

ANIMAL CONTROL

ARTICLE 2.01 GENERAL PROVISIONS*

Sec. 2.01.001 Definitions

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

Abandoned animal. Any animal that has not been provided with one (1) or more of the necessities of life including air, food, water or protection from the sun and other elements of nature or has been left in the custody of another person without their consent.

Adult animal. An animal that is six (6) months of age or older.

Animal. Any live, vertebrate creature, domestic or wild.

Animal control authority/officer. The office and person or persons designated by the city as the animal control authority, whether one or more, or his or her designee.

Animal control facility. A facility operated by the city for purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large.

- (1) Off premises. Any animal which is not restrained by means of a leash of sufficient strength and not more than six (6) feet in length to control the actions of such animal while off the owner's property.
- (2) On premises. Any animal not confined on premises of owner by substantial fence of sufficient strength and height to prevent the animal from escaping therefrom.

Cat. A domesticated animal that is a member of the feline family (*Felis domesticus*).

Commercial animal establishment. Any pet shop, auction, riding school or stable, zoological park, circus, recurring animal exhibition or kennel.

Commercial breeder. Any person(s) who:

- (1) Breeds dogs or cats;
- (2) Sells or otherwise transfers possession of the offspring of a breeding dog or cat to another person for the purpose of breeding, show, personal pet or resale to a third person; and
- (3) Sells or otherwise transfers possessions of more than twelve (12) dogs or twelve (12) cats, or more than (2) litters (whichever is greater) or any combination within any twelve-month period for a purpose as described in subsection (1) of this definition.

Currently vaccinated. Vaccinated against rabies and satisfying the following criteria:

- (1) The animal must have been at least three (3) months of age at the time of vaccination;
- (2) At least thirty (30) days have elapsed since the animal was vaccinated; and
- (3) Not more than (12) months have elapsed since the date of the most recent vaccination of the animal.

Dangerous animal. Any animal that inflicts bodily injury on any person or animal subject to the further provisions hereof.

Dog. A domesticated animal that is a member of the canine family (*Canis familiaris*).

Enforcement officer. Any person designated by the city to represent and act for the city in the impounding of animals, controlling of animals running at large and as otherwise required to enforce the provisions of this chapter and to enforce all regulations relating to animals as authorized by the state. This person will be a member of the animal control authority or any member of the police department of the city.

Harboring. The act of keeping and caring for an animal or providing premises to which the animal returns for feed, shelter or care for a period of three (3) consecutive days.

Kennel.

- (1) Any lot, building, structure, enclosure or premises where five (5) or more adult animals are kept; and
- (2) Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other animals.

Livestock. All domesticated animals, including but not limited to horses, cows, mules, goats, sheep, pigs, hogs, rabbits, and pigeons, and does not include dogs and cats.

Micro-chip. A computer chip that is preprogrammed with a unique alphanumeric combination code which is inserted into the animal.

Notice/official notice. Whenever notice is required by the animal control authority or an enforcement officer it shall mean notice by personal service, certified mail return receipt requested, or a written notice left at the entrance to the premises where the animal is harbored.

Owner. Any person, trust, partnership, corporation, or any other entity owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more. Persons feeding feral cat colonies shall not be construed as owning, harboring, or keeping those cats.

Pet. Any animal kept for pleasure rather than utility.

Restraint. Secured by a leash, lead, cord, chain or rope six (6) feet or less in length; or secured within a kennel or pen, or secured within the fenced real property limits of its owner, and may not come any closer than six (6) feet to a public walkway or sidewalk when the restraint lead is stretched to full length.

Secure enclosure. A fenced pen, kennel or structure that is locked, and is capable of preventing the entry of the general public, including children; is capable of preventing the escape or release of an animal; is clearly marked as containing a quarantined/dangerous animal; and is in conformance with any additional requirements for enclosures, as established and provided in writing to the owner by the animal control authority. Enclosures described are not secure enclosures for animals determined to be dangerous.

Tract. A contiguous parcel of land under common use or ownership.

Undeveloped property. Any land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school, or governmental facilities or other structures or improvement intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

Vaccination. An injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) months or as prescribed by the state board of health by a licensed veterinarian.

