

CHAPTER 2
ANIMAL CONTROL

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§ 1-00. DEFINITIONS

When used in this chapter the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

At large shall mean off the premises of the owner and not under control of the owner, or other person authorized by the owner to care for the animal, either by leash, cord, chain, or otherwise.

Cat shall mean any male or female cat belonging to the felis catus species.

Dog shall mean either male or female dog belonging to the canis familiaris species.

Humanely destroy means to cause the death of an animal by a method which rapidly produces unconsciousness and death without visible evidence of pain or distress or utilizes anesthesia produced by an agent which causes painless loss of consciousness and death following such loss of consciousness.

No person may put to death a dog, cat, or other small animal in the custody of an animal shelter by shooting, except in emergency field conditions, by clubbing, or by administering any of the following substances:

- (1) Unfiltered or uncooled carbon monoxide;
- (2) Curariform drugs, including curare, succinylcholine, pancuronium, glyceryl fenesin, used alone;
- (3) Magnesium salts, used alone;
- (4) Chloral hydrate;
- (5) Nicotine; or
- (6) Strychnine.

Owner shall mean any person, firm, or corporation owning, keeping, or harboring any animal.

Vaccination means properly injected with rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a legally licensed veterinarian.

Vicious conduct with respect to a dog means an attack made by the dog on a person in which the dog initiated continued physical contact with a person and fails to retreat and the attack resulted in bodily injury to the person, the attack was unprovoked, and the attack did not occur in a pen or other enclosure in which the dog was being kept.

Wild animal shall include all species of animals which commonly exist in a natural, unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity. (Ordinance adopting Code)

§ 2-00. ENFORCEMENT OF ANIMAL CONTROL REGULATIONS

The animal control officer, any police officer of the city, or the city health authority shall have the right to enforce any of the provisions of this chapter. (Ordinance adopting Code)

§ 3-00. DOGS

§ 3-01. Dogs Running at Large Prohibited

(a) It shall be unlawful for any person owning, keeping, or having in his possession or control any dog to allow such dog to run at large upon the streets, sidewalks, or public ground of the city, or to allow any dog to run at large upon or about the residence, lot, or lands of any person other than the owner, keeper, or person in possession and control of such dog. Any dog on the streets, sidewalks, or public grounds of the city, or on the residence, lot, or lands of any person other than the owner, keeper, or the person in possession or control of the dog shall be considered to be at large and in violation of this section, except that a dog under the control of an owner, or another person by means of a chain, rope, cord, or leash of not more than 10 feet in length and of sufficient strength to control the action of the dog shall not be deemed running at large.

(b) The provisions of this subsection shall not apply to the following:

(1) Any dog entered in any dog show or exhibition held in the city, while a dog is actually engaged in such show or exhibition

(2) Any dog used by a blind person to aid the person in going from place to place, while the dog is being used by the person for such purpose in the city.

§ 3-02. Vicious Dogs

(a) It shall be unlawful for any person to allow a vicious dog or dog with vicious propensities, to run at large or fail to keep such dog in a pen or enclosure that is reasonably certain to prevent the dog from leaving the pen or enclosure on its own. Additionally, any person who owns or keeps in his or her custody or control shall be required to have liability insurance in an amount of at least \$100,000 for damages resulting from bodily injury to an individual caused by any dog found to be engaged in vicious conduct.

(b) If it is shown on the trial of an offense under this section that the defendant's dog has committed an offense of the section once before, such dog may be ordered to be destroyed.

§ 3-03. City May Kill Rabid or Dangerous Dogs

The animal control officer, any policeman of the city, or the city health authority shall have the right to shoot or kill any rabid dog or vicious dog in the streets which shall manifest a disposition to bite, or render itself inaccessible to impounding.

