

## Animal Control Issues

### Sec. 10-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means every living creature, either male or female, domestic or wild, except members of the human race.

(1) *Domestic animal* means all species of animals commonly accepted as domesticated by man to live and breed in a tame condition.

(2) *Wild animal* means any animal who, in their natural life, are a species that is wild, including hybrids and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. Such animals, however domesticated, shall include, but shall not be limited to:

- a. Alligators and crocodiles.
- b. All bears (uridae), including grizzly bears, brown bears, black bears, etc.
- c. The cat family (felidae), except the commonly accepted domesticated cat, and including the cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger and wildcat.
- d. The dog family (canidae), except domesticated dogs, and including the wolf, part wolf, fox, part fox, coyote, part coyote and dingo.
- e. Porcupine (erethizontidae).
- f. All subhuman primates (hominidae).
- g. All raccoons (procyonidae), including the eastern raccoon, desert raccoon and ring-tailed cat.
- h. Skunks.
- i. Venomous fish and piranha.
- j. Venomous snakes or lizards.
- k. All weasels (mustelidae), including the marten, wolverine, ferret, badger, otter, ermine, mink and mongoose.

*At large* means:

- (1) Off the premises of the owner of real property;
- (2) Not under the physical or verbal control of the owner; or
- (3) Not restrained securely within an enclosure or fence.

*Bite* means any abrasion, scratch, puncture, tear or piercing of the skin which is actually or suspected of being caused by an animal.

*Currently vaccinated* means that an animal has been vaccinated within 12 months of the date of application for a city license.

*Dangerous dog* means a dog which:

- (1) Makes an unprovoked attack on a person that causes bodily injury to such person and occurs in a place other than an enclosure in which the dog was being kept, and which enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept, and which enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own, and such acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

*Dog* means a domesticated animal that is a member of the canine family.

*Kennel* means permanent occupants of one household who own more than three mature animals, and breed the fourth or more animals for profit, or hold or kennel animals belonging to other persons not living in the same household. Such term shall not apply if a person who owns an animal temporarily visits, whether or not for profit, and the total number of animals contains at the household exceeds three.

*Owner* means any person owning, keeping, harboring, having control or custody of one or more animals.

*Public nuisance* means an animal which:

- (1) Causes a disturbance by continually barking or making other noise;
- (2) Soils, defiles or defecates on a public sidewalk or recreation area, and the owner of such animal does not immediately remove such waste;
- (3) Is upon private property where the owner of such property makes a written complaint;
- (4) Poses a threat to the safety of pedestrians and vehicles on public roadways;
- (5) Attacks other animals while upon public property;

- (6) Causes unsanitary, dangerous or offensive conditions;
- (7) Chases vehicles; or
- (8) Molests, attacks or interferes with persons or other domestic animals.

*Secure enclosure* means a fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the local animal control authority.

(Code 1993, § 10-1; Ord. No. O-01026, § 1(10-1), 10-10-2001)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 10-2. Unlawful acts; penalty; exclusion.**

(a) It shall be unlawful for any owner, keeper or custodian of an animal to allow such animal to run at large, whether on public or private property, and it shall be unlawful for any person to violate this section or any other section of this chapter.

(b) Any person who shall violate any provision of this chapter shall, upon conviction, be punished as provided in section 1-13; however cats shall be excluded from this section, except where such cats have been declared a public nuisance as defined in section 10-1.

(Code 1993, § 10-2; Ord. No. O-01026, § 1(10-2), 10-10-2001)

#### **Sec. 10-6. Running at large unlawful; exclusion.**

(a) It shall be unlawful for any person owning or having control over, or custody of any animal to permit or allow such animal to run or be at large upon any public highway, street, alley, court, square, park, sidewalk or public grounds or property within the corporate limits of the city.

(b) It shall be unlawful for any person owning or having control over, or custody of any animal to permit or allow such animal to run or be at large upon any unfenced lot, tract or parcel of land or private property within the corporate limits of the city.