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

Vicious animal. Any individual animal that has without provocation attacked or bitten any person or other animal, or any individual animal which the local animal control officer or his/her representative has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

Wild/prohibited animal. Any live animal, other than a common domestic species, regardless of the state or duration of captivity which can be normally found in the wild state, or may pose a potential physical or disease threat to the public or that is protected by international, federal, or state regulations, including those listed in section 822.101 of the Texas Health and Safety Code and the following if not so listed:

- (1) Class Reptillia. Family Heldermatidea (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* (watercobra), *Bioga* (mangrove snake), and *Thelotornis* (African twig snake) only; Order Phidia, Family Boidae (racers, boas, water snakes, and pythons); and Order Crocadrillia (crocodiles, alligators, caimans, 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, wolf-dog hybrids, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martins, mink, and badgers) except domestic ferrets (*Mustela putorius furo*); Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos, wallabies and common opossums); 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), unless the Order Ungulata are located on premises which meet the definition of the farm/ranch;
- (4) Animals not listed. Animal control officer may declare any species of animal not listed in this subsection as “prohibited” if the confinement of the animal within the city can be shown to constitute a threat to public health and safety; and does not mean any bird kept in a cage or aviary that is not regulated by international, federal, or state law, or a gerbil, hamster, guinea pig, or laboratory mouse or rat.

Zoological park. Any facility other than a pet shop or kennel, displaying or exhibiting one (1) or more species of nondomesticated animals, operated by a person, partnership, corporation, or governmental agency.

Sec. 2.01.002 Penalties

- (a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in [section 1.01.009](#) of this code. Any punishment provided for in the statutes of the state (for example cruelty to animals under section 42.09 of the Texas Penal Code) or civil penalties permitted to be assessed, may be applied whenever a violation hereof is also a violation of state law.
- (b) In addition to the penalties provided above, procedures and penalties (both civil and penal) set forth in the laws of the state with regard to the treatment, registration, keeping or use of animals which are permitted to be adopted by municipalities are specifically adopted hereby by the city. Each day a violation continues shall be deemed a separate offense.
- (c) The city shall be entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other ordinances or state law.

Sec. 2.01.003 Enforcement

- (a) The provisions of this chapter shall be enforced by any enforcement officer and such persons shall have the authority to issue citations to persons violating the provisions of this chapter.
- (b) It shall be unlawful for any owner or person to interfere with an enforcement officer in the performance of his or her duties as prescribed by this chapter.
- (c) Those enforcing the provisions hereof shall have the right to pursue and apprehend animals running at large onto private property while enforcing the provisions of this chapter and shall not be guilty of trespass while doing so.

Sec. 2.01.004 Payment of fees

- (a) The city secretary or his/her designee shall be responsible for collecting all fees established and levied in accordance with this chapter. The chief of police or his or her designee shall have the authority to refund or waive fees under this chapter. Any refund or waiver of fees shall be documented by the chief of police or his or her designee. All fees applicable hereunder shall be established by ordinance of the city council, and are set forth in the [section 2.01.005](#).
- (b) Fees imposed by this chapter shall not be required for dogs trained to assist auditory or visually impaired persons or for government police dogs.

Sec. 2.01.005 Fees

- (a) Impoundment: Shall be charged in accordance with the contractual agreement between the city and the service provider for animal control services, as amended.
- (b) Boarding fees: Shall be charged in accordance with the contractual agreement between the city and the service provider for animal control services, as amended.
- (c) City registration: Shall be as set in the [fee schedule](#) of this code.
- (d) City manager has the option to lower the registration fee at city's rabies clinic.

Sec. 2.01.006 Animal advisory committee

- (a) There is hereby created an animal shelter advisory committee. The committee shall be composed of seven (7) persons with the following qualifications: one licensed veterinarian; one animal welfare organization representative; one city official; one city animal shelter employee; and three (3) at-large persons. Persons appointed to such positions by the city council shall serve for a term of two (2) years, so long as they do not fail to attend more than two (2) meetings of the committee in succession. In that event, or in event of a resignation from the committee, the city council shall name a successor from the same representative group.
- (b) The committee shall meet at least three (3) times each year and shall perform the following duties: This committee adopts procedural rules, as it shall deem necessary to govern its meetings and work effectively to review, revise, and recommend that the appropriate animal shelter laws approved are implemented pursuant to the Texas Health and Safety Code section 823.005. Committee meetings will be scheduled three times per year.

Sec. 2.01.007 Restraint of animals

It shall be unlawful for any owner or person to allow an animal to be at large. All animals shall be kept under restraint. It shall be a defense to the six-foot length restriction under the definition of at large if the animal is participating in an organized training or demonstration event, in which case the animal must be restrained by a leash or chain of sufficient strength and length to control the animal's actions, and it shall also be a defense to the six-foot limitation of the length of the leash, when the animal and the person accompanying it are not in reasonable proximity to any other person or animal, or when such other person or persons in the vicinity consents to the use of a longer leash, and it shall be a defense to the six-foot limitation of the length of the leash if an animal which is not confined or restrained is in a public area designated and posted for the free run or play of animals.

State law reference—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.

