabid or could reasonably suspect is capable of transmitting rabies, shall report the animal or incident to the animal control officer as soon as possible but not any later than 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.

§ 2.203 Quarantine Procedures for Animals.

- (a) Every animal that bites, scratches, or otherwise attacks another animal or person, or any animal that is reasonably suspected of having rabies in the city shall be impounded at once and held for observation in an approved quarantine facility. This observation period shall not be less than 10 full days starting with the day of the bite or attack incident as day one. The owner may choose to have the animal quarantined at an approved veterinary clinic of his choice. The owner of the animal shall be responsible for all impoundment fees and all feed expenses accumulated during this time whether to the city quarantine facility or veterinary clinic.
- (b) In the event the owner of such animal described above refuses to surrender such animal on demand, such action shall constitute a Class "C" misdemeanor.
- (c) If the owner of the animal described above cannot be found or identified, or the animal was a stray, the animal control officer may take any steps necessary to catch for quarantine or to destroy the animal, so that the head may be submitted for examination by the Texas Department of Health.
- (d) Any wild animal that is not normally a domesticated animal that bites or attacks any person or other animal shall be at once destroyed and the head submitted for testing according to state law.
- (e) If the owner of such animal can be identified, that person shall be responsible for the cost of the disposition of the animal, including the preparation and shipment of the animal's head for testing. If the owner chooses not to pay for the quarantine, then the animal shall be humanely destroyed and the brain submitted for testing to the Texas Department of Health.
- (f) At the discretion of the animal care and control officer, the unowned animal may be humanely euthanized for immediate rabies diagnosis prior to the end of the quarantine period.
- (g) No animal that has been placed in quarantine for possible rabies infection may be released without proof of current rabies vaccination, which is the certificate that was given to the owner of the animal at the time of vaccination. The metal tag given to the owner of any animal

upon vaccination by the veterinarian shall not be taken as proof of vaccination.

(h) ~~Home quarantine of a biting animal in the city shall not be recognized by the animal care and control office of the animal care and control department as a legal quarantine of the animal. The owner of the animal to be quarantined may request permission from the rabies control officer, which approval is in the discretion of the rabies control officer, for home quarantine if the following criteria can be met:~~

~~A secure enclosure must be available at the home of the animal's owner, and must be approved by the rabies control officer.~~

~~The animal is currently vaccinated against rabies and possesses a rabies vaccination certificate from the veterinarian administering the vaccine. ~~current city license tag (if the licensing requirement of this chapter is applicable).~~~~

~~The animal was not in violation of any laws or ordinances at the time of the incident.~~

~~The bite or scratch incident was a provoked attack.~~

~~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 rabies control officer.~~

~~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 rabies control officer 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 rabies control officer. The release from quarantine must be accomplished in writing.~~

~~The owner shall be responsible for paying all rabies observation fees to the veterinarian.~~

~~It shall be unlawful to violate the provisions and conditions of the home quarantine as required by the rabies control officer. If the owner of the animal fails to abide by all provisions and conditions required by the rabies control officer when the home quarantine was granted and the animal is found in violation of such conditions, the animal shall be immediately impounded and quarantined for the remainder of the observation period at an approved veterinary facility at the owner's expense.~~

(i) A licensed veterinarian must observe the animal at least on the first and last days of the

quarantine period. The animal shall be transported on both the first and last day of the quarantine to the veterinarian chosen by the owner of the animal for observation of the animal. The owner of the animal shall be responsible for any and all fees charged by the animal clinic for the observation.

§ 2.204 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 euthanized 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 exposed to a rabid animal shall be humanely euthanized 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.