

## **ANIMALS AND FOWL CONTROL ORDINANCE**

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**GENERAL PROVISIONS**

**DEFINITIONS.**

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

**ANIMAL CONTROL OFFICER.** The person designated by the City Manager to represent and act for the city in the impoundment of animals, controlling of animals at large and as otherwise provided and required in this chapter.

**AT LARGE.** Off the premises of the owner and not under the control of the owner or other persons authorized by the owner to care for the animal by leash, cord, chain or otherwise.

**CAT.** A domestic feline of either sex, including one spayed or neutered.

**DOG.** A domestic canine of either sex, including one spayed or neutered.

**DOMESTIC ANIMAL.** This includes the following species; dog, cat, horse, cow, pig, sheep, and goat. Domestic Animal does not include hybrid individuals resulting from crossing wild with domestic species.

**DOMESTIC FOWL.** Any bird species domesticated by humans so as to live and breed in a tame condition.

**HARBORING.** The act of keeping and caring for an animal or of providing premises to which the animal returns for a period of three days.

**INHUMANE TREATMENT.** Any treatment to any animal which deprives the animal of necessary sustenance, including food, water, and protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, or other abnormal treatment as may be determined by the Animal Control Officer.

**LIVESTOCK.** An animal raised for human consumption or a equine animal.

**OWNER.** Any person owning, possessing, harboring, keeping or sheltering any animal, or allowing an animal to remain about his premises for a period of three days.

**PET ANIMAL.** This shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet, but shall not include any species of wild, exotic, or carnivorous animal that may be further restricted in this chapter.

**RESTRAINT.** An animal shall be deemed to be under restraint if tied in such a way that it cannot get off the premises of its owner, or within a totally enclosed fence constructed in such a way to prevent the animal from leaving or getting off the premises of the owner, or if accompanied by a responsible person and under that person's control with the use of a leash or similar type restraint. The use of a wireless fence that requires a dog to wear a special collar that transmits either a high frequency sound or a pulse stimulus shock and is intended to train the dog to stay on the premises will not be considered a means of restraint.

**STRAY ANIMAL.** An animal that wanders upon a public street, alley, or property of another.

**VICIOUS ANIMAL.** Any animal that commits any unprovoked attack upon a person or other animal on public or private property or that attacks, threatens to attack or terrorizes a person on public property or property of another.

**WILD ANIMAL.** Any mammal native of North America except the domestic species (dog, cat, horse, cow, sheep, and goat).

#### Chapter 2 Interference with Animal Control Officer

It shall be unlawful for any person to interfere with, harass, hinder, or prevent the Animal Control Officer or authorized representatives in the discharge of his duties herein prescribed, or to violate any of the provisions of this chapter.

It is a defense to prosecution under this section that the interference alleged consisted of speech only.

#### Chapter 3 ANIMAL OR FOWL CREATING NUISANCE.

It shall be unlawful for any person owning, possessing, or exercising dominion over any animal or fowl to fail to prevent such animal or fowl from creating a nuisance to persons or other animals in the city.

#### Chapter 4 OFFENSIVE ANIMALS; HEALTH HAZARD.

It shall be unlawful for any person, including the owner, to keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which by reason of noise, odor, sanitary conditions becomes offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitutes or becomes a health hazard as determined by the Animal Control Officer.

#### Chapter 5 RUNNING-AT-LARGE AND CAUSING DAMAGE.

It shall be unlawful for any person owning, possessing, or exercising dominion over any animal to fail to prevent such animal or fowl from running-at-large and causing damage to persons, property, or any other animal, within the corporate limits of the city.

#### Chapter 6 DOGS AT LARGE PROHIBITED.

All dogs shall be kept under restraint.

#### Chapter 7 HARBORING A DANGEROUS, VICIOUS ANIMALS.

It shall be unlawful for any person, including the owner, to keep or harbor any dangerous or vicious animal within the corporate limits of the city. Such any animal shall be impounded as a public nuisance. If impoundment of the animal running-at-large cannot be made with safety to the animal warden or other persons, the animal may be destroyed without notice to the owner or harbored.

## Chapter 8 CONFINEMENT OF STRAY ANIMALS BY INDIVIDUALS

If any animals named in this chapter are found upon the premises of anyone, the owner or occupant of such premises shall have the right to confine such animal until he can notify the Animal Control Officer to come and impound such animal, provided, that the same is done in a reasonable time when so notified, it shall be the duty of such officers to at once cause such animal to be so impounded.

## Chapter 9 INJURED ANIMALS.

Animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the injured animal is treated and/or impounded, the owner of such animal shall be liable for all expenses of the treatment and/or the impoundment.

## Chapter 10 INHUMANE TREATMENT.

It shall be unlawful for any person to perform or carry out any inhumane treatment against any animal.