Sec. 2.01.008 Impoundment of animals

- (a) The animal control authority or any enforcement officer may take up and impound any animal found at large or otherwise in violation of this chapter. If the owner, keeper, or harbinger of such animal is known or can be readily ascertained the animal control officer shall notify him by telephone, personal service, certified mail, or door tag not later than twenty-four (24) hours following the beginning of the next business day after such impoundment or after obtaining owner information.
- (b) If impoundment of a dangerous animal is being attempted away from the premises of the owner and the impoundment cannot be made with safety, the animal may be destroyed without notice to the owner or harbinger. If an attempt is made to seize or impound a dangerous animal from the premises of the owner or harbinger and the impoundment cannot be made with safety, the owner or harbinger will be given twenty-four (24) hours' notice that if the said animal is not surrendered to the animal control division for impoundment within said twenty-four-hour period, then the animal will be destroyed wherever it is found. Notice under this section shall be in

writing. A written notice left at the entrance to the premises where the dangerous animal is harbored will be considered valid notice under this section. In lieu of surrendering the animal to animal control, an owner may permanently remove said animal from the city, if written proof of destination is provided to the animal control authority.

(c) The owner, keeper, or harbinger of any animal impounded under this section may redeem same within five (5) weekdays following notification of the person listed on the city's tag application or within five (5) weekdays following impoundment if there is no city tag on the animal at the time of impoundment, by payment of applicable impounding fees and boarding fees as established by the city council, and by providing proof, as may be required by the animal control authority of the ownership or right to possession of the animal.

(d) Any person desiring to adopt an impounded cat or dog, or other animal identified as adoptable by the animal control officer may do so upon payment of the applicable fee as established by city council. The decision as to whether or not an animal may be adopted by any particular person or entity is exclusively within the discretion of the animal control authority.

(e) Any owner or person redeeming an animal from the animal control authority must have the animal vaccinated and registered with the city within five (5) days of the release of the animal unless registration and vaccination are then effective and valid.

(f) Any owner or person adopting an animal from the animal control authority must have the animal vaccinated and registered with the city within five (5) days of the release of the animal.

(g) The city shall comply with all sterilization laws as set forth in chapter 828, Texas Health and Safety Code. Any impounded animal adopted from the animal control facility, if not sterilized and vaccinated must be sterilized and vaccinated.

(h) All impounded animals not redeemed within the above-described five (5) weekdays may be destroyed in a humane manner by the animal control authority. No animal may be adopted or sold for purposes of research.

(i) Any owner or person redeeming an unsterilized animal from the animal control authority, for the fifth time within any twelve-consecutive-month period or for the second time within any twelve-consecutive-month period for any animal which has been determined to be a dangerous animal must have the animal sterilized.

State law references—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033; quarantine and impoundment facilities generally, V.T.C.A., Health and Safety Code, sec. 826.051 et seq.

Sec. 2.01.009 Animal control records

(a) It shall be the duty of the animal control officer to keep the records of the animal control department, which records shall consist of records concerning impoundment and disposition of animals coming into custody, bite cases, adoption and vaccination and sterilization records for all animals adopted or released from the city's animal shelter.

(b) It is expressly provided that the personal information about any individual that sterilizes or vaccinates an animal through or by agreement with the city or adopts an animal from the city shall remain confidential and shall not be subject to public disclosure. This personal information shall include the identity of the person sterilizing, vaccinating or adopting an animal, the name of the new owner of an animal adopted, those persons' addresses, telephone numbers, driver's license numbers or other personally identifying information. Further, such other information may be declared confidential by state or federal law including the provisions of chapter 826 of the Texas Health and Safety Code, as may be amended from time to time, and shall not be subject to public disclosure.

Sec. 2.01.010 Protection of animals

(a) Chickens or ducklings younger than eight (8) weeks of age may not be sold in quantities of less than ten (10) to a single purchaser except if the animals are sold as part of a sanctioned FFA or 4H project.

(b) No person shall knowingly expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any pet or domestic animal, provided however, that the application of pesticides which are commercially available and which are properly applied to control pests shall not constitute a violation of this section.

(c) No owner or person shall:

(1) Deprive an animal of sufficient good and wholesome food or water, adequate shelter and protection from weather, veterinary care (when needed to prevent suffering), and humane care and treatment;

(2) Beat, cruelly ill-treat, torment, mentally abuse, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dog fight, cock fight, bull fight, or other combat between animals or between animals and humans; or

(3) Abandon any animal in their custody.

(d) No person shall transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle, and if traveling in an unenclosed vehicle the animal shall be confined by a vented container or cage, or by chain, rope or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

(e) No owner or person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety or welfare. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health, safety or welfare is or soon will be endangered. If the life of the animal is in immediate danger, said animal may be impounded in the discretion of the animal control officer.

(f) The animal control authority may liberally utilize the authority granted by section 821.022 of the Texas Health and Safety Code to seize any animal, if the animal control authority has reason to believe that an animal has been or is being cruelly treated. Seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life or if it would unreasonably prolong the suffering of the subject animal requiring veterinary care.