§ 3-04. Barking Dogs

No person shall willfully or knowingly keep or permit any dog on his premises or in or about his premises that barks or howls repeatedly in such a manner as to disturb the peace and quiet of the neighborhood or the occupants of adjacent premises. A person shall be deemed to have willfully and knowingly violated the terms of this subsection if such person shall have been notified by the neighbors, animal control officer, or any police officer of any such disturbance and shall have refused, for a period of 24 hours, to correct such disturbance and prevent its reoccurrence. (Ordinance adopting Code)

§ 4-00. ANIMAL VACCINATIONS

§ 4-01. Vaccinations Required

Every owner of a dog or cat shall have their dog or cat vaccinated against rabies by the time it is four months of age and it shall also be revaccinated at one year of age and annually thereafter. Any person moving into the city shall comply with this requirement within 10 days after having moved into this city. If the dog or cat has inflicted a bite on any person or other animal within the last 10 days, the owner of said dog or cat shall report such fact to the veterinarian who is going to administer such rabies vaccine and such rabies vaccine shall then not be administered until after a 10 day observation period.

§ 4-02 Vaccinations to be Given by Veterinarian; Vaccination Certificate and Tag

Rabies vaccinations shall only be given by a duly licensed and practicing veterinarian and upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence of such vaccination, a certificate and metal tag. Such certificate shall at least contain the following information:

- (1) Owner's name, address, and telephone number;
- (2) The date of vaccination;
- (3) The type of rabies vaccine used, producer, expiration date, and serial number;
- (4) The year and number of rabies tag; and
- (5) A description of the dog or cat.

Concurrent with the issuance and delivery of the certificate of vaccination, the veterinarian shall also issue 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 address. The owner of such dog or cat shall cause the metal vaccination tag to be attached to a collar to be worn by his dog or cat at all times.

§ 4-03. Lost or Destroyed Tags

In the event of loss or destruction of the original tag or certificate, the owner shall obtain a duplicate tag or certificate from the veterinarian.

§ 4-04 Unlawful to Take Vaccination Tags

It shall be unlawful for any person to willfully take from any animal, not his own, any collar or metal vaccination tag. (Ordinance adopting Code)

§ 5-00. *IMPOUNDMENT OF ANIMALS*

§ 5-01. Impoundment of Animals Generally

(a) Any animal found in violation of any provision of this chapter or any animal that is treated in a cruel or inhumane manner may be impounded by the city and placed in an animal shelter or veterinary hospital. Any such animal shall be held for at least three days, before any measure of disposition of such animal shall be taken. Any impounded animal, vicious or wild, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate.

(b) A reasonable effort will be made by the city to contact the owner of any impounded animal which is wearing a registration tag; however, the ultimate responsibility for location of an impounded animal is that of the owner.

§ 5-02. Reclaiming Impounded Animal

The owner can resume possession of any impounded animal upon payment of an impoundment fee of \$5.00 for each day, or fractional part of a day, the animal was impounded and any veterinarian bills incurred. Such impoundment fee shall be charged for the care and feeding of said animal. However, if any dog or cat has not been currently vaccinated or if the dog has no valid registration license tag, the owner must first secure either of them or both, at his expense, before the dog or cat may be released to his custody. However, any animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

§ 5-03. Unclaimed Animals

Any animal, except vicious and wild animals, not reclaimed by the owner may be humanely euthanized after being impounded for three days. However, any impounded animal may be given up for adoption or given to a nonprofit humane organization after three days except for those under quarantine. (Ordinance adopting Code)

§ 6-00. RABIES CONTROL

§ 6-01. Reporting of Suspected Rabies

Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies or having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies must immediately report such knowledge or incident to the police or city health officer, and in no case longer than 24 hours from the time of the incident.

§ 6-02. Authority to Quarantine

The animal control officer, any police officer or the city health authority shall have the authority to order the quarantine of animals responsible for bite incidents or suspected of having any zoonotic disease considered to be a hazard to human population or other animals.