(c) Cats shall be excluded from the provisions of this section, except where such cats have been declared a public nuisance as defined in section 10-1.

(Code 1993, § 10-6; Ord. No. O-01026, § 1(10-6), 10-10-2001)

**State law references:** Authority to prohibit running at large, V.T.C.A., Health and Safety Code, § 826.033.

### **Sec. 10-7. Nuisances.**

- (a) The following shall be declared as nuisances:
  - (1) Any animal which continually barks or makes other noise.
  - (2) Any animal which soils, defiles or defecates on a public sidewalk or recreation area and the owner does not immediately remove such waste.
  - (3) Any animal upon private property where the owner of such property makes a written complaint.
  - (4) Any animal which poses a threat to the safety of pedestrians and vehicles on public roadways.
  - (5) Any animal which, while upon public or private property, attacks other animals.
- (b) Every female animal in heat shall be confined in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal, except for planned breeding.
- (c) Each owner of an animal shall exercise proper care and control of his animal to prevent the animal from becoming a public nuisance.
- (d) Disposition of all cases and penalties under this section shall be at the discretion of the court.

(Code 1993, § 10-7; Ord. No. O-01026, § 1(10-7), 10-10-2001)

### **Sec. 10-8. Disposition of dangerous animals.**

If the chief of police or his designee is unable to apprehend a stray animal because of the viciousness of such animal, and the officer's or a bystander's physical well-being is judged to be in jeopardy, the officer shall dispose of the animal.

(Code 1993, § 10-8; Ord. No. O-01026, § 1(10-8), 10-10-2001)

### **Sec. 10-9. Abandonment; provision of food, water and shelter; cruelty; striking with motor vehicle; exposure of poisonous substances.**

- (a) It shall be unlawful for any person to intentionally or knowingly abandon an animal in such person's custody within the corporate limits of the city.
- (b) It shall be unlawful for any owner of an animal to fail to provide such animal with sufficient good and wholesome food and water; proper shelter and

protection from the weather; veterinary care, when needed, to prevent suffering; and humane care and treatment.

(c) It shall be unlawful for any person to torture, torment, cruelly beat, mutilate or kill an animal, or cause or procure an animal to be tortured, tormented, cruelly beaten, mutilated or killed, or for any person having charge or custody of an animal, whether or not such person is the owner of such animal, to inflict unnecessary cruelty upon such animal.

(d) Any person who, as the operator of a motor vehicle, strikes an animal with such motor vehicle, shall stop at once and render any possible assistance to such animal, and shall immediately report such injury or death to the owner of such animal. If the owner cannot be ascertained and located, the person striking the animal shall at once report the accident to the appropriate law enforcement agency.

(e) It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall be liable to be eaten by any animal. It shall not be unlawful for a person to expose common rat poison mixed only with vegetable substances upon such person's own property.

(Code 1993, § 10-9; Ord. No. O-01026, § 1(10-9), 10-10-2001)

#### **Sec. 10-10. Kennels.**

(a) It shall be unlawful for any person to operate an animal kennel in a residential area of the city.

(b) It shall be unlawful for any person to own more than three animals, not including a litter of animals from birth to four months of age. Any person found guilty of owning more than three animals shall be fined, and every animal over the lawful limit shall be considered a separate offense.

(Code 1993, § 10-10; Ord. No. O-01026, § 1(10-10), 10-10-2001)

#### **Sec. 10-61. Required.**

(a) Dog and cat licenses shall be issued at the city hall. The license application shall state the name and address of the owner or keeper of such dog or cat and the name, breed, color and sex of the dog or cat being licensed.

(b) The city shall issue a license certificate to the dog or cat owner exemplifying such and a durable tag stamped with an identifying number and the year of issuance. License tags shall be designed so that they may be conveniently fastened or riveted to the dog's or cat's collar or harness.

(c) A license certificate or tag for any dog or cat shall not be issued until the owner or person in charge of such animal shall have obtained and presented a certificate from a licensed veterinarian stating that such dog or cat has been

vaccinated for rabies not more than three years prior to the date of application. The issue date of the license shall be the same as the date of the rabies vaccination which will enable the owner and the city to easily track expiration dates of city licenses.