(g) No owner or person shall sell, trade, barter, lease, rent, give away, or display for a commercial purpose, any live animal, on any roadside, public right-of-way, commercial parking lot, or any flea market. Pilot Point Adopt-A-Pet is exempted.

Sec. 2.01.011 Public nuisances

(a) It shall be unlawful and constitute a public nuisance for any person to maintain any animal or fowl in such a manner or allow any pen, enclosure, yard or similar place used for the keeping of animals or fowl to become unsanitary, offensive by reason of odor, or create a condition that is a breeding place for fleas or other vector and which is offensive to persons of ordinary sensibilities residing in the vicinity thereof or is determined to be a public nuisance by any enforcement officer.

(b) It shall be unlawful and constitute a public nuisance for any person to maintain any animal or fowl that repeatedly roams at large in violation of this chapter on public or private property, attacks another animal(s) or damages public or private property.

(c) It shall be unlawful and constitute a public nuisance for the owner of any animal to allow any excreta deposited by his animal to remain on public or private property. The creation of any condition injurious to public health caused by the lack of or improper disposal of animal waste will also be considered a violation of this section.

(d) Subject to the noise ordinance of the city, it shall be unlawful and constitute a public nuisance to keep any animal which, by causing frequent or long continued barking, howling, crowing, meowing, or other noise shall disturb any person of ordinary sensibilities residing in the vicinity of the premises where the animal is kept, housed or harbored.

(e) It shall be unlawful for any owner or person to allow any animal to remain a public nuisance as defined herein.

(f) It shall be unlawful to keep or harbor more than three (3) dogs and three (3) cats in the aggregate six (6) months of age or older on any premises used or zoned for residential purposes, unless otherwise restricted by the zoning ordinance.

(g) It shall be unlawful for any owner or person to allow any animal to run at large.

(h) Swine is prohibited from the city limits.

Sec. 2.01.012 Keeping of bees

(a) It is unlawful for any person to keep, or allow to be kept, bees in such a manner as to deny the reasonable use and enjoyment of adjacent property or endanger the personal health, safety and welfare of the inhabitants of the city. Honeybees may be kept if the following conditions are met:

- (1) All hives shall be located a minimum of one hundred and fifty feet (150') from any inhabited dwelling other than that of the person keeping such bees;
- (2) No more than three (3) hives shall be allowed on lots or tracts of land less than one (1) acre in area; and
- (3) There is an adequate source of water within twenty feet (20') of all hives.

(b) Any hive contaminated with or known to have Africanized honeybees (killer bees) shall be destroyed by a qualified beekeeper at the owner's expense.

Sec. 2.01.013 Traps

(a) Only humane live-animal traps may be used for capturing animals roaming, unrestrained in the city. The use of steel jaw traps to apprehend animals is prohibited. As an exception to this section, governmental agencies and entities shall be permitted to use such traps and equipment as necessary and permitted by state law or regulation.

(b) No person shall remove, alter, damage, or otherwise tamper with a trap or equipment set out by the animal control authority.

Sec. 2.01.014 Humane care

Any person, owner, handler, keeper of a cat or dog must provide humane conditions for such animals as follows:

(1) Enclosure. Any dogs confined within a fenced yard must have at least 100 square feet for two dogs maximum for the animal's use and exercise. Where dogs are kept or housed on property without a fenced yard, the owner of such dogs, or persons having custody of such dogs, shall provide an enclosure containing not less than 100 square feet for two dogs maximum for the animal's use and exercise. Such enclosure shall be constructed of chain-link fencing or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of the enclosure shall be covered with materials to provide the dog with shade and protection from the elements.

(2) Shelter. The owner or other person having custody of an animal must provide a shelter for the animal. The shelter must be constructed and maintained in such a manner to allow the animal to remain dry and protected from the elements including sun. Such shelter shall be fully enclosed on three sides, roofed and have a solid floor with bedding appropriate to the season. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and maintained in good repair.

(3) Food/water. The owner or other person having custody of an animal must provide wholesome and nutritious food appropriate for the age and size of the animal. Fresh clean water must be available at all times. The water container must be of adequate size and affixed in a manner such that it cannot easily be accidentally emptied.

(4) If the enforcement officer determines that any owner, harbinger or keeper of an animal is in violation of these provisions relating to the humane care of the animals, he or she will notify the owner, harbinger or keeper of the animal of the violation by door tag, personal service or certified mail to immediately remedy the violation, and specifying a time for compliance, not to exceed three (3) days following which, if the person has not complied with the requirements of the enforcement officer, the person may be found guilty of a violation of this chapter. After the second conviction within any six-month period, the enforcement officer may apply to the municipal judge for a warrant to seize such animal. The animal will be impounded at the city animal control facility. The municipal judge will hold a hearing and determine the disposition of the impounded animal which shall be, in the judge's determination, to the owner of the animal, to a humane organization designated by the animal control officer, or to the city animal control facility for humane destruction, which destruction shall occur following any required appeal period has expired.

State law references—Cruelty to nonlivestock animals, V.T.C.A., Penal Code, sec. 42.092; disposition of cruelly treated animals, V.T.C.A., Health and Safety Code, sec. 821.021 et seq.; cruelty to livestock animals, V.T.C.A., Penal Code, sec. 42.09.

ARTICLE 2.02 PERMITS*

Sec. 2.02.001 Dog and cat permits and tags

(a) It shall be unlawful for any person to own, keep or harbor any dog or cat, within the city, unless a current registration tag has been issued for such animal in accordance with this section.

(b) The owner, keeper or harbinger of any dog or cat within the city shall make application to the animal control authority of the city for a registration tag for such dog or cat. Such application shall contain information on the dog's or cat's description, including whether the animal is neutered or spayed, date of vaccination, and name, address and telephone number of the owner, keeper or harbinger. The owner, keeper or harbinger shall also present to the animal control authority of the city a current certificate of vaccination issued for such dog or cat in accordance with [section 2.03.001](#).

(c) The application described in this section shall be accompanied by the appropriate fee, and an application shall not be complete unless accompanied by said fee.

(d) Registration shall be co-terminus with the current rabies vaccination certificate.

(e) Upon the owner's compliance with the above provisions of this section, the animal control authority or his or her representative shall register the dog or cat and issue a metal registration tag, which shall be attached to the dog's or cat's collar, and which shall be worn by the dog or cat at all times.

(f) If a tag issued under this section is lost or stolen, it may be replaced by payment of the appropriate fee.

(g) Any false statement in a rabies certification under this section shall be a violation of this chapter and shall render the tag issued for such dog or cat null and void, and the subject animal shall then be subject to being impounded in accordance with the provisions of this chapter.

(h) It shall be unlawful for any person to permit any animal subject to the terms hereof to be in a public place without its own tag, issued pursuant to a then current tag, secured to the animal or to transfer or use any tag for any animal other than the animal for which it was issued.

Sec. 2.02.002 Exemptions

The following are exempt from permit and tag requirements:

- (1) Veterinary hospitals/clinics and government operated control facilities or shelters;
- (2) An animal brought into the city for not more than 10 days for breeding, trial or show provided the person in possession of such animal prove current vaccination for such animal;
- (3) A circus, carnival or zoo that is licensed under the federal Animal Welfare Act (7 U.S.C. section 2131 et seq.) and that furnishes proof to the enforcement officer that an inspection by the federal agency administering that act has been performed within the previous calendar year;
- (4) A zoo that is operated by a political subdivision of the state or that is accredited by the American Association of Zoological Parks and Aquariums, provided that its accreditation is current;
- (5) Farm/ranch premises where non-indigenous ruminates are bred and raised as to such non-indigenous ruminates; and
- (6) An organization sponsoring, and all persons participating in exhibitions or domestic livestock shows and rodeos or horse racing as to the animals exhibited or raced.

Sec. 2.02.003 Permit revocation

The enforcement officer may revoke the permit of any animal regulated by this chapter if the animal is found not to comply with this chapter or is found in circumstances which do not comply with any law governing the protection and keeping of animals.

ARTICLE 2.03 RABIES CONTROL*

Sec. 2.03.001 Vaccination

The owners of all animals capable of transmitting rabies except goats, sheep, horses and cows, shall have such animals vaccinated before such animal reaches the age of four (4) months and before every twelve (12) months thereafter or as prescribed by the board of health against rabies with a vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian, who shall issue to the owner of the animal a vaccination certificate. The owner shall retain such certificate until the vaccination is renewed. At the time of vaccination, a metal tag shall be issued by the veterinarian showing the name of the veterinary clinic, the tag number, and the year of issuance. Such vaccination tag shall be worn by the animal for which it was issued in the same manner as and with the same requirements as the tag issued for an animal's annual permit as described above

Sec. 2.03.002 Report; citywide quarantine

(a) It shall be the duty of the owner or harbinger of any animal or practicing veterinarian to report to the animal control authority all suspected cases of rabies. The report shall be made immediately upon diagnosis or suspicion of rabies in animals.

(b) Should a potential outbreak of rabies within the city be suspected and the danger to the public safety from rabid animals be urgently imminent, the animal control authority, the health officer of the city, or city manager may issue a quarantine order covering a period of 10 days ordering persons owning, keeping, or harboring dogs, cats or other animals to muzzle the same or confine them for such time as may be specified in such quarantine proclamation. Upon the issuance of such order and posting notice of the same in the same location as notices of city council meetings is posted, persons owning or harboring such animals shall confine them to premises unless they are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope. Animals found at large in violation of this subsection may be destroyed by an enforcement officer if such officer is unable with reasonable effort to apprehend such animals for impoundment. The city council may extend, revise or revoke such order, as it determines.

Sec. 2.03.003 Bites by animals; quarantine

(a) The enforcement officer may investigate reports in which animals have bitten persons or animals. It shall be the responsibility of such officer or other officer if he or she is not the investigating officer, to obtain details on the bite cases and to conduct a follow-up investigation of the biting animal, if he or she so determines, to determine if it is suffering from rabies.

(b) The enforcement officer shall determine whether or not the animal suspected of biting is to be placed under quarantine and watched to determine if the animal is capable of transmitting or exposing humans or other animals to rabies. The quarantine for all animals shall be for a period not less than 10 days.

(c) The owner of the animal required to be quarantined under subsection (b) shall surrender the animal to the enforcement officer immediately, or otherwise arrange for the officer to pick up and retain such animal, in a separate kennel at the animal control facility or in quarters supervised by a veterinarian for the period of the quarantine. After the animal has been released from quarantine, the owner may redeem the animal from the animal shelter or other quarters upon payment of the applicable fees, and verification by the animal control authority that the animal's vaccination and permit are current.

(d) In lieu of animal quarantine at the animal shelter or other quarters, the enforcement officer may authorize the animal to be kept on the owner's premises (residence quarantine) upon the following conditions to be determined in the enforcement officer's sole discretion:

- (1) The animal was currently vaccinated at the time of the bite;
- (2) The animal was not at large at the time of the bite;
- (3) The animal was currently registered with the city at the time of the bite;
- (4) When quarantined at home, the animal must be restrained in an area where it will not come in contact with any persons or animals;
- (5) The animal must be made available to the animal control authority for periodic inspections at his or her discretion;
- (6) The owner agrees to observe the animal for any signs of illness or personality changes and report such changes to the animal control authority;
- (7) The animal may not be moved from the quarantine location without prior notification and approval of the animal control authority;

(8) The animal will remain under quarantine until the owner is notified that the final health inspection has been made, all outstanding fees are paid, and that the animal has been cleared by the animal control authority. The animal control authority may require a veterinarian's certificate stating that in his or her opinion such animal is not rabid and exhibits no symptoms of rabies, prior to release of the animal from quarantine. Contact may be made by phone, personal service, or certified mail; and

(9) The animal may not receive a vaccination for rabies during the quarantine period. Failure to comply with all of the above conditions of residence quarantine, or as directed by the enforcement officer, is a violation of this chapter and will result in the animal being impounded at the quarantine facility for the duration of the quarantine period.

(e) After the animal has been released from quarantine, the owner will have five (5) days in which to have the animal registered with the city by the purchase of a city registration tag.

(f) It shall be unlawful for any person to interfere with the enforcement of this section or to fail or refuse to surrender to an enforcement officer any animal involved or suspected of being involved in a bite case, or to otherwise fail to refuse to provide for the quarantine of animals as may be authorized by this chapter.

(g) If an owner fails or refuses to surrender an animal to the enforcement officer for quarantine under this chapter, such officer may apply to any judge of the municipal court of the city for a warrant to seize the animal. The officer executing the warrant shall cause the animal to be impounded at the city animal shelter or other facility as the officer shall determine.

State law references—Rabies reports and quarantine, V.T.C.A., Health and Safety Code, sec. 826.041 et seq.; quarantine of animals, V.T.C.A., Health and Safety Code, sec. 826.042; release or disposition of quarantined animal, V.T.C.A., Health and Safety Code, sec. 826.043; standards for quarantine and impoundment facilities, V.T.C.A., Health and Safety Code, sec. 826.051 et seq.

ARTICLE 2.04 DANGEROUS, VICIOUS AND PROHIBITED ANIMALS

Sec. 2.04.001 Vicious animal

(a) Any vicious animal found running at large and endangering the safety of persons and property may be destroyed by the local animal control officer in the interest of public safety if such danger is imminent and a real or apparent necessity exists to destroy such vicious animal.

(b) The animal control officer may order any owner or person having care, custody or control of any vicious animal to take such animal permanently from the city. This order may be appealed in writing within five (5) days of receipt of the order to the judge of the municipal court of the city. The judge of the municipal court may uphold, reverse or modify the order and may stipulate restrictions on the animal as a condition to allow the animal to remain in the city. If the judge of the municipal court upholds the order, the owner or person having care, control or custody shall not bring the animal back inside the city limits. If any animal, the subject of an appeal under this section, has been placed in quarantine, such quarantine shall continue until the appeal, as provided herein, has been exhausted.

(c) If the owner or person who has care, custody or control of a vicious animal fails to remove such animal as provided for in (a) and (b) above, such animal may be impounded and humanely euthanized.