## Chapter 11 CONFINEMENT OF FEMALE DOGS DURING ESTRUS.

Any unsprayed female dog in state or estrus (heat) shall be confined during such period of time in a house; building or secure enclosure and the area of enclosure shall be so constructed that no other dog may gain access to the confined animal. Owners who do not comply shall be ordered to remove the animal in heat to a boarding kennel, veterinary hospital or animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with the removal order of the animal warden shall be in violation of this chapter and the dog will be impounded as prescribed in this chapter.

## Chapter 12 ENDANGERED SPECIES.

It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor, or permit in the city any endangered species of animal as defined by the United States Department of the Interior or the Texas Department of Parks and Wildlife.

## Chapter 13 REQUIREMENTS FOR DISPOSAL OF DEAD ANIMALS.

It shall be unlawful for any person to place or cause to be placed the carcass or dead body of any animal or any part of the carcass or dead body of any animal, upon the streets or alleys of the city or within the corporate limits of the city. It shall be the duty of the owner of any animal that may die within the city limits of the city, to at once remove the

animal from the city limits, or to cremate such dead animal or otherwise dispose of it in a manner that will prevent sickness, or to prevent any foul and unwholesome odor from pervading the surrounding atmosphere, and such owner of any dead animal shall remove or dispose of such animal whether it be on his own property or on the property of any other individual or on the streets or alleys of the city.

## **RABIES CONTROL**

### **Chapter 14 VACCINATION OF DOGS AND CATS REQUIRED.**

Every owner of a dog or cat four months of age or older shall have such animal vaccinated against rabies. Revaccination shall be required thereafter so that the animal remains current regarding vaccination against rabies. Any person moving into the city from a location outside the city shall comply with this section within ten days after having moved into this city.

### **Chapter 15 CERTIFICATE OF VACCINATION**

Upon vaccination the owner of the animal shall secure from the veterinarian, a certificate upon a form furnished by the veterinarian. Such certificate shall contain the following information:

- a. Owner's name, address and telephone number.
- b. Animal identification, species, age, sex, size (in pounds), predominant breed and colors.
- c. Vaccine used producer, expiration date, and serial number.
- d. Date vaccinated.
- e. Rabies tag number.
- f. Veterinarian's signature and license number.

### **Chapter 16 TAG; DUPLICATE.**

1. Concurrent with the issuance and delivery of the certificate of vaccination referred to in Chapter 15, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance and the name of the issuing veterinarian and his phone number.
2. In the event of loss or destruction of the original tag provided in section one of this chapter, the owner of the dog or cat shall obtain a duplicate tag.

### **Chapter 17 PROOF OF VACCINATION.**

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter.

## Chapter 18 HARBORING UNVACCINATED ANIMALS.

It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

## Chapter 19 ANIMALS EXPOSED TO RABIES.

Any person having knowledge of the existence of any animal known to have been or suspected of being exposed to rabies must immediately report such knowledge to the local health authority giving him any information which he may require. For any animal known to have been or suspected of being exposed to rabies, the following rules must apply:

- A. Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues should be:
  - 1. Humanely killed; or
  - 2. If sufficient justification for preserving the animal exists, the exposed animal should 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. Vaccinate animals which have been bitten or otherwise significantly exposed to a Rabid animal should be:
  - 1. Humanely killed; or
  - 2. If sufficient justification for preserving the animal exists, the exposed vaccinated animal should be given a booster rabies vaccination and be placed in strict isolation for three months.

## Chapter 20 BITES TO HUMANS TO BE REPORTED; EXCEPTIONS.

- 1. Any person who knows of any animal bite or scratch to any individual that the person could reasonably foresee as capable of transmitting rabies, or knows of an animal that the person suspects is rabid, shall report the incident to the Local Rabies Control Authority. Every physician or other.
- 2. The Local Rabies Control Authority shall investigate a report filed under this section.
- 3. Human who are bitten by rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this section.

## Chapter 21 QUARANTINE OF ANIMALS AND RELEASE.

### Quarantine of Animals

- 1. The Board of Health shall adopt rules governing the testing of quarantined animals and the procedure for and method of quarantine.



2. The Local Rabies Control Authority or a veterinarian shall quarantine or test in accordance with Board rules any animal that the Local Rabies Control Authority has probable cause to believe is rabid; may have been exposed to rabies; or may have exposed a person to rabies.
3. An owner shall submit for quarantine an animal that:
  - a. is reported to be rabid or to have exposed an individual to rabies; or
  - b. the owner knows or suspects is rabid or has exposed an individual to rabies.
4. The owner shall submit the animal to the Local Rabies Control Authority.
5. A veterinarian shall quarantine an animal that:
  - a. is in the possession of the veterinarian, and
  - b. the veterinarian knows or suspects is rabid or has exposed an individual to rabies.