§ 6-03. Animals Subject to Quarantine for Biting

(a) When a dog or cat, which has bitten or scratched a human or attacks another animal, has been identified, the owner will be required to produce the animal for 10 days confinement to determine whether such dog or cat has been exposed to rabies. Any unclaimed animal may be destroyed for rabies diagnosis prior to the end of this observation period. The dog or cat may be released from quarantine if a veterinarian determines that the animal does not show the clinical signs of rabies, provided the owner has paid all reasonable cost associated with the quarantining. Refusal to produce such animal constitutes a violation and each day of such refusal constitutes a separate and individual violation.

(b) No animal which has a high probability of transmitting rabies, including skunks, bats, foxes and raccoons, will be placed in quarantine for observation. All such 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 laboratory certified by the Texas Department of Health for rabies diagnosis.

(c) The city health authority may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to the face, head, or neck of a person to be humanely killed and the brain tested for rabies.

§ 6-04. Disposition of Animals Exposed to Rabies

(a) Domestic Animals - Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal should be humanely destroyed or if sufficient justification for preserving the animal exists, the exposed vaccinated animal should be immediately given a booster rabies vaccination and placed in strict isolation for 45 days. Unvaccinated animals shall be immediately given a rabies vaccination and placed in strict isolation for 90 days and given booster vaccinations during the 3rd and 8th weeks of isolation. If the unvaccinated is under 3 months of age at the time of the second vaccination, an additional booster should be given when the animal reaches 3 months of age.

If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, it may be released to the owner prior to or upon expiration of the quarantine.

period, provided the owner has paid all of the reasonable costs of such quarantine and any veterinarian bills. However, if the quarantined animal shows the clinical sign of the disease of rabies, the animal shall be humanely destroyed and its head or brain submitted to the nearest laboratory certified by the Texas Department of Health for rabies diagnosis for testing.

(b) Wild or Exotic Animals - No wild or exotic animal will be placed in quarantine. All wild or exotic animals will be humanely destroyed in such a manner that the brain is not mutilated. The brain will then be submitted to a laboratory certified for rabies diagnosis in order to be tested.

(c) Quarantining Facilities - Any animal to be placed in quarantine must be placed in an animal control facility approved by the Texas Department of Health as directed by the city health authority by the city. However, the owner of the animal may request permission 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 a licensed veterinarian.
- (2) The animal is currently vaccinated against rabies.
- (3) A licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the city and veterinarian must be notified by the person having possession of the animal. At the end of the observation period the release from quarantine must be provided in writing by the attending veterinarian and approved by the city.
- (4) The animal was not a stray at the time of the bite incident.

If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a laboratory certified by the Texas Department of Health for rabies diagnosis. (Ordinance adopting Code)

§ 7-00. *LIVESTOCK*

§ 7-01. Livestock Running at Large Prohibited

It shall be unlawful for the owner, keeper, or person in charge of any horse, mule, jack, jenny, cow, cattle, hog, pig, sheep or goat, other similar animal to allow or permit the same to run at large within the limits of the city.

§ 7-02. Keeping of Livestock

(a) It shall be unlawful for any person to keep a horse, mule, jack, jenny, cow, cattle, hog, pig, sheep or goat or other similar animal on any premises of which the overall area is less than one-third (1/3rd) of an acre for each livestock kept or to keep more than can be cared for under sanitary conditions so as not to create a public nuisance, and in no event, exceed the permitted number of adults and their young up to six months of age. The number of livestock permitted shall not exceed one adult per one-third (1/3rd) acre for the first acre and two adults per acre for each additional acre unless such property is zoned as an agricultural use, then the maximum number may be exceeded, provided permission is granted by the city council.

(b) In addition, it shall be unlawful to keep or maintain any livestock stable, pen or enclosure within 100 feet of any dwelling or public place, except that all hogs, pigs or other swine shall not be kept within 500 feet from any dwelling or public place.
(Ordinance adopting Code)