(d) The owner or person having care, custody or control of a vicious or wild animal must report the disposition and relocation of such animal to the local animal control officer in writing, within ten (10) days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.

(e) The local animal control officer shall be authorized to obtain a search and seizure warrant if there is probable cause to believe that an animal ordered removed from the city for being vicious has not been so removed, or in any other violation in which the Texas Code of Criminal Procedure authorizes the issuance of search warrants.

Sec. 2.04.002 Dangerous animals

(a) The provisions of sections 822.001 through 822.005 (subchapter A,) section 822.011 (subchapter B,) and sections 822.041 through 822.047 (subchapter D) of the Texas Health and Safety Code are hereby adopted and incorporated in this code as though the same were fully set out herein. Any future modifications of such laws of the state shall automatically be incorporated herein. References herein to any of said sections will mean the relevant sections of the Texas Health and Safety Code. A copy of the current provisions is attached to Ordinance 072-07-2009 as exhibit A.

- (b) Whenever in the above-incorporated sections reference is made to the animal control authority, it shall refer to the animal control authority of the city or any enforcement officer as defined in [section 2.01.001](#) above.
- (c) The definition of “dangerous dog” contained in section 822.041 is hereby modified to include attacks on or injuries to other animals as well as persons, and such definition and the provisions of such sections shall include and be applicable to all animals in addition to dogs, but shall not be construed to permit animals to be kept where otherwise prohibited.
- (d) The time period for compliance with the requirements of section 822.042 is hereby amended to seventy-two (72) hours, provided that the animal shall be immediately restrained as required in said section. An owner of a dangerous dog may, as an alternative to the provisions of section 822.042, remove the dangerous animal from the city limits or surrender the animal for humane destruction or have the same performed within twenty-four (24) hours after learning that the animal is dangerous or upon quarantine clearance, whichever is later.
- (e) The liability insurance required under section 822.042 is to be in an amount of at least \$500,000.00 and shall be for bodily injury or property damage.
- (f) Any animal that has been determined to be dangerous, and is not destroyed, shall have inserted into the animal a micro-chip by a licensed veterinarian within two hundred forty (240) hours from the date the animal is registered with the animal control authority as a dangerous animal at such owner's expense. The chip shall contain an alphanumeric combination code which code shall be provided to the animal control authority.
- (g) Within 10 days from the determination that an animal is dangerous, the owner of the animal must furnish proof of micro-chipping to the animal control authority on a forms furnished by the city and make the animal available, at the city's animal control facility, for scanning so the animal control authority can verify the code. Failure to micro-chip, show proof of micro chipping, or make the animal available for scanning shall constitute separate offenses.
- (h) All owners of dangerous animals shall provide to the city two (2) color photographs of the animal in two (2) different poses showing the color and approximate size of the animal.
- (i) The owner of a dangerous animal is required to have the animal wear, at all times, the dangerous animal registration tag provided by the animal control authority.
- (j) No dangerous animal may be kept on a porch, patio, or in any part of a house or structure, even if restrained, that would allow the animal to exit such building of its own volition. In addition, no dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.
- (k) No person shall permit a dangerous animal to go outside its secure enclosure unless such animal is securely leashed with an eighteen-inch traffic lead. No person shall permit a dangerous animal to be kept on a chain, rope, or other type of leash outside its secure enclosure unless a person is in immediate physical control of the leash. Such animal shall not be leashed to inanimate objects such as trees, posts, or buildings.
- (l) All owners of dangerous animals within the city shall display in a prominent place on their premises a sign easily readable by the public using the words “Beware - Dangerous Animal”; the sign is to be no smaller than twelve (12) inches by twelve (12) inches and shall not exceed eighteen (18) inches by twenty-four (24) inches in size. In addition, a similar sign shall be posted on the kennel or pen of such animal.
- (m) All owners of registered dangerous animals shall, within ten (10) calendar days of the occurrence, report the following in writing to the animal control authority:
- (1) Removal from the city, or death of said animal;
 - (2) Written proof of new address if animal is sold and/or moves within the city.
- (n) The new owner of a dangerous animal shall pay a registration fee established by city council, and the animal control authority shall issue a new dangerous animal registration tag.
- (o) An owner of a dangerous animal shall notify the animal control authority of any attack the animal makes on any person or any animal.

(p) A dangerous animal may be destroyed during an attempt to seize or impound the animal, if impoundment cannot be made with safety, wherever the impoundment is attempted without liability to an owner of a dangerous dog.