(d) The city shall maintain a record of dog and cat licenses and the identifying numbers of all tags issued, and shall make such record available to the public.

(e) Dog and cat licenses shall not be transferable from one dog or cat to another, and it shall be unlawful for the owner or person having control over, or custody of, any dog or cat to transfer such license certificate from the dog or cat for which it was issued to any other dog or cat.

(f) All dogs and cats over four months of age which are kept within the city shall wear a collar or harness to which shall be attached the license tag issued pursuant to this section. In addition, there shall be attached to such collar or harness a metal tag, issued by a state licensed veterinarian, attesting to the fact that such dog or cat has been vaccinated for rabies within the calendar year.

(g) A refund shall not be made for any dog or cat license fee because of the death of the dog or cat or upon the owner leaving the city before the expiration of the license period.

(Code 1993, § 10-41; Ord. No. O-01026, § 1(10-41), 10-10-2001; Ord. No. O-03-006, § 1, 3-26-2003)

#### **Sec. 10-62. Rabies verification tags.**

It shall be unlawful for any person to maintain or keep a dog or cat more than four months of age on any premises within the corporate limits of the city, unless such dog or cat wears a collar or harness securely attached to its body to which shall be securely attached a tag issued by a licensed veterinarian showing that the dog or cat has a valid verification of vaccination against rabies, and to which shall be securely attached a tag issued by the city.

(Code 1993, § 10-42; Ord. No. O-01026, § 1(10-42), 10-10-2001)

#### **Sec. 10-63. Failure to license declared misdemeanor.**

Any dog or cat owner who shall maintain or keep an animal more than four months of age on any premises within the corporate limits of the city, which has not been licensed, tagged and vaccinated as required by this division, shall be guilty of a class C misdemeanor pursuant to V.T.C.A., Health and Safety Code § 826.022. Any owner who has a prior conviction of unlicensed, untagged and/or unvaccinated animals under V.T.C.A., Health and Safety Code § 826.022 shall be guilty of a class B misdemeanor.

### **Sec. 10-91. Animal bites or injuries.**

(a) All animal bite cases that occur within the city limits will immediately be referred to the county animal service center.

(b) If an animal shall bite any person or other animal upon private property, a public roadway or public property, such person shall report the incident pursuant to V.T.C.A., Health and Safety Code § 826.041 and the animal causing such bite shall be confined and controlled pursuant to V.T.C.A., Health and Safety Code § 826.042.

(c) Such animal shall be examined by a state licensed veterinarian within 24 hours of the time the bite or injury was inflicted to determine whether or not the animal is rabid.

(d) Such animal shall be confined as required by law, at which time the animal will be reexamined by a licensed veterinarian. Such examination shall be at the expense of the owner of such animal, and a report of such examination shall be filed with the city by the owner within 24 hours after each examination.

(e) The municipal court shall have authority to order and hold a hearing on animal bite cases, and if such court shall determine upon such hearing that the animal is vicious or dangerous to persons or other animals, the court may order that such animal be kept muzzled, restricted to a leash or kept within a sufficient enclosure. The court may also order the animal to be securely muzzled and leashed when such animal is off of the enclosed premises.

(f) In accordance with V.T.C.A., Health and Safety Code § 822.0422, reporting of incident in certain counties and municipalities, the city elects to be governed by this section. The county commissioner's court has also entered an order electing to be governed, and is presently governed, by this section as well.

(Code 1993, § 10-66; Ord. No. O-01026, §§ 1(10-66), 1(10-67), 10-10-2001)

### **Sec. 10-92. Vaccinations.**

The owner or custodian of every dog or cat shall have the dog or cat vaccinated against rabies as required by the Rabies Control Act of 1981 and the Rules of the Texas Board of Health and amendments thereto.

(Ord. No. O-03-006, § 1, 3-26-2003)