#### Release of Quarantined Animals.

1. If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the veterinarian of the Local Rabies Control Authority shall release the animal to its owner when the quarantine period ends if:
  - a. The owner has an unexpired rabies vaccination certificate for the animal; or
  - b. The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.
2. If a veterinarian determines that a quarantined animal shows the clinical signs of rabies, the veterinarian or Local Rabies Control Authority shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine the veterinarian or the Local Rabies Control Authority shall remove the head or brain of the animal and submit it to the nearest department laboratory for testing.
3. The owner of an animal that is quarantined under this chapter shall pay to the veterinarian or Local Control Authority the reasonable costs of the quarantine and disposition of the animal. The veterinarian or Local Rabies Control Authority may bring suit to collect those costs. The county in which the veterinarian is located may reimburse the veterinarian in a reasonable amount set by the county for the costs of the quarantine and disposition of an animal whose owner is unable to pay.
4. The veterinarian or Local Rabies Control Authority may sell the animal and retain the proceeds or keep, and/or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

**Limitation of Liability.** A veterinarian performing duties under this chapter is not liable to the owner of an animal for the death of or injury to the animal except in a case of willful misconduct or gross negligence.

#### **Statutory Reference:**

Quarantine of Animals, see Texas Health and Safety Code 826.042 and 826.043

Limitation of Liability, see Texas Health and Safety Code 826.047

#### Chapter 22 CONFINEMENT OF DOGS AND CATS WHICH HAVE BITTEN HUMANS.

1. Any dog or cat which has bitten a person shall be observed for a period of ten days from the date of the bite. The procedure and place of observation shall be designated by the local health authority. If the dog or cat is not allowed an at-home quarantine, confinement shall be by impoundment at the County Humane Society, at the City Animal Shelter, or at any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. Stray dogs or cats whose owners cannot be located shall be confined in the Humane Society, animal shelter or veterinary hospital. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall, upon demand, constitute a violation of this section, and each day of such refusal shall constitute a separate individual violation. At no time shall the dog or cat be allowed an at-home quarantine if it is in violation of any provision of this chapter.
2. It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined as authorized, without the consent of the local health authority.

#### Chapter 23 PROCEDURES FOR OTHER ANIMAL BITES.

Procedures concerning bites from other animals shall be discussed with the local health authority, Animal Control Officer, or the Texas Department of Health for proper disposition. Any wild animal which has bitten a person should be caught and killed and the brain immediately submitted to a qualified laboratory for rabies examination. An exception to this rule may be allowed for large, exotic, or valuable zoo species, which, by reason of their close confinement, would be unlikely rabies vectors. Rodents, rabbits, birds and reptiles are not considered to be transmitters of the rabies virus and should not be submitted for laboratory examination for rabies.

#### Chapter 24 LOCAL RABIES CONTROL AUTHORITY.

In accordance with the Rabies Control Act of 1981, Texas Health and Safety Code 826.001 the Local Rabies Control Authority shall be the reporting agent for the purpose of this law, whose duties shall consist of the following:

- a. receiving all reports of animal bites and scratches to humans
- b. receiving all reports of suspected rabid animals
- c. investigating all reported animals, bites and scratches an suspected rabid animals
- d. ordering quarantine, if appropriate, of any animal which has exposed an individual or which may rabid.
- e. Other duties as entailed by the text of this law.

**Statutory Reference:** Designation of Local Rabies Control Authority see Texas Health and Safety Code 826.017

Chapter 25 TRANSPORTING DOG OR CAT WITHOUT VACCINATION  
CERTIFICATE OR TAG

- A. It shall be unlawful for a person to transport a dog or cat three months of age or older without having an official rabies vaccination certificate or tag showing that the dog or cat, within the period prescribed by Texas Health and Safety Code 826.021, has been vaccinated to prevent rabies.
- B. The provisions of (A) above do not apply if a person is a veterinarian, a peace officer, a person employed by an animal shelter, or a who is employed by or under contract with the state or city to deal with stray animals and who has temporary ownership, custody, or control of the dog or cat in connection with that position.

**Statutory Reference:**

Transporting dog or cat without proof of vaccination, see Texas Health and Safety Code 826.0221

Chapter 26 TRANSPORTATION OR SALE OF HIGH-RISK ANIMAL.

A person commits an offense if the person:

- 1. Transports, or possesses for the purpose of transporting, an animal from this state to another state or country or within this state if the animal is of a type that has a high probability of transmitting rabies or
- 2. Sells, or possesses for the purpose of sale, an animal from this state to a person in another state or to a person within this state if the animal is of a type that has a high probability of transmitting rabies.
  - a. it is not a defense to a prosecution under this section that the transportation, possession, or sale of the animal is authorized by a permit issued by the Parks and Wildlife Department, the United States Department of Agriculture, or any other state or federal agency.
  - b. The board shall define the types of animals that have a high probability of transmitting rabies for purposes of this section. The board may not include dogs or cats as types of animals that have a high probability of transmitting rabies for purposes of this section only.
  - c. This section does not apply to a retail pet store owner or operator.
  - d. This section does not apply to a veterinarian, peace officer, person employed by an animal shelter, or a person who is employed by or under contract with the state or a political subdivision of the state to deal with stray animals and who has temporary ownership, custody, or control of the animal in connection with that position.

**Statutory Reference** Transporting high-risk animals see Texas Health and Safety Code 826.0451

## IMPOUNDMENT, REDEMPTION AND DISPOSITION

### Chapter 27 DOGS.

Any dog found within the city in violation of any of the provisions of this chapter shall immediately be impounded and kept for a period of 72 hours, unless the dog is wearing a valid rabies vaccination tag, in which case the dog shall be kept for a period of 120 hours, and then disposed of, provided, however, that the owner of any dog or cat impounded under the terms of this section shall be allowed to take such dog from the place where impounded upon the following conditions:

1. Payment of a boarding fee of the sum of \$5.00 for each day or fractional part thereof which the dog has been impounded.
2. Payment of the following impoundment fee:
  - a. Impoundment of altered dog or cat:

1 <sup>st</sup> impoundment	\$50.00
2 <sup>nd</sup> impoundment	\$75.00

For each impoundment thereafter, an additional \$25.00 will be charged.

- b. Impoundment for an unaltered dog or cat:

1 <sup>st</sup> impoundment	\$75.00
2 <sup>nd</sup> impoundment	\$100.00

For each impoundment thereafter, an additional \$25.00 will be charged.

3. Payment of any veterinarian charges.
4. If the dog is not wearing a collar with valid rabies and license tags attached, then the owner thereof must present a certificate showing that the dog or cat has been vaccinated within 12 months from that day, or have the dog vaccinated within 72 hours of release from impoundment, and must further produce or secure a valid license tag for such dog or cat.
5. Provide the dog with a collar or harness to which the license and rabies tags are attached.
6. Any animals taken into custody by the Animal Control Officer that are visibly affected with any sign of communicable disease other than rabies, which are being held at the animal shelter, may instead of being held, be humanely destroyed, provided the animal has not inflicted any human or other animal bite during the preceding ten days, if so, the head is to be removed and submitted to a laboratory approved by the Texas Department of Health for rabies testing.
7. The Animal Control Officer shall, upon impoundment, attempt to call the owner and mail notice to the owner of any impounded dog or cat which is wearing a collar with a valid city registration tag attached thereto.

## Chapter 28 ANIMALS OTHER THAN DOGS.

Any animal found within the city in violation of any of the provisions of this chapter shall immediately be impounded and kept for ten days, unless earlier claimed by the owner, and then disposed of; provided, however, that the owner of any animal impounded under the terms of this section shall be allowed to take such animal from the place where impounded upon the following conditions:

1. Payment of a board fee of the sum of \$7.00 per day or fractional part thereof which the animal has been impounded.
2. Payment of a pickup fee on all animals except dogs and cats of \$25.00
3. Payment of any veterinary charges.
4. Any animal taken into custody by the Animal Control Officer that is visibly affected with any sign of communicable disease other than rabies, which is being held at the impounding facility, may, instead of being impounded, be humanely destroyed.

## Chapter 29 IMPOUNDED ANIMAL BEING HELD ON COMPLAINT.

If a complaint has been filed in municipal court in the city against the owner of any impounded animal for violation of this chapter, the animal shall not be released except on the order of the court, which may also direct the owner to pay any penalties for violation of this chapter in addition to all impoundment fees. The court may upon making a finding that such animal is vicious or that it represents a clear and present danger or nuisance to the citizens or other animals in the community, order the animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the Animal Control Officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation of this chapter.

## Chapter 30 DISEASED ANIMALS.

Any animal taken into custody by the Animal Control Officer, except those animals which inflicted human bites during the preceding ten days, that are visibly affected with a sign of communicable disease other than rabies, which are being held at the impounding facility, may, instead of being impounded, be humanely destroyed, provided:

1. that any animal which has inflicted any human bites during the preceding ten days have its head removed by the Animal Control Officer and submitted to the laboratory for rabies examination.
2. any animal exhibiting symptoms of rabies must be handled in a manner prescribed by the local health authority.

## Chapter 31 ANIMAL TRAPS; PERMIT REQUIRED.

Any city resident that has a humane box type trap and wants to use that trap for trapping of stray and or nuisance domesticated dogs and or cats within the corporate city limits,

shall obtain a trap permit. This permit shall be issued to this individual for use only on their premises. There will be one-time trap permit fee of \$10.00. Any dogs and or cats caught in these traps must be surrendered to the city Animal Control Department. No steel jaw leg hold traps in the city limits shall be permitted.

## **LIVESTOCK AND FOWL**

### **Chapter 32 MINIMUM SPACE; FENCING.**

No person shall maintain livestock or fowl within the city unless the following requirements are met concerning the space allotted to each animal or fowl:

- A. Horses. There shall be a minimum space of 1 (one) acre for each horse kept within the city limits. The shed used for protection against the elements must be located on this plot. The pen or stall will be enclosed with suitable fencing, as determined by the Animal Control Officer.
- B. Goats and sheep. There shall be a minimum space of 1 (one) acre for each goat or sheep. The shed used for protection against the elements must be located on this plot. The lot will be enclosed with suitable fencing, as may be determined by the Animal Control Officer.
- C. Cows. There shall be a minimum space of 1 (one) acre for each cow kept within the city limits.
- D. Fowl. Any fowl cage or enclosure maintained in the city limits must be large enough to provide five square feet per fowl. The fowl house will be allowed to be part of this area. Chicken wire shall be used as the fence material for fowl. The house must be of such construction as will allow for ease in cleaning and airing. The fowl pen must also have a chicken wire roof over it to prevent fowl from escaping.

### **Chapter 33 KEEPING OF SWINE.**

It shall be unlawful for any person to keep on or about his premise, or in any enclosure, pen or lot, smaller than an acre of land, any hog or pig. When as much as an acre of land is allowed for each hog or pig, it shall not be a violation of this section.

**Chapter 34 DISTANCE FROM DWELLINGS OF FACILITIES USED FOR KEEPING LIVESTOCK.**

No enclosure, pen, stall or other facility used for keeping livestock or fowl shall be so located as to allow the livestock or fowl confined therein to come within 100 feet of the exterior limits of any dwelling, including the dwelling occupied by the owner of livestock or fowl.

**Chapter 35 RUNNING-AT-LARGE.**

It shall be unlawful for any owner, keeper or person having in his possession any horse, mule, jack, cow, cattle, sheep or goat to permit such animal to run-at-large within the boundaries of the city.

**KEEPING OF PROHIBITED ANIMALS**

**Chapter 36 DEFINITION.**

For the purpose of this chapter, PROHIBITED ANIMAL means an animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal, or state regulations, including, but not limited to the following:

1. Class Reptilia. Family Helodermatidea (venomous lizards), Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers), Family Elapidae ( coral snakes, cobras, mambas, and other elapids), the following listed species of Family Colubridae – Dispholidus typus (Boomslang), Hydrodynastes gigas (water cobra), Bolga (mangrove snake), and Thelotocals (African twig snake) only; Order Phidla, Family Boidae (racers, boas, water snakes and pythons), and Order Crocodylia (crocodiles, alligators, calmans, and gavials),
2. Class Aves. Order Falconiforms (such as hawks, eagles and vultures), Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus), and Order Strigiforms (such as owls)
3. Class Mammalia. Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars.) except commonly accepted domesticated cats, Family Canidae ( such as wolves, or wolf hybrid, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae ( such as weasels, skunks, ferrets, martins, mink, and badgers), Family Procyonidae (raccoon), Family Ursidae (such as bears) Order Marsupialia (such as kangaroos and common ipossums), Order Edentata (such as sloths, anteaters, and armadillos), Order Proboscidea (elephants), Order Primata (such as monkeys, chimpanzees and gorillas), Order

Rodentia (such as porcupines), and Order Ungulata (such as antelope, deer, bison, and camels)

4. The City Manager may declare any species of animal not listed in this section as "prohibited" if the confinement of the animal within the city can be shown to constitute a threat to public health and safety.

**PROHIBITED ANIMAL** does not include:

1. a bird kept in a cage or aviary that is not regulated by international, federal, or state law, or
2. a gerbil, hamster, guinea pig, or laboratory mouse or rat.

#### Chapter 37 PERMIT REQUIRED

Any person or entity owning, keeping or harboring a prohibited animal shall obtain a permit from the city.

#### Chapter 38 PROHIBITED ANIMALS, PROHIBITED ANIMAL PERMIT.

A PERSON COMMITS AN OFFENSE IF HE OWNS, POSSESSES, EXHIBITS, OR HARBORS A PROHIBITED ANIMAL WITHIN THE CITY.

It is a defense to prosecution that the owner or possessor:

1. Holds a valid prohibited animal permit issued under this section, or
2. Is a governmental entity.

A permit for the possession of a prohibited animal may be issued only to:

1. A zoo open to the public
2. A research institution
3. an individual researcher
4. a member of a nonprofit wildlife society involved in education or research
5. an individual or a nonprofit animal rehabilitation organization permitted by the Texas Parks and Wildlife Department
6. a public or private primary or secondary school
7. an animal exhibition, rodeo, or circus, of which the animal is an integral part

If the animal is restrained from inflicting injury upon persons, property, or other animals and adequate provision is made for the care and protection of the animal.

Prohibited animal permits are classified as follows:

1. a commercial prohibited animal permit may be issued to a person providing prohibited animal for animal exhibitions on two or more occasions during a 12 month period. The permit is valid for one year from the date of issuance.
2. a temporary prohibited animal permit may be issued to a person providing prohibited animals for animal exhibitions on a one-time basis. The permit is valid for a designated period not to exceed 31 days.



3. a noncommercial prohibited animal permit may be issued to a research institution, an individual research, or a member of a nonprofit wildlife society involved in education or research. The permit is valid for one year from the date of issuance.
4. a special use prohibited animal permit may be issued to a zoo, public or private learning institution, or an individual or a nonprofit animal rehabilitation organization permitted by the Texas Parks and Wildlife Department. The permit is valid for one year form the date of issuance.
5. a permit is issued for one or more animals of an owner or possessor at a single location
6. a person or entity holding a prohibited animal permit shall notify the manager of animal control in writing or any change in the permitted location for the animal. This requirement does not apply to the transporting of the animal:
  - a. In or out of the city; or
  - b. To or from a veterinary clinic.

The fees for a prohibited animal permit are as follows:

<b>Type of Permit</b>	<b>Fee</b>
Commercial	\$275.00
Temporary	\$100.00
Noncommercial (educational)	\$100.00

**A prohibited animal permit is non-transferable and the permit fee is nonrefundable.**

#### Chapter 38 REVOCATION.

The Animal Control Officer shall revoke a permit to own, possess, exhibit or harbor a prohibited animal within the city if the permit holder fails to:

1. Properly restrain his animal
2. Adequately care for or protect his animal or
3. Meet all requirements specified on the prohibited animal permit

#### Chapter 39 APPEALS FROM DENIAL OR REVOCATION

If the Animal Control Officer refuses to issue or renew a prohibited animal permit, or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to appeal. The applicant or permit holder may appeal the decision of the Animal Control Officer to the City Manager.

## **OWNERSHIP OF DANGEROUS OR POTENTIALLY DANGEROUS DOGS**

### **Chapter 40 DEFINITIONS.**

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

#### **DANGEROUS DOG(S)**

1. Any dog that , when unprovoked, inflicts severe injury or death to a person, or bites or attacks a person on public or private property or
2. Any dog that has killed or severely injured a domestic animal without provocation while off the owner's property.

#### **POTENTIALLY DANGEROUS DOG(S)**

1. Any dog which, when unprovoked, inflicts a severe bite to a person, charges or approaches a person upon the streets, sidewalks, or any public or private property in an apparent attitude of attack such that the dog will cause physical injury to that person, or
2. Any individual dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of persons or domestic animals.

**PROPER ENCLOSURE.** A house or building, or in the case of a fence or a structure/pen must be at least six feet in height. The structure/pen must also have minimum area of 72 square feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children, and must be locked and secured such that a dog cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen shall have secure sides to prevent the potentially dangerous dog from escaping from the enclosure. The structure/pen shall provide protection from the elements for the potentially dangerous dog. The Animal Control Department may require a fence higher than six feet or require a secure top and or a secure bottom to the structure/pen if the need is demonstrated.

**SEVERE ATTACK.** An attack, in which the dog repeatedly bites or vigorously shakes its victim, and the victim, or a person intervening, has difficulty terminating the attack.

**SEVERE BITES.** A puncture or laceration made by any dog's teeth which breaks the skin, resulting in a degree of trauma which would cause most prudent and reasonable people to seek medical care for treatment to the wound, without consideration of rabies prevention alone.

**UNPROVOKED.** With respect to an attack by any dog shall mean that the dog was not hit, kicked, or struck by a person with an object or part of a person's body, nor was any part of the dog's body pulled, pinched, or squeezed by a person.

#### Chapter 41 DANGEROUS DOG(S) RUNNING-AT-LARGE

No person shall own or harbor a dangerous dog within the city. Such dogs(s) shall be impounded as a public nuisance. If impoundment of the dangerous dog(s) is being attempted away from the premises of the owner and the impoundment cannot be made with safety, the dog may be destroyed without notice to the owner or harbored. If an attempt is made to impound a dangerous dog from the premises of the owner or harbored and the impoundment cannot be made with safety, the owner or harbored will be given 24 hours' notice that if the dog is not surrendered to the Animal Control Department for impoundment within the 24 hour period, then the dog will be destroyed wherever it is found. After this notice, the dangerous dog may be destroyed during an attempt to impound, if impoundment cannot be made with safety, whenever the impoundment is attempted. Notice under this section may be verbal or in writing. A written notice left at the entrance of the premises where the dangerous dog is harbored will be considered valid notice under this chapter.

#### Chapter 42 DECLARATION OF A DANGEROUS OR POTENTIALLY DANGEROUS DOG.

- A. A dog is automatically declared to be a dangerous dog that performs any of the acts described in the definition of DANGEROUS DOG in Chapter 41 of this subchapter.
- B. The Animal Control Department may find and declare a dog to be dangerous or potentially dangerous if the Department has evidence before it to believe that a dog is a dangerous or a potentially dangerous dog as defined in Chapter 40 of this subchapter.
- C. Upon receipt of an affidavit of complaint signed by one or more individuals, made under oath before an individual authorized by law to take sworn statements, or made at the Animal Control Department, setting forth the nature and the date of the act, the location of the event, the owner of the dog, the address of the owner, and the description of the dog doing such act, the Animal Control Department shall investigate the complaint and may determine that a dog is dangerous or potentially dangerous.

#### Chapter 43 NOTIFICATION OF DECLARATION OF A DANGEROUS OR POTENTIALLY DANGEROUS DOG.

- A. Within five working days of declaring any dog dangerous or potentially dangerous, the Animal Control Department will notify, by certified mail, return receipt requested, the person owning the dog (if that person is ascertainable) of its designation as a dangerous or potentially dangerous dog. In the event that certified mail, return receipt requested, cannot be delivered, the Animal Control Department may then give notice by ordinary mail.
- B. If the dog is declared to be dangerous or potentially dangerous, the notice shall inform the owner of the dog that a determination hearing may be requested to contest the declaration. The request for a determination hearing must be in writing

and must be received by the City Manager or his/her designee no later than ten working days from receipt of notice by the owner of the dog. Failure to appeal the declaration within 10 working days shall result in the Animal Control Department's decision as final. The appeal shall be to the municipal court of the city. An owner may appeal the decision of the municipal court in the same manner as any appeal for other civil cases.

#### Chapter 44 DETERMINATION HEARING

- A. Upon the written request for a determination hearing by the owner of a dog declared dangerous or potentially dangerous, the dog in question will be subjected to a behavior assessment test and the video of this test sent to an animal behaviorist for analysis and his or her professional opinion. The result of these tests will be included at the determination hearing and be taken into consideration on the final determination. The owner shall be responsible for any costs incurred for the test or tests to be conducted and fees of the animal behaviorist to analyze the video test or tests. The City Manager or his designee shall schedule the hearing before the municipal court judge of the city. The hearing shall be conducted within 20 working days of the receipt of the request for such hearing.
- B. The owner shall be notified of the hearing by placing the notice in the United States mail addressed to the owner. Failure of the owner of the dog to appear at the determination hearing shall result in the Animal Control Department's declaration as final. Pending the outcome of the determination hearing, the dog must be securely confined in a humane manner with a licensed veterinarian, or in the animal shelter. The costs of securing the dog pending the determination hearing shall be borne by the owner.
- C. The municipal court judge shall determine whether to declare the dog to be a dangerous or a potentially dangerous dog under this subchapter based upon evidence, affidavits, and testimony presented at the time of the hearing by the owner, witnesses to any incident which may be germane to such a determination, animal control personnel, police or any other person possessing information pertinent to such determination. The municipal judge shall issue findings within five working days after the determination hearing.

#### Chapter 45 DEFENSE TO DECLARATION OF DANGEROUS OR POTENTIALLY DANGEROUS DOGS.

It is a defense to the determination of any dog as dangerous or as potentially dangerous and to the prosecution of the owner of any dog.

- A. If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the dog,
- B. If the person was teasing, tormenting, harassing, abusing, or assaulting the dog,
- C. If the person was committing or attempting to commit a crime,

- D. If the domestic animal killed was at the time teasing, tormenting, abusing, or assaulting the dog,
- E. If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault, or
- F. If the dog was injured and responding to pain.

#### Chapter 46 EXEMPTIONS.

It is a defense to prosecution that a person is,

- A. a veterinarian
- B. a peace officer
- C. a person employed by a recognized animal shelter or a person employed by the state or political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position,
- D. a person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes,
- E. a person who is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act Tex Rev. Civ. Stat, Art. 4413(29bb).

#### Chapter 47 DISPOSITION OF DECLARATION HEARING.

- A. In the event that the dog is determined to be dangerous, the Animal Control shall order the dog to be euthanized in a safe and humane manner by a veterinarian or by a trained euthanasia technician.
- B. The municipal court judge may find that the dog in question is potentially dangerous. If the dog is declared potentially dangerous, the owner must adhere to each of the following requirements,
  - 1. The dog must be licensed in accordance with this subchapter,
  - 2. the potentially dangerous dog must be kept in a proper enclosure,
  - 3. the owner must present to the Animal Control Department a certificate of public liability insurance or bond in the amount of \$100,000 to cover any damages caused by the potentially dangerous dog, the insurance shall be for a 12 month period renewable each year and shall not be canceled unless the dog is no longer kept in the city by the owner,
  - 4. The potentially dangerous dog, when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the potentially dangerous dog nor interfere with its vision or respiration but shall prevent it from biting any person or other dog, and the potentially dangerous dog must be restrained by a substantial chain or cable leash having a minimum tensile strength of 1,000 pounds and not to exceed six feet in length,
  - 5. The owner shall post a sign on his/her premises warning that there is a potentially dangerous dog on the property. These signs will be available

through the Animal Control Department when a potentially dangerous dog is registered.. This sign shall be visible from all sides of the enclosure, having letters at least two inches high and capable of being read from the public street or highway. In addition, the owner shall conspicuously display a sign with a symbol warning, understandable by small children, of the presence of a potentially dangerous dog.

6. The potentially dangerous dog must be spayed or neutered,
7. The owner must attend a class on responsible pet ownership conducted by an Animal Control Department and,
8. Further identification shall be included on a special collar with the wording "Danger" written on it and special tag shall be worn by the dog at all times. One collar and one tag will be provided to the owner annually when the dog is registered. If this collar and or tag is lost, stolen or damaged, it shall be the owner's financial responsibility to replace the collar and or tag.
9. If the owner of any dog declared to be potentially dangerous under this subchapter is unable or unwilling to comply with the ownership requirement listed above, the dog shall be euthanized by the Animal Control Department or a licensed veterinarian. Any dog declared to be potentially dangerous under this subchapter shall not be offered for adoption or sale.
10. In the event the municipal court judge rules that the dog in question is neither dangerous or potentially dangerous, the dog shall be returned to or released to its owner.
11. An owner may appeal the decision of the municipal court in the same manner as appeal for other civil cases.
12. If any dog is declared to be dangerous or potentially dangerous under this subchapter and if the dog is not in the possession of the Animal Control Department, the owner must surrender the dog to the Animal Control Department when ordered to do so by any animal control officer. The order to surrender may be verbal or in writing, handed to or mailed to the owner by ordinary mail. If the owner fails to immediately surrender the dog, the Animal Control Department shall have the right to take the dog into its possession from the premises of the owner or elsewhere, wherever the dog may be found within the city. If the dog cannot be taken into custody by the Animal Control Department, it may be taken into custody under a search warrant for contraband issued by the municipal judge or other magistrate having jurisdiction.

#### Chapter 48 GUARD DOGS.

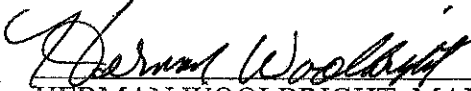
All dogs kept solely for the protection of persons and property, residential, commercial or personal, shall be registered with the City Animal Control Department with payment of a \$30.00 fee the first year and a \$15.00 for each annual renewal. Commercial businesses that keep a dog solely for the protection of property after regular business hours, shall meet the following guidelines for "proper enclosure".

ANIMAL AND FOWL CONTROL ORDINANCE # 022812AC

THIS ANIMAL AND FOWL CONTROL ORDINANCE SUPERSEDED ANY AN ALL ANIMAL AND FOWL CONTROL ORDINANCES FOR THE CITY OF HUNTINGTON, TEXAS.

EFFECTIVE ENFORCEMENT DATE OF THIS ORDINANCE IS SET FOR MARCH 01, 2012.

READ AND APPROVED ON THIS THE 28<sup>TH</sup> DAY OF FEBRUARY 2012.

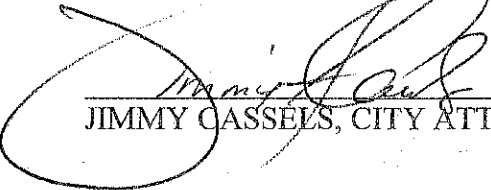
  
HERMAN WOOLBRIGHT, MAYOR

ATTEST:

  
BETSY GREGSON, CITY SECRETARY

CITY ATTORNEY:

APPROVAL ON THIS THE 28 DAY OF February 2012.

  
JIMMY CASSELES, CITY ATTORNEY