(q) (1) Should any person, other than an enforcement officer desire to file a complaint concerning an animal which is believed to be a dangerous animal, a sworn, written complaint must first be filed with the enforcement officer or police department of city containing:

(A) Name, address and telephone number of complainant and other witnesses;

(B) Date, time, and location of any incident involving the animal;

(C) Description of the animal;

(D) Name, address, and telephone number of the animal's owner, if known;

(E) A statement describing the facts of death or serious bodily or animal injury upon which such complaint is based; and

(F) A statement describing any incidents where the animal has exhibited dangerous propensities in past conduct, if known.

(2) After a sworn complaint is filed, it shall be referred to the enforcement officer and/or municipal court for processing and hearing in accordance with the provisions of the above-referenced sections of the Texas Health and Safety Code.

State law reference—Authority of city to regulate the keeping of dangerous dogs, V.T.C.A., Health and Safety Code, sec. 822.041 et seq.

Sec. 2.04.003 Wild/prohibited animals

(a) No owner shall keep or permit to be kept on his premises or premises under his control any wild/prohibited or dangerous animal for sale, display, or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to any persons or entities as defined by section 822.102(a)(1) through (11) of the Texas Health and Safety Code.

(b) No person shall keep or permit to be kept any wild or prohibited animal as a pet.

(c) The animal control authority may issue temporary approval for keeping, care, and protection of an injured, newborn or immature animal native to this area, which it deems to be incapable of caring for itself.

(d) The animal control officer shall have the power to release or order released any animal being kept temporarily under the provisions of the previous subsection.

State law reference—Dangerous wild animals, V.T.C.A., Health and Safety Code, sec. 822.101 et seq.

ARTICLE 2.05 LIVESTOCK, FOWL, AND RABBITS

Sec. 2.05.001 Livestock

(a) No person shall keep livestock within the corporate limits of the city, except in conformance with and in districts where permitted by the zoning ordinance of the city, as agriculture, open space or the like, or if the animals are kept as part of a sanctioned FFA or 4H project, are city-approved horse and carriage operation or the like, or are horses, cows or cattle kept on tracts of land one (1) acre in size or larger. Notwithstanding this prohibition, this section shall not apply to rabbits, goats, chickens, roosters, guineas, turkeys, ducks or sheep, provided that the owners or harbors of the same comply with the provisions of [sections 2.01.010](#), [2.01.011](#) and [2.05.002](#).

(b) It is an affirmative defense to subsection (a) above that the animal is a potbellied pig, this meets with the requirements set forth in subsection (c) below.

(c) Requirements for keeping potbellied pigs:

- (1) It shall be unlawful for any person to keep, harbor, or raise more than two (2) adult potbellied pigs in anyone (1) location within the city. In order for a potbellied pig to be considered an adult potbellied pig, it must be at least six (6) months of age. Non-adult potbellied pigs from more than one (1) litter shall be kept at any one time.
- (2) All such potbellied pigs shall be kept indoors at all times other than times for evacuation of waste material or during exercise periods.
- (3) For purposes of this section, the term “potbellied pig” shall mean a variety of swine no more than eighteen (18) inches in height at shoulder level when full grown and meeting the standards of the North American Potbelly Pig Association. Under no circumstances shall any swine be considered a potbellied pig if its weight exceeds ninety-five (95) pounds.

State law references—Animals running at large on highways, V.T.C.A., Agriculture Code, sec. 143.101 et seq.; cruelty to livestock animals, V.T.C.A., Penal Code, sec. 42.09; estrays, V.T.C.A., Agriculture Code, ch. 142.

Sec. 2.05.002 Regulation of fowl and rabbits

(a) Fowl, rabbits, and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure that is at least fifty (50) feet from any inhabited dwelling other than the dwelling of the owner. Any enclosure in which fowl, a rabbit, or a guinea pig is kept must be cleaned and disinfected daily. Litter and droppings from fowl, rabbits and guinea pigs must be collected daily and properly disposed of. Provided, however, that the provisions of this section shall not apply to ducks or other waterfowl inhabiting natural or manmade watercourses or bodies of water.

(b) For purposes of this section only the term agricultural or agriculture will refer to areas that are zoned agriculture or have a property tax exemption granted by the county central appraisal district pursuant to the Texas Property Tax Code for agricultural land.

- (1) Roosters are prohibited within the city limits except for areas zoned or designated for agricultural purposes and are declared to be nuisances under chapter 217 of the Texas Local Government Code when located in residential districts. Chickens shall not be kept, housed, or allowed to run loose, in any manner, closer than fifty (50) feet to any human living quarters or dwelling.
- (2) It shall be unlawful for any person to keep at any one location more than ten (10) fowl.
- (3) It shall be unlawful to own or keep ducks, turkeys, geese, or peacocks within the corporate city limits except in areas designated for agriculture.
- (4) It shall be unlawful for any person owning or having control of any chicken, duck, goose, turkey or other domestic fowl to permit the same to run at-large on any street or sidewalk or on any other property, except his or her own, in